

THE
COMPILED AND REVISED
LAWS
OF THE
TERRITORY OF IDAHO.

OF A GENERAL NATURE PASSED AT, OR CON-
TINUED IN FORCE BY THE

EIGHTH SESSION

OF THE
LEGISLATIVE ASSEMBLY

CONVENED ON THE SEVENTH DAY OF
DECEMBER A D 1874 AT

BOISE CITY.

TOGETHER WITH THE CONSTITUTION OF THE
UNITED STATES, DECLARATION OF INDEPENDENCE
AND ACTS OF CONGRESS CONCERNING THE
TERRITORY.

MILTON KELLY, TERRITORIAL PRINTER.
1875.

jury or court, in the same manner as other witnesses; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

SEC. 38. If any person shall post another, or, in writing, or print, or orally, shall use any reproachful or contemptuous language to or concerning another for not fighting a duel, or for not sending or accepting a challenge, he shall be imprisoned in the Territorial prison for a term not less than six months nor more than one year, and fined in any sum not less than five hundred nor more than one thousand dollars.

Posting and
abuse of an-
other for not
fighting.

SEC. 39. If any person, with or without deadly weapons, upon previous concert and agreement, fight one with another, upon conviction thereof, they, or either or any of them, shall be punished by imprisonment in the Territorial prison for a term not less than two years nor more than five years. Should death ensue to any person in such fight, or should any person die from any injury received in such fight within one year and one day, the person or persons causing such death shall be deemed guilty of murder, and shall be punished accordingly.

Prize fight-
ing.

When death
ensues,
murder.

SEC. 40. That any person in this Territory having, carrying or procuring from another person any dirk, dirk knife, sword cane, pistol, gun or other deadly weapon, who shall in the presence of two or more persons draw or exhibit any of said deadly weapons in a rude, angry and threatening manner, not in necessary self-defense, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any competent court in any county in this Territory, shall be punished by a fine in any sum not exceeding one thousand dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment, together with the costs of prosecution, which said costs shall in all cases be computed and collected in the same manner as costs in civil cases. All fines and forfeitures arising under the provisions of this act shall be paid into the county treasury of the county wherein such offense was committed; *provided*, nevertheless, that no sheriff, deputy sheriff, constable, marshal or other peace officer shall be held to answer, under the provisions of this act, for drawing or exhibiting any of the weapons hereinbefore mentioned while in the lawful discharge of his or their duties. It shall be the duty of all military, civil and peace officers in this Territory to be vigilant in carrying the provisions of this act into full force and effect.

Drawing
deadly
weapons;
fines how
disposed of,
duties of
officers, etc.