

LAWS, JOINT RESOLUTIONS AND MEMORIALS,

PASSED AT THE ELEVENTH SESSION OF THE

LEGISLATIVE ASSEMBLY

OF THE

STATE OF NEBRASKA.

BEGUN AND HELD AT THE CITY OF LINCOLN,
JANUARY 7, 1875.

PUBLISHED BY AUTHORITY.

OMAHA, NEB.:
OMAHA DAILY REPUBLICAN, STATE PRINTERS.
1875.

GENERAL LAWS.

PART I.

CRIMINAL CODE.

Section.

1. Fighting by agreement.
2. Assault and battery.
3. Carrying concealed weapons.
4. Unlawful assembly.
5. Riot.
6. Resisting and abusing officers.
7. Penalty for violation of section 42 and 43.
8. Killing animals.
9. Disease among sheep.
10. Selling diseased animals.
11. Using animals without leave.
12. Interfering with private fish pond.
13. Injuring trees, etc.
14. Injuring same on public grounds.
15. Destroying trees.
16. Receiving stolen goods.
17. Petit larceny.
18. Concealing stolen property.
19. Embezzlement.
20. Obtaining by false pretenses.
21. Penalty for violation of sections 137 and 138.
22. Selling adulterated liquors.

Section.

23. Adultery.
24. Chapter to be given in charge to grand jury.
25. Gaming.
26. Keeping gaming table.
27. Gaming on private premises.
28. Gaming at public-houses.
29. Keeping gambling-room.
30. Being a common gambler.
31. Enticing minors to gamble.
32. Betting on elections.
33. Advertising lottery.
34. Fishing at certain seasons.
35. Vagrants.
36. Judicial officers, conservators of the peace.
37. Recognizance of witnesses.
38. Custody of prisoners.
39. Witnesses before grand jury.
40. When accused separately tried.
41. When imprisoned at hard labor.
42. Violation of original sections—how punished.
43. Time of taking effect of act.

AN ACT

To amend sections eight, seventeen, twenty-five, twenty-six, twenty-eight, thirty, forty-four, sixty-five, seventy-five, seventy-six, seventy-eight, eighty-seven, eighty-nine, ninety, ninety-one, one hundred and sixteen, one hundred and nineteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-five, one hundred and thirty nine, one hundred and forty, two hundred and eight, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-three, two hundred and twenty-six, two hundred and thirty-three, two hundred and forty-two, two hundred and sixty-two, two hundred and seventy-one, three hundred and seventy-seven, four hundred and one, four hundred and sixty-five, and five hundred and twenty-two, of the criminal code, chapter 58 of the general statutes of 1873.

Be it enacted by the Legislature of the State of Nebraska:

Fighting by
agreement.
Aiders and
abettors.

Gen. Stat., 721.

SECTION 1. That section eight of the criminal code, chapter fifty-eight of the general statutes, be and the same is hereby amended to read as follows: Sec. 8. If any person shall engage or be concerned in or attend any such fight or contention as is described in the last preceding section, as backer, trainer, second, umpire, assistant, or reporter, every person so offending shall, on conviction, be fined in any sum not less than five dollars nor more than one hundred dollars and, imprisoned in the jail of the county not less than ten days, nor more than three months, and pay the costs of prosecution.

Assault and
battery and
menacing
threat.

Gen Stat., 723

SEC. 2. That section seventeen of said code, is hereby amended to read as follows: Sec. 17. If any person shall unlawfully assault or threaten in a menacing manner, or shall unlawfully strike or wound another, the person so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or imprisoned in the jail of the county not exceeding three

months, or both, in the discretion of the court, and shall moreover be liable to the suit of the party injured.

SEC. 3. That section twenty-five of said code, be ^{Carrying concealed weapons} amended to read as follows: Sec. 25. Whoever shall carry a weapon, or weapons, concealed on or about his person, such as a pistol, bowie-knife, dirk, or any other dangerous weapon, on conviction of the first offense, shall be fined not exceeding one hundred dollars or imprisoned in the county jail not more than thirty days, and for the second offense, not exceeding one hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court: *Provided, however,* If it shall be proved from the testimony on the trial of any such case that the accused was at the time of carrying any weapon or weapons as aforesaid, engaged in the pursuit of any lawful business, calling or employment, and the circumstances in which he was placed at the time aforesaid, were such as to justify a prudent man in carrying the weapon or weapons aforesaid for the defense of his person, property, or family, the accused shall be acquitted. ^{Gen. Stat., 724.}

SEC. 4. That section twenty-six of said code, is hereby ^{Unlawful assembly and riot.} amended to read as follows: Sec. 26. If three or more persons shall assemble together with intent to do ^{Gen. Stat., 725.} any unlawful act with force and violence against the person or property of another, or to do any unlawful act against the peace, or being lawfully [unlawfully] assembled, agree with such other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor, the persons so offending shall be fined in any sum not exceeding one hundred dollars and be imprisoned in the county jail not exceeding three months.

SEC. 5. That section twenty-eight of said code, is hereby ^{Riot, obstructing authorities, etc.} amended to read as follows: Sec. 28. If any person shall forcibly obstruct any of the authorities aforesaid. ^{Gen. Stat., 725.}