

223.

SECOND EDITION.

THE
REVISED CODES

OF THE
TERRITORY OF DAKOTA.

A. D. 1877.

Miss Selmer

COMPRISING THE CODES AND GENERAL STATUTES PASSED AT THE TWELFTH SESSION
OF THE LEGISLATIVE ASSEMBLY, AND ALL OTHER GENERAL LAWS
REMAINING IN FORCE, TO WHICH IS PREFIXED THE
ORGANIC LAW AND THE CONSTITUTION
OF THE UNITED STATES.

PUBLISHED AND EDITED BY

GEO. H. HAND,

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CHAPTER XXII.

ASSAULTS WITH INTENT TO COMMIT FELONY OTHER THAN ASSAULTS WITH INTENT TO KILL.

§ 291. SHOOTING AND ASSAULT—DEADLY WEAPONS.] Every person who shoots or attempts to shoot at another with any kind of fire-arms, air-gun, or other means whatever, or commits any assault or battery upon another by means of any deadly weapon or by such other means or force as was likely to produce death, with intent to commit any felony other than assault with intent to kill, or in resisting the execution of any legal process, is punishable by imprisonment in the territorial prison not exceeding ten years.

§ 292. OTHER ASSAULTS.] Every person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill, the punishment for which assault is not prescribed by the preceding section, is punishable by imprisonment in the territorial prison not exceeding five years, or in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

§ 293. ADMINISTERING DRUG.] Every person guilty of administering to another any chloroform, ether, laudanum, or other intoxicating, narcotic, or anesthetic agent, with intent thereby to enable or assist himself, or any other person, to commit any felony, is guilty of felony.

CHAPTER XXIII.

DUELS AND CHALLENGES.

§ 294. DUEL DEFINED.] A duel is any combat, with deadly weapons, fought between two persons by previous agreement or upon a previous quarrel.

§ 295. PUNISHMENT FOR FIGHTING.] Every person guilty of fighting any duel, although no death or wound ensues, is punishable by imprisonment in the territorial prison not exceeding ten years.

§ 296. INCAPACITY TO HOLD OFFICE.] Every person convicted of fighting a duel is thereafter incapable of holding, or being elected, or appointed to any office, place or post of trust or emolument, civil or military, under this territory.

§ 297. SECONDS, AIDS, AND SURGEONS.] Every person who is present at the time when any duel is fought, either as second, aid, or surgeon, or who advises, or gives any countenance to any duel, is punishable by imprisonment in the territorial prison not exceeding seven years.

§ 298. PUNISHMENT FOR CHALLENGES.] Every person who challenges another to fight a duel; every person who accepts any such challenge; and any person who knowingly forwards, carries, or delivers any such challenge, is punishable by imprisonment in the territorial prison not exceeding seven years.

§ 299. CHALLENGE DEFINED.] Any words, spoken or written, or any signs, uttered or made to any person, expressing or implying, or intended to express or imply a desire, request, invitation, or demand, to fight a duel, or to meet for the purpose of fighting a duel, are deemed a challenge.

§ 300. ATTEMPTS TO INDUCE CHALLENGE.] Every person guilty of sending, uttering, or making to another any words or signs whatever, with intent to provoke or induce such person to give or receive any challenge to fight a duel, is guilty of a misdemeanor.

§ 301. POSTING FOR NOT FIGHTING.] Every person who posts or publishes another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, or who uses any reproachful or contemptuous language, verbal, written, or printed, to or concerning another, for not sending or accepting a challenge to fight a duel, or with intent to provoke a duel, is guilty of a misdemeanor.

§ 302. LEAVING TERRITORY TO EVADE LAWS.] Every person who leaves this territory with intent to elude any of the provisions of this chapter, and to commit any act out of this territory, such as is prohibited by this chapter, and who does any act, although out of this territory, which would be punishable by said provisions, if committed within this territory, is punishable in the same manner as he would have been, in case such act had been committed within this territory.

§ 303. WHERE TRIED.] Such person may be indicted and tried in any county within this territory.

§ 304. WITNESSES' PRIVILEGE.] No person shall be excused from testifying or answering any question upon any investigation or trial for a violation of either of the provisions of this chapter, upon the ground that his testimony might tend to convict him of a crime. But no evidence given upon any examination of a person so testifying shall be received against him in any criminal prosecution or proceeding.

CHAPTER XXIV.

ASSAULT AND BATTERY.

§ 305. ASSAULT.] An assault is any willful and unlawful attempt or offer, with force or violence, to do a corporal hurt to another.

§ 306. BATTERY.] A battery is any willful and unlawful use of force or violence upon the person of another.

§ 307. WHEN FORCE ALLOWABLE.] To use or to attempt to offer to use force or violence upon or towards the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction.

2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody.

3. When committed either by the party about to be injured or by any other person in his aid or defense, in preventing or attempting to