

THE
STATUTES OF OKLAHOMA

1890.

Compiled under the supervision and direction of Robert Martin,
Secretary of the Territory,

—BY—

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—FROM—

The Laws Passed by the First Legislative Assembly of this Territory.

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pregnant with a quick child, or who prescribes for such woman, or advises or procures any such woman to take any medicine, drug or substance whatever, or who uses or employs any instrument or other means with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, is guilty in case the death of the child or of the mother is thereby produced, of manslaughter in the first degree. Chap. 25.

(2099) § 17. Every person guilty of manslaughter in the first degree is punishable by imprisonment in the Territorial prison for not less than four years. Punishment for manslaughter in first degree.

(2100) § 18. Every killing of one human being by the act, procurement or culpable negligence of another, which, under the provisions of this chapter, is not murder, nor manslaughter in the first degree, nor excusable nor justifiable homicide, is manslaughter in the second degree. Manslaughter in the second degree.

(2101) § 19. If the owner of a mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large or not confined, kills any human being who has taken all the precautions which the circumstances permitted, to avoid such animal, the owner is deemed guilty of manslaughter in the second degree. Owner of mischievous animal.

(2102) § 20. Every person navigating any vessel for gain who wilfully or negligently receives so many passengers or such a quantity of other lading on board such vessel that by means thereof such vessel sinks, or is upset or injured; and thereby any human being is drowned or otherwise killed, is guilty of manslaughter in the second degree. Navigating vessels.

(2103) § 21. Every captain or other person having charge of any steamboat used for the conveyance of passengers, or of the boilers or engines thereof, who, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, creates or allows to be created, such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated; or any apparatus or machinery connected therewith, by which bursting or breaking any person is killed, is deemed guilty of manslaughter in the second degree. Persons having charge of steamboats.

(2104) § 22. Every engineer, or other person having charge of any steam boiler, steam engine or other apparatus for generating or employing steam, employed in any manufactory, railway or other mechanical works, who wilfully or from ignorance or gross neglect creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident whereby the death of a human being is produced, is guilty of manslaughter in the second degree. Person having charge of steam engine.

(2105) § 23. Every physician who being in a state of intoxication without a design to effect death, administers any poison, drug or medicine, or does any other act as such physician to another person, which produces the death of such other person, is guilty of manslaughter in the second degree. Liabilities of physicians.

(2106) § 24. Every person guilty of making or keeping gunpowder or saltpeter within any city or village, in any quantity or manner such as is prohibited by law or by any ordinance of said Person keeping gunpowder.

Chap. 25. city or village, in consequence whereof any explosion occurs whereby any human being is killed, is guilty of manslaughter in the second degree.

Punishment for manslaughter in the second degree.

(2107) § 25. Every person guilty of manslaughter in the second degree is punishable by imprisonment in the Territorial prison not more than four years and not less than two years, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment.

Excusable homicide, what is.

(2108) § 26. Homicide is excusable in the following cases:

First. When committed by accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act, by lawful means, with usual and ordinary caution, and without any unlawful intent.

Second. When committed by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat provided that no undue advantage is taken, nor any dangerous weapon used, and that the killing is not done in a cruel or unusual manner.

Justifiable homicide by officers.

(2109) § 27. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either:

First. In obedience to any judgment of a competent court; or,

Second. When necessarily committed in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty; or,

Third. When necessarily committed in re-taking felons who have been rescued, or who have escaped, or when necessarily committed in arresting felons fleeing from justice.

Justifiable homicide by other persons.

(2110) § 28. Homicide is also justifiable when committed by any person in either of the following cases:

First. When resisting any attempt to murder such person, or to commit any felony upon him or her, or upon or in any dwelling house in which such person is; or,

Second. When committed in the lawful defense of such person, or of his or her husband, wife, parent, child, master, mistress, or servant, when there is a reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and imminent danger of such design being accomplished; or,

Third. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed; or in lawfully suppressing any riot; or in lawfully keeping and preserving the peace.

ARTICLE 18.—MAIMING.

SECTION.

1. Maiming defined.
2. Maiming one's self.
3. Same, to obtain alms.
4. What injury is maiming.
5. What constitutes disfigurement.

SECTION.

6. Design to maim inferred.
7. Premeditated reward.
8. Subsequent recovery.
9. Punishment for maiming.