

SESSION LAWS

OF

WYOMING TERRITORY

PASSED BY THE

ELEVENTH LEGISLATIVE ASSEMBLY,

CONVENED AT CHEYENNE,

—ON THE—

FOURTEENTH DAY OF JANUARY, 1890.

PUBLISHED BY AUTHORITY.

CHEYENNE, WYOMING:
E. A. SLACK, PRINTER AND BINDER,
DAILY SUN OFFICE.

the territorial tax levy of the preceding year; and upon his refusal to make any of said settlements as required, such county treasurer shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars for each offense, to be recovered by action in the district court, against the treasurer and his sureties by the board of county commissioners. Delinquencies on the part of any county in payment of territorial revenue shall bear interest at the rate of eight per centum per annum from the date said territorial revenue was payable to the territorial treasurer; and in case of any such delinquency on the part of any county, it shall be the duty of the attorney general to bring an action at law against such county in the name of the Territory of Wyoming to recover the amount of any such delinquency. In case any judgment is obtained in such action it shall be the duty of the board of the county commissioners of the county against which such judgment is obtained at the time of the next annual levy of taxes to cause a special levy to be made of a rate sufficient to pay said judgment and interest thereon at the rate of eight per centum per annum, which levy shall be in addition to the regular levies made in said county in said year. The board of the county commissioners of any county may without suit or action make the special levy necessary to raise the amount of any such delinquency."

Sec. 12. This act shall take effect and be in force from and after January first, 1891. In force.

Approved March 14, 1890.

CHAPTER 73.

CRIMES AND CRIMINAL PROCEDURE.

AN ACT Defining Crimes, Regulating Criminal Procedure and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. In the interpretation of this act the term "anything of value" includes money, bank bills or notes, United States treasury notes and other bills, bonds or notes issued by lawful authority and intended to pass and circulate as money, goods and chattels, any promissory note, bill of exchange, order, draft, warrant, check, or bond, given for the payment of money; any receipt given for the payment of money, or other property, any right in action, things which savor of the realty, and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof, or affixed thereto, although there be no interval between the severing and the taking away, and every other thing of any value whatever; the words "person" and "another" Interpretation of words.

when used to designate the owner of any property the subject of any offense, include not only natural persons, but every other owner of property; the word "writing" includes printing; the word "oath" includes an affirmation; the word "bond" includes an undertaking; words in the present include the future tense, and in the masculine include the feminine and neuter genders, and in the singular include the plural, and in the plural include the singular number; "and" may be read "or" and "or" read "and," and "may" may be read "shall" and "shall" read "may," if the sense requires it.

Division of crimes.

SEC. 2. Offenses which may be punished by death, or by imprisonment in the penitentiary are felonies; all other offenses are misdemeanors.

Value of written instruments.

SEC. 3. When any evidence of debt, or written instrument is the subject of a criminal act, the amount of money due thereon or secured thereby, or the amount of money or the value of property affected thereby, shall be deemed the value thereof.

Felons disfranchised.

SEC. 4. A person sentenced to the penitentiary for a felony when sentence has not been reversed or annulled is incompetent to be an elector or juror, or to hold any office of honor, trust or profit within this territory, unless he shall have received a pardon; but no pardon shall release a convict from the costs of his conviction unless so stated therein.

Court to fix punishment.

SEC. 5. Within the limits prescribed by law, the court shall determine and fix the punishment for any felony or misdemeanor, whether the punishment consist of imprisonment, or fine, or both, and when any person is sentenced to imprisonment in the penitentiary, the court shall declare in its sentence for what period he shall be imprisoned; and in all cases of conviction of an offense, the court shall render judgment against the defendant for the costs of prosecution.

Penalty for felony.

SEC. 6. The minimum term of imprisonment in the penitentiary shall in no case be less than one year; and the court, in its discretion, may impose a fine of not exceeding one thousand dollars as a part of the punishment for any felony.

Commitment for non-payment of fine.

SEC. 7. A person committed to jail for non-payment of fine or costs, or both, may be imprisoned therein not exceeding sixty days, until such imprisonment, at the rate of one dollar and fifty cents a day equals the amount of such fine or costs, or both, as the case may be, or the amount shall be otherwise paid or secured to be paid, when he shall be discharged.

Disposition of fines.

SEC. 8. An officer who collects any fine shall, unless otherwise required by law, within thirty days after the receipt thereof, pay the same into the treasury of the county in which such fine was assessed, to the credit of the general fund, and shall take the treasurer's duplicate receipts therefor, and forthwith deposit one of the same with the county clerk.

Civil recovery not effected.

SEC. 9. Nothing in this act contained shall be construed to prevent a party injured, in person or property, by any criminal act, from recovering full damages, but no record of a conviction, unless the same was obtained by confession in open court, shall be used as evidence in an action brought for such purpose.

Accessory before fact.

SEC. 10. Every person who shall aid or abet in the commission of any felony, or who shall counsel, encourage, hire, command, or otherwise procure such felony to be committed, shall be deemed an accessory before the fact, and may be indicted, tried and convicted in the same manner as if he were a principal, and either

before or after the principal offender is convicted or indicted; and upon such conviction he shall suffer the same punishment and penalties as are prescribed by law for the punishment of the principal.

SEC. 11. Every person not standing in the relation of husband or wife, parent or grandparent, child or grandchild, mother or sister, by consanguinity or affinity, to any person guilty of any felony, who shall after the commission of such crime, harbor, conceal or assist any such offender, with intent that he shall escape from detection or punishment, shall be deemed an accessory after the fact, and may be indicted, tried, convicted and punished, though the principal be neither charged, indicted, or tried; and every accessory after the fact shall be imprisoned in the penitentiary not more than two years or may be confined in the county jail not more than six months.

SEC. 12. Drunkenness shall not be an excuse for any crime or misdemeanor, unless such drunkenness be occasioned by the fraud, contrivance or force of some other person or persons, for the purpose of causing the perpetration of an offense, in which case the person or persons so causing said drunkenness for such malignant purpose, shall be considered principal or principals, and suffer the same punishment as would have been inflicted on the person or persons committing the offense, if he, she or they had been possessed of sound reason and discretion. Where a crime rests in intention, the inebriated condition of the defendant at the time of committing the offense may be proven to the jury, as bearing upon the question of intention.

CRIMES AGAINST THE PERSON.

SEC. 13. Whoever purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate any rape, arson, robbery, or burglary, or by administering poison or causing the same to be done, kills any human being, is guilty of murder in the first degree and shall suffer death.

SEC. 14. Whoever fights a duel with another and in so doing inflicts a wound upon his antagonist or any other person, whereof the person thus injured shall die, is guilty of murder in the first degree and shall suffer death.

SEC. 15. Whoever by previous appointment made within this territory, and in so doing inflicts a mortal wound upon any person, whereof the person thus injured shall die within this territory, is guilty of murder in the first degree and shall suffer death.

SEC. 16. Whoever purposely and maliciously, but without premeditation, kills any human being, is guilty of murder in the second degree, and shall be imprisoned in the penitentiary for any term not less than twenty years or during life.

SEC. 17. Whoever unlawfully kills any human being without malice, express or implied, either voluntarily, upon a sudden heat of passion, or involuntarily, but in the commission of some unlawful act, or by any culpable neglect or criminal carelessness, is guilty of manslaughter, and shall be imprisoned in the penitentiary not more than twenty years.

SEC. 18. Whoever perpetrates an assault, or assault and battery, upon any human being with intent to commit a felony, shall be imprisoned in the penitentiary not more than fourteen years.

- Killing un-** SEC. 19. Whoever unlawfully kills an unborn quick child,
born child. by any assault wilfully committed upon the mother of such child, knowing her condition, is guilty of manslaughter, and shall be imprisoned in the penitentiary not more than fourteen years.
- Assault.** SEC. 20. Whoever, having the present ability to do so unlawfully attempts to commit a violent injury on the person of another, is guilty of an assault and shall be fined in any sum not exceeding fifty dollars.
- Assault and** SEC. 21. Whoever, in a rude, insolent, or angry manner,
battery. unlawfully touches another, is guilty of an assault and battery, and shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.
- Aggravate d** SEC. 22. If any person shall unlawfully and maliciously
assault and inflict upon another person, either with or without any weapon or
battery. instrument, any greivous bodily harm, or shall unlawfully and maliciously cut, stab or wound any other person, the person so offending shall be fined not more than one thousand dollars, or confined in the county jail not more than one year, or both.
- Mayhem.** SEC. 23. Whoever with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear, or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb or any member of another person, is guilty of mayhem and shall be imprisoned in the penitentiary not more than fourteen years.
- Robbery.** SEC. 24. Whoever forcibly and feloniously takes from the person of another any article of value, by violence or by putting in fear, is guilty of robbery, and shall be imprisoned in the penitentiary not more than fourteen years.
- Kidnapping.** SEC. 25. Whoever kidnaps, or forcibly or fraudulently carries off or decoys from his place of residence, or arrests or imprisons any person, with the intention of having such person carried away from his place of residence, unless it be in pursuance of the laws of this territory, or of the United States, is guilty of kidnapping, and shall be imprisoned in the penitentiary not more than fourteen years.
- Child steal-** SEC. 26. Whoever takes, leads, carries, decoys, or entices
ing. away a child under the age of twelve years, with intent unlawfully to detain or conceal such child from its parents, guardian, or other person having the lawful charge or custody thereof; and whoever, with the intent aforesaid, knowingly harbors or conceals any such child so led, taken, carried, decoyed or enticed away, shall be imprisoned in the penitentiary not more than fourteen years.
- Rape.** SEC. 27. Whoever unlawfully has carnal knowledge of a woman forcibly and against her will, or of a female child under fourteen years of age either with or without her consent, is guilty of rape, and shall be imprisoned in the penitentiary for any term not less than one year, or during life.
- Administer-** SEC. 28. Whoever administers, or procures to be adminis-
ing poison. tered, any poison to any other human being, or mingles poison with any food, drink, or medicine with intent to kill or injure the person to whom the same shall be administered, if death do not ensue, shall be imprisoned in the penitentiary not more than fourteen years.

SEC. 29. Whoever poisons any spring, well, cistern, or reservoir of water, with intent to injure or kill any human being, shall be imprisoned in the penitentiary not more than fourteen years. Poisoning
springs.

SEC. 30. Whoever, while in a state of intoxication, prescribes or administers any poison, drug or medicine to another, which endangers the life of such other person, shall be fined not more than one hundred dollars, and imprisoned in the county jail not more than three months. Prescribing
medicine
when drunk.

SEC. 31. Whoever prescribes or administers to any pregnant woman, or to any woman whom he supposes to be pregnant, any drug, medicine or substance whatever, with intent thereby to procure the miscarriage of such woman; or with like intent uses any instrument or means whatever, unless such miscarriage is necessary to preserve her life, shall, if the woman miscarries or dies in consequence thereof, be imprisoned in the penitentiary not more than fourteen years. Attempted
miscarriage.

SEC. 32. Every woman who shall solicit of any person any medicine, drug or substance or thing whatever, and shall take the same, or shall submit to any operation or other means whatever, with intent thereby to procure a miscarriage (except when necessary for the purpose of saving the life of the mother or child), shall be fined not more than five hundred dollars and imprisoned in the county jail not more than six months; and any person, who, in any manner whatever, unlawfully aids or assists any such woman to a violation of this section, shall be liable to the same penalty. Woman so-
liciting mis-
carriage.

SEC. 33. Whoever makes, composes, dictates, prints or writes a libel to be published, or procures the same to be done, and whoever publishes or knowingly aids in publishing or communicating a libel, is guilty of libel, and shall be fined not more than one thousand dollars, to which may be added imprisonment in the county jail for not more than three months. Libel.

SEC. 34. Whoever, either verbally or by any letter or writing or any written or printed communication, demands of any person, with menaces of personal injury, any chattel, money or other valuable security; or whoever accuses or threatens to accuse; or knowingly sends or delivers any letter or writing or any written or printed communication, with or without a name subscribed thereto; or signed with a fictitious name; or with any letter, mark or designation, accusing or threatening to accuse any person of any crime punishable by law; or of any immoral conduct, which, if true, would tend to degrade and disgrace such person, or in any way to subject him to the ridicule or contempt of society; or to do any injury to the person or property of any one, with intent to extort or gain from such person any chattel, money or valuable security, or any pecuniary advantage whatsoever; or with any intent to compel the person threatened to do any act against his will, is guilty of blackmailing, and shall be imprisoned in the penitentiary for not more than five years. Blackmail-
ing.

CRIMES AGAINST PROPERTY.

SEC. 35. Whoever wilfully and maliciously burns, or attempts to burn, any dwelling house or other building, finished or unfinished, occupied or unoccupied, whether the building be used or intended for a dwelling house or for any other purpose; or any bridge; or any cordwood in a pile; or any rick, stack, or shock of grain, hay or straw; or any grain not severed from the ground; or Arson.

any fence of whatever material constructed; or the material intended for the construction of any such house, building, bridge or fence; or any timber or lumber; or any railroad car or a water tank, or a windmill, the property so burned being of the value of twenty dollars or upwards, and being the property of another or being insured against loss or damage by fire, and the burning or attempt to burn, being with intent to prejudice or defraud the insurer, is guilty of arson, and shall be imprisoned in the penitentiary not more than twenty-one years. And should the life of any person be lost thereby, such offender shall be deemed guilty of murder in the first degree, and shall suffer death.

Burning
prairie.

SEC. 36. Whoever maliciously or wantonly sets fire to any woods, or to any thing growing or being upon any prairie or grounds, not his own property; or maliciously or wantonly permits any fire to pass from his own prairie or grounds, to the injury or destruction of any property not his own, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding thirty days.

Burglary.

SEC. 37. Whoever, at any time, breaks and enters into any dwelling house, kitchen, smoke-house, out-house, shop, office, store-house, warehouse, mill, distillery, brewery, pottery, factory, barn, stable, school-house, church, meeting-house, or building used for the purpose of religious worship, car factory, tool house, freight house, station house, depot, railroad car, court house or other public building, or other building whatsoever, with intent to commit a felony, or with intent to steal property of any value, is guilty of burglary, and shall be imprisoned in the penitentiary not more than fourteen years.

Entering
house to com-
mit felony.

SEC. 38. Whoever, at any time, enters any dwelling house, kitchen, smoke-house, out-house, shop, office, store-house, warehouse, mill, distillery, brewery, pottery, factory, barn, stable, school house, church, meeting-house, or building used for the purpose of religious worship, car factory, tool house, freight house, station house, depot, railroad car, court house or other public building, or other building whatsoever, and attempts to commit a felony, or to steal property of any value, shall be imprisoned in the penitentiary not more than fourteen years.

Grand lar-
ceny.

SEC. 39. Whoever feloniously steals, takes and carries, leads or drives away the personal goods of another of the value of twenty-five dollars or upwards, is guilty of grand larceny, and shall be imprisoned in the penitentiary not more than ten years.

Petit lar-
ceny.

SEC. 40. Whoever shall feloniously steal, take and carry, lead or drive away the personal goods of another, of the value of any sum less than twenty-five dollars is guilty of petit larceny, and shall be imprisoned in the county jail not more than six months and be fined in any sum not exceeding one hundred dollars. Upon a second conviction of petit larceny in this territory the person convicted shall suffer the punishment prescribed for those convicted of grand larceny.

Receiv-
ing stolen goods.

SEC. 41. Whoever buys, receives, conceals or aids in the concealment of anything of value, which has been stolen, taken by robbers, embezzled or obtained by false pretense, knowing the same to have been stolen, taken by robbers, embezzled or obtained by false pretense, shall, if the goods are of the value of twenty-five dollars or upwards, suffer the punishment prescribed for grand larceny,

and if the goods are worth less than twenty-five dollars, shall suffer the punishment prescribed for petit larceny.

Sec. 42. Whoever steals any horse, mule or neat cattle, of the value of five dollars or upwards, or receives, buys, or conceals any such horse, mule or neat cattle which shall have been stolen, knowing the same to have been stolen, shall be imprisoned in the penitentiary not more than ten years, or may be imprisoned in the county jail not more than six months. Stealing live stock.

Sec. 43. Whoever brands, or alters or defaces the brand of, any horse, mule or neat cattle, of the value of five dollars or upwards, the property of another, with intent thereby to steal the same or to prevent the identification thereof, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months. Misbranding live stock.

Sec. 44. Whoever unlawfully kills any horse, mule or neat cattle, of the value of five dollars or upwards, the property of another, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months. Killing live stock.

Sec. 45. Whoever, during the life of a testator, or after his death, steals, takes and carries away a will, codicil or other testamentary instrument executed by such testator, or for a fraudulent purpose, destroys or secretes the same, shall be imprisoned in the penitentiary not more than ten years. Secreting a will.

Sec. 46. Whoever steals, takes and carries away the whole or any part of any record, record book, docket or journal authorized to be made by law, or belonging or pertaining to any court of record, justice of the peace, or any territorial, district, county, municipal or legislative office or officer, shall be imprisoned in the penitentiary not more than ten years. Stealing public record.

Sec. 47. Whoever being an officer or his deputy, having the custody of any record, book, document, paper or proceeding specified in the foregoing section, steals or fraudulently takes away, secretes, withdraws or destroys any such record, book, document, paper or proceeding, shall be imprisoned in the penitentiary not more than ten years. Custodian stealing record.

Sec. 48. Whoever maliciously, mischievously or fraudulently alters, defaces, injures, mutilates or destroys the whole or any part of any record authorized to be made by law, belonging or pertaining to any court of record, justice of the peace, or any territorial, district, county, municipal or legislative office or officer, or any other public record so authorized, or any paper, pleading, exhibit or other writing filed with, in, or by any such court, office or officer, shall be imprisoned in the penitentiary not more than ten years. Altering record.

Sec. 49. Whoever unlawfully enters upon the lands of another and severs from the soil any product or fruit growing thereon, the property of another, or shall sever from any building, or from any gate, fence or other railing or inclosure, the property of another or any part thereof, shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment in the county jail for not more than three months. Stealing growing fruit, etc.

Sec. 50. Whoever being about to enter unlawfully upon the inclosed land of another, shall be forbidden to do so by the owner or occupant, or his agent or servant; or who being unlawfully upon the inclosed land of another, shall be notified to depart therefrom Trespass.

by the owner or occupant, or his agent or servant, and shall thereafter enter upon such land, or neglect or refuse to depart therefrom, shall be fined not more than one hundred dollars.

Embezzlement of public funds.

Sec. 51. Whoever, being charged or in any manner intrusted with the collection, receipt, safe keeping, transfer or disbursement of any money, funds, securities, bonds, choses in action, or other property belonging to or under the control of the territory, or belonging to or under the control of any county, school district, city or town, converts to his own use, or to the use of any other person, in any manner whatever, contrary to law, or uses, by way of investment in any kind of property, or exchanges for other funds, except as allowed by law, any portion of such money, funds, securities, bonds, choses in action, or other property, is guilty of embezzlement, and shall be imprisoned in the penitentiary not more than twenty-one years.

Officer failing to account

Sec. 52. Any county treasurer, sheriff, clerk, receiver of any court, or clerk of any court, master commissioner, assignee, justice of the peace, mayor of a city, constable, marshal of any city or town, or any officer or agent of any county, school district, city or town, who shall fraudulently fail or refuse, at the expiration of the term for which he was elected or appointed, or at any time during such term, when legally required by the proper person or authority, to account for, deliver and pay over to such person as may be legally entitled to receive the same, all moneys, choses in action, or other property which may have come into his hands by virtue of his said office, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary for any period not more than five years.

Embezzlement by employe.

Sec. 53. Every officer, agent, attorney, clerk, servant or employe of any person who, having access to, control or possession of any money, article, or thing of value, to the possession of which his employer is entitled, shall, while in such employment, take, purloin, secrete, or in any way whatever appropriate to his own use, or to the use of others, any money, coin, bills, notes, credits, choses in action, or other property or article of value, belonging to or deposited with, or held by such person, in whose employment said officer, agent, attorney, clerk, servant or employe may be, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary for not more than fourteen years.

Embezzlement by attorneys.

Sec. 54. Any attorney-at-law or person engaged in making collections for others, who, having money or any other thing of value in his possession, or under his control, received for his client or employer, shall fraudulently refuse to pay over or deliver the same to his client or employer, or the person by them designated to receive the same, less the charges thereon, on reasonable demand shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than fourteen years.

Embezzlement of R. R. tickets.

Sec. 55. Every conductor, clerk or other employe of a railroad company who shall, in the course of his employment, come into possession of a local or coupon railroad ticket, belonging to such railroad company, and shall sell or barter the same, give the same away, or appropriate the same to his own use, with intent to defraud the railroad company whose employe he is, or to defraud any other railroad company, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years.

SEC. 56. Any inn keeper intrusted by his guest or boarder with anything of value for safekeeping, or any person intrusted with anything of value to be carried, cared for or stored, for hire, who embezzles or fraudulently converts the same to his own use, is guilty of embezzlement, and shall be imprisoned in the penitentiary not more than fourteen years.

Embezzlement by innkeeper or carrier.

SEC. 57. A storage, forwarding or commission merchant, carrier, warehouseman, factor, auctioneer, or his clerk, agent, or employe, who, with intent to defraud, sells or in any way disposes of, or applies or converts to his own use, any bill of lading, custom-house permit, or warehouse receipt, intrusted to or possessed by him, or any property intrusted or consigned to him, or the proceeds or profits of any sale of such property, or fraudulently fails to pay over such proceeds, deducting charges and usual commissions; and a consignor of any property or his agent, not being the absolute owner thereof, who, with intent to defraud, after delivery thereof for transportation, in any way stops, countermands, or changes the consignment thereof, or sells, disposes of, or incumbers such property during transit or after delivery thereof, or in any way converts the same to his own use, is guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years.

Embezzlement by bailee.

SEC. 58. If the treasurer of the territory, or the treasurer of any county, city, town or school district, shall use the money of any particular fund, or the money appropriated by law for any particular purpose, to pay any warrant drawn upon any other fund or appropriation, he shall be deemed guilty of a misdemeanor, and shall be fined in any sum not more than five hundred dollars.

Embezzlement by treasurer.

SEC. 59. A member of the council or board of trustees, of any city or town, or a trustee of any school district, or a mayor, officer, agent, attorney, clerk or servant of such corporation, who knowingly diverts, appropriates or applies any funds, or a part of any fund, raised under any law by taxation or otherwise, to any other use or purpose than that for which it was raised or appropriated; or who knowingly diverts, appropriates or applies, or assists in diverting, appropriating or applying any money, borrowed on any bond of the corporation, or any part of the proceeds of such bond to any use or purpose other than that for which such bond was issued, or to any use or purpose than is authorized by the charter or law governing such corporation, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years.

Misappropriation of public funds.

SEC. 60. Whoever being the administrator of the estate of a decedent, or the executor of a last will or the guardian of any minor or insane person, or a trustee or other person acting in any fiduciary capacity, without good cause, fails or refuses, when legally required by the proper person or authority, to account for or pay over to such person as may be lawfully entitled to receive the same, any money, choses in action, or other property which may have come into his hands by virtue of his office, duty or trust, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years.

Embezzlement by fiduciaries.

SEC. 61. Whoever maliciously or mischievously injures or causes to be injured, any property of another or any public property, is guilty of a malicious trespass, and shall be fined not more

Malicious trespass.

than one hundred dollars, to which may be added imprisonment in the county jail for not more than six months.

Injuring telegraph, e. c. **Sec. 62.** Whoever maliciously or mischievously injures any telegraph pole, or telephone pole, or electric light pole, or the wire, or any part of the apparatus thereof, shall be fined not more than one hundred dollars.

Attacking public conveyance. **Sec. 63.** Whoever maliciously or mischievously shoots a gun, rifle, pistol or other missile or weapon, or throws a stone, stick, club or other substance whatever, at or against any stage coach, locomotive, railroad car, train of cars, or street car, shall be imprisoned in the county jail not more than six months, and be fined not more than one hundred dollars.

Penalty of person injured. **Sec. 64.** In case any person on such stage coach, locomotive, car, train of cars, or street car shall be injured or wounded by any such act as is specified in the last preceding section, the person so offending shall be deemed guilty of an assault and battery with an intent to commit murder, and shall be imprisoned in the penitentiary not more than fourteen years; and if death ensue, such offender shall be deemed guilty of murder in the second degree, and shall be imprisoned in the penitentiary during life.

Obstructing R. R. track. **Sec. 65.** Whoever wilfully and maliciously places any obstruction on the track of any railroad or street road, or changes any switch, or removes the fastenings thereof, so as to endanger the passage of any train; or breaks, destroys, steals, takes or carries away any lock or guard upon such switch; or wilfully or maliciously commits any other act in order to throw the engine or cars running upon such railroad from such track, shall be imprisoned in the penitentiary not more than fourteen years; and if from any accident on any such road, resulting from any such act, any person be so injured that death ensue as the immediate consequence thereof, the offender is guilty of murder in the first degree and shall suffer death.

Defacing tombstones. **Sec. 66.** Whoever wilfully, mischievously or maliciously disfigures, defaces or removes any tombstone, monument, gravestone, or other structure erected to perpetuate the memory of any deceased person; or any fence, railing, or other work in or around any public or private cemetery, or burial place, or any tree, shrub, or plant therein, shall be fined not more than one hundred dollars.

Obstructing highway. **Sec. 67.** Whoever, in any manner, wrongfully obstructs any public highway, or injures any bridge, culvert, or embankment, or injures any material used in the construction of any such road, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment in the county jail not more than three months.

Injuring shade-tree. **Sec. 68.** Whoever unlawfully removes, destroys, cuts, or girdles any shade-tree, or carries off or removes, or in anywise injures the protecting box of any shade-tree, in any city, town, or village, shall be fined in any sum not more than fifty dollars.

Changing landmarks. **Sec. 69.** Whoever knowingly displaces or removes any monument erected for the purpose of designating or perpetuating the corner, or any other point in the boundary of any tract of land; or maliciously or mischievously defaces or alters the mark upon any monument, landmark, or bearing-tree used for the purpose of designating any point, course, or line in the boundary of any tract

of land; or wilfully breaks, cuts down, or removes any monument, landmark, or bearing tree, upon which such mark shall be made, with the intent to destroy or efface such mark, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months.

SEC. 70. Whoever maliciously or mischievously tears down, removes, destroys, or defaces any legal advertisement, handbill, or other public notice, lawfully posted up in any place not belonging to nor occupied by such person; shall be fined in any sum not exceeding ten dollars. Defacing legal notices.

SEC. 71. Whoever paints, prints, pastes, stencils, or otherwise marks upon, or in any manner places upon or affixes to, any building, fence, wall, or tree, without the consent of the owner thereof, any word, letter, character, figure, sentence, or device, or any hand bill or notice, shall be fined not more than fifty dollars; but this section does not apply to the posting of any hand bill or notice of any public sale of property by any sheriff, constable, administrator, executor, or guardian, or to any notice required by law to be posted. Posting bills.

SEC. 72. Whoever maliciously or mischievously injures in any manner, any horse, jack, mule, ass, sheep, goat, neat-cattle, dog, or hog of another, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding three months. Injuring live stock.

SEC. 73. Whoever violently takes or keeps possession of any lands, with menaces, force, and arms, and without authority of law, is guilty of forcible entry, or forcible detainer, as the case may be, and shall be fined not exceeding one hundred dollars. Forcible entry or detainer.

CRIMES AGAINST PUBLIC MORALS.

SEC. 74. Whoever being married, marries again, the former husband or wife being alive, and the bond of matrimony being still undissolved, and no legal presumption of death having arisen, is guilty of bigamy, and shall be imprisoned in the penitentiary not exceeding five years. Bigamy.

SEC. 75. If any step-father shall have sexual intercourse with his step-daughter, knowing her to be such; or if any step-mother and her step-son shall have sexual intercourse together, having knowledge of their relationship; or if any parent shall have sexual intercourse with his or her child, knowing him or her to be such; or if any brother and sister, being of the age of sixteen years or upwards, shall have sexual intercourse together, having knowledge of their consanguinity, he or she shall be deemed guilty of incest, and shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than twelve months. Incest.

SEC. 76. Whoever cohabits with another in a state of adultery or fornication, or adultery and fornication, shall be fined in any sum not exceeding one hundred dollars, and be imprisoned in the county jail not exceeding three months. Adultery and fornication.

SEC. 77. Any male person who, under promise of marriage, shall have illicit carnal intercourse with any female of good repute for chastity, under the age of twenty-one years, shall be deemed guilty of seduction, and shall be imprisoned in the penitentiary not more than five years, or be imprisoned in the county jail not exceeding twelve months. Seduction.

Enticing females.

SEC. 78. Whoever entices or takes away any female of good repute for chastity from wherever she may be to a house of ill-fame, or elsewhere, for the purpose of prostitution, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not exceeding twelve months.

House of ill-fame.

SEC. 79. Whoever keeps a house of ill-fame, resorted to for the purpose of prostitution or lewdness; or knowingly lets a house to be so kept; or knowingly permits a house which he has let to be so kept, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Public indecency.

SEC. 80. Whoever, being over fourteen years of age, makes an indecent exposure of his person in a public place, or in any place where there are other persons to be offended or annoyed thereby; or uses or utters any obscene or licentious language or words in the presence or hearing of any female; is guilty of public indecency, and shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding three months.

Selling obscene literature.

SEC. 81. Whoever sells, or lends, or offers to sell or lend, or gives away or offers to give away, or in any manner exhibits, or has in his possession, with or without intent to sell, lend or give away, any obscene, lewd, indecent, or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture, model, cast, instrument, or article of indecent or immoral use, or instrument or article for procuring abortion or for self-pollution, or medicine for procuring abortion or preventing conception; or advertises the same or any of them for sale; or writes or prints any letter, circular, hand-bill, card book, pamphlet, advertisement, or notice of any kind; or gives information orally, stating when, how, where, or by what means, or of whom, any of the obscene, lewd, indecent, or lascivious articles or things hereinbefore mentioned, can be purchased, borrowed, presented, or otherwise obtained, or are manufactured; or manufactures, or draws and exposes, or draws with intent to sell, or have sold, or prints any such articles or things, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months; but nothing in this section, or in the next two sections, shall be construed to affect teaching in regularly chartered medical colleges, or the publication of standard medical books, or the practice of regular practitioners of medicine, or druggists in their legitimate business.

Mailing obscene literature.

SEC. 82. Whoever deposits in any post-office in this territory, or places in charge of any person to be carried or conveyed any lewd, obscene, indecent, or lascivious book, paper, pamphlet, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture, model, cast, instrument or article of indecent or immoral use, or instrument or article for procuring abortion or for self-pollution, or medicine for procuring abortion or preventing conception, or any circular, hand-bill, card, advertisement, book, pamphlet, or notice of any kind; or gives oral information, stating when, where, how, or of whom such articles or things or any of them can be purchased or otherwise obtained; or knowingly carries or conveys the same, except in the United States mail,

shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months.

SEC. 83. Whoever prints or publishes any advertisement of any secret drug or nostrum purporting to be for the exclusive use of females, or which cautions females against their use when in a condition of pregnancy; or in any way publishes any account or description of any drug, medicine, instrument, or apparatus for preventing conception, or for procuring abortion or miscarriage; or sells or gives away, or keeps for sale or gratuitous distribution, any newspaper, circular, pamphlet, or book containing such advertisement, account or description, or any secret drug or nostrum purporting to be exclusively for the use of females, or for preventing conception or procuring abortion or miscarriage, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months.

Advertisng
private med-
cines.

SEC. 84. Whoever, induces, decoys, procures or compels any female under eighteen years of age, or causes any female over eighteen years of age against her will, to have sexual intercourse with any person other than himself; or knowingly permits any other person to have sexual intercourse with any female of good repute for chastity, upon premises owned or controlled by him, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months.

Procu rer
assignation.

SEC. 85. Whoever, being a male person, frequents houses of ill-fame or of assignation, or associates with females known or reputed as prostitutes, or frequents gambling houses with prostitutes, or is engaged in or about a house of prostitution, is a pimp, and shall be fined in any sum not more than one hundred dollars, and be imprisoned in the county jail not more than sixty days.

Pimp.

SEC. 86. Any female who frequents or lives in houses of ill-fame, or associates with women of bad character for chastity, either in public or at a house which men of bad character frequent or visit; or who commits fornication for hire, shall be deemed a prostitute, and shall be fined not more than fifty dollars, to which may be added imprisonment in the county jail not more than thirty days.

Prostitute.

SEC. 87. Whoever commits the abominable and detestable crime against nature, by having carnal knowledge of a man or beast; or who being a male, carnally knows any man or woman through the anus, or in any other manner contrary to nature; and whoever entices, allures, instigates, or aids any person under the age of twenty-one years to commit masturbation or self-pollution, is guilty of sodomy and shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than twelve months.

Crime against
nature.

CRIMES AGAINST PUBLIC PEACE.

SEC. 88. Whoever gives or accepts a challenge to fight a duel, or agrees to go out of the territory for the purpose of fighting a duel, or under pretense of fighting a duel, or who carries to any person a challenge to fight a duel, shall be fined in any sum not less than one hundred dollars, and be imprisoned not exceeding six months in the jail of the county.

Challenge
to duel.

SEC. 89. Whoever fights a duel, if death do not ensue, shall be fined one hundred dollars, and be imprisoned in the jail of the county not exceeding one year.

Duelling.

- Prize fight.** **SEC. 90.** Whoever engages as principal in any prize fight, or attends any such fight as a backer, trainer, second, umpire, assistant or reporter, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.
- Affray.** **SEC. 91.** If two or more persons by agreement, fight in any public place, the persons so offending are guilty of an affray, and shall be fined not exceeding twenty dollars, or be imprisoned in the county jail not exceeding five days each.
- Riot.** **SEC. 92.** If three or more persons shall do an act in a violent or tumultuous manner, they shall be deemed guilty of a riot, and shall be fined not exceeding one hundred dollars each, to which may be added imprisonment in the county jail not exceeding three months.
- Rout.** **SEC. 93.** If three or more persons shall meet together to do an unlawful act upon a common cause, and shall make advances towards the commission thereof, they shall be deemed guilty of a rout, and shall be fined not exceeding one hundred dollars each, or they may be imprisoned in the county jail not exceeding sixty days.
- Criminal provocation.** **SEC. 94.** Whoever by words, signs or gestures, provokes or attempts to provoke another, who has the present ability to do so, to commit an assault, or an assault and battery upon him, is guilty of criminal provocation, and shall be fined in any sum not exceeding twenty dollars.
- Drawing dangerous weapon.** **SEC. 95.** Whoever draws or threatens to use any pistol, dirk, knife, slung-shot or any other deadly or dangerous weapon, already drawn, upon any other person, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months; *Provided*, That the provisions of this section shall not apply to a person drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.
- Carrying dangerous weapon.** **SEC. 96.** Every person, not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword-in-cane or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow-man, shall be fined in any sum not exceeding one hundred dollars.
- Selling weapons to minors.** **SEC. 97.** It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol; and any person who shall violate any of the provisions of this section shall be fined in any sum not more than fifty dollars.
- Disturbing meetings.** **SEC. 98.** Whoever by any loud or unnecessary talking, hallooing, or by any threatening, abusive, profane or obscene language, or violent actions, or by any other rude behavior, interrupts, molests or disturbs any collection of any inhabitants of this territory convened for the purpose of worship, or any agricultural fair or exhibition, or any person present thereat or going to or returning therefrom; or who, in like manner, interrupts, molests or disturbs any meeting.