

§4515. (4442.) *Affrays.* An affray is the fighting of two or more persons in some public place, to the terror of the citizens and disturbance of the public tranquillity. Persons so offending shall be indicted, and on conviction, shall be punished [as prescribed in section 4310 of this Code;] (a) and it shall be considered a great aggravation of this offense if any contempt or disobedience of the magistrate, or other peace officer commanding the peace, shall be proved.

(a) Acts of 1865-
'66, p. 233.

Where two persons are indicted for an affray—both must be convicted or neither: 13 Ga., 322. What constitutes this offense: *Id.* One who aids, assists and abets an affray is guilty as principal: *Id.*

§4516. (4443.) *Dueling.* If any person shall deliberately challenge, by word or writing, the person of another, to fight with sword, pistol, or other deadly weapon, or if any person so challenged shall accept the said challenge, in either case, such person so giving, or sending, or accepting any such challenge, shall, on conviction, be punished by a fine not less than five hundred dollars, and be imprisoned in the common jail of the county for any time not exceeding six months. Or, if the jury should so recommend, such person shall, in addition to the fine herein imposed, be punished by imprisonment and labor in the penitentiary for any time not less than one year nor longer than two years.

§4517. (4444.) *Seconds, same punishment.* If any person shall knowingly and willfully carry and deliver any written or printed challenge, or verbally deliver any message or challenge to another, to fight with sword, pistol, or other deadly weapon, or shall consent to be a second in any such duel or combat, such person so offending shall, on conviction, be punished in the same manner as prescribed in the preceding section.

§4518. (4445.) *Act of fighting a misdemeanor.* If any person shall be engaged in the act of fighting a duel, with sword, pistol, or other deadly weapon, either as principal or second, such person shall be guilty of a high misdemeanor, and, on conviction, shall be punished by imprisonment and labor in the penitentiary for any time not less than four years, nor longer than eight years: *Provided, nevertheless,* that if death should ensue from such duel, then all the parties, both principals and seconds, shall be guilty of murder, and suffer the punishment of death, but the punishment may be commuted in conformity with the provisions of section 4310 of this Code.

§4519. (4446.) *Officers knowing and not preventing.* If any Justice, or other public officer bound to preserve the public peace, shall have knowledge of an intention in any person or persons to fight with any deadly weapon, and shall not use and exert his official authority to arrest the parties and prevent the duel, by binding over the parties concerned to keep the peace toward each other, such Judge, Justice, or other peace officer so offending, shall, on conviction, be dismissed from office.

§4520. (4447.) *Proclaiming as "coward," etc., in print.* If any person or persons shall, in any newspaper, or handbill, written or printed, publish or proclaim any other person or persons as a coward or cowards, or use any other opprobrious and abusive language for not accepting a challenge or fighting a duel, such person or persons so offending shall, on conviction, be punished [as prescribed in section 4310 of this Code.] (a.)

(a) Acts of 1925-
'26, p. 233.

§4521. (4448.) *Libel defined.* A libel is a malicious defamation, expressed either by printing or writing, or signs, pictures or the like, tending to blacken the memory of one who is dead, or the honesty, virtue, integrity, or reputation of one who is alive, and thereby expose him or her to public hatred, contempt, or ridicule. Every person convicted

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