

SESSION LAWS

14568

SE. K. K.
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."

Delinquent territorial revenue.

Attorney general.

Special levy.

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 fights a duel without 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-
born child.**

SEC. 19. Whoever unlawfully kills an unborn quick 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
battery.**

SEC. 21. Whoever, in a rude, insolent, or angry manner, 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
assault and
battery.**

SEC. 22. If any person shall unlawfully and maliciously inflict upon another person, either with or without any weapon or instrument, any grievous 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-
ing.**

SEC. 26. Whoever takes, leads, carries, decoys, or entices 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-
ing poison.**

SEC. 28. Whoever administers, or procures to be administered, 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 live 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 soliciting miscarriage.}

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. ^{Blackmailing.}

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 employee.

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 inn-keeper 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, shall be deemed guilty of malicious trespass, and shall be imprisoned in the penitentiary not more than five years. ^{Malicious trespass.}

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

Injuring
telegraph, &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 if
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, grave-stone, 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 downs, 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 fe-
males.

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 in-
decency.

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 ob-
scene litera-
ture.

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 ob-
scene litera-
ture.

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. Advert sing
private medi-
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 hundreds 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. Chal le nge
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

of inhabitants of this territory, met together for any lawful purpose, shall be fined in any sum not exceeding fifty dollars. Sextons of churches, and officers of fairs or other meetings contemplated in this section are hereby authorized to arrest any persons so disturbing such public meetings.

CRIMES AGAINST PUBLIC JUSTICE.

SEC. 99. Whoever, having taken a lawful oath or affirmation in any matter in which, by law, an oath or affirmation may be required, shall, upon such oath or affirmation, swear or affirm wilfully corruptly and falsely, touching a matter material to the point in question, shall be deemed guilty of perjury, and shall be imprisoned in the penitentiary not more than fourteen years.

Perjury.

SEC. 100. Whoever wilfully, corruptly and falsely before any officer authorized to administer oaths, under oath or affirmation voluntarily makes any false certificate, affidavit or statement of any nature, for any purpose, in any matter where an oath is authorized to be taken, shall be deemed guilty of perjury, and shall be imprisoned in the penitentiary not more than five years.

Voluntary perjury.

SEC. 101. Whoever suborns or procures any person to commit perjury is guilty of subornation of perjury, and shall be imprisoned in the penitentiary not more than fourteen years.

Subornation of perjury.

SEC. 102. Whoever corruptly gives, promises or offers to any member, officer, clerk or employe of the legislature, or of either house thereof, or to any territorial or other officer, agent or employe of the territory, or person holding any office of trust or profit under the laws of this territory, or any officer intrusted with the administration of justice, or prosecuting attorney, either before or after his election, qualification, appointment or employment, any money or valuable thing; or corruptly offers or promises to do any act beneficial to any such person, to influence his action, vote, opinion or judgment in any matter pending or that might legally come before him; and whoever, being a member, officer, clerk, employe of the legislative assembly or territory, or other officer, agent or employe of the territory, or person holding any office of trust or profit under the laws of this territory, or any officer entrusted with the administration of justice, or prosecuting attorney, either before or after his election, qualification, appointment or employment, solicits or accepts any such money or valuable thing, to influence him with respect to his official duty or to influence his action, vote, opinion or judgment in any matter pending or that might legally come before him, shall be imprisoned in the penitentiary not more than fourteen years.

Bribery of officer.

SEC. 103. Whoever, with intent to corrupt a grand or petit juror or a grand or petit jury, referee, master commissioner, court commissioner, arbitrator, appraiser of real or personal property, county commissioner, mayor of a city, or member of the council or board of trustees of any city or town; or, to influence him or them with respect to the discharge of his or their duty, either before or after he or they are summoned, elected, appointed, qualified or sworn, promises or offers him or them any money or valuable thing; and whoever, either before or after he is summoned, elected, appointed, qualified or sworn as a grand or petit juror, referee, master commissioner, court commissioner, arbitrator, appraiser of real or personal property, county commissioner, mayor of a city, or member of the council or board of trustees of any city or town, so-

Bribery of juror, etc.

elicits or accepts any money or other valuable thing to influence him with respect to the discharge of his duties as such, shall be imprisoned in the penitentiary not more than fourteen years.

**Compound-
ing felony.**

SEC. 104. Whoever, having knowledge of the actual commission of a crime of the grade of felony, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof, or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge, is guilty of a felony, and shall be punished as follows:

First—By imprisonment in the penitentiary not more than seven years, or in the county jail not exceeding one year, where the crime compounded is one punishable by death.

Second—By imprisonment in the penitentiary not more than three years, or in the county jail not exceeding six months, where the crime compounded is one which may be punished by imprisonment in the penitentiary.

**Compound-
ing misdeme-
anor.**

SEC. 105. Whoever having knowledge of the actual commission of a crime of the grade of a misdemeanor, or violation of a statute for which a pecuniary or other penalty or forfeiture is prescribed, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime or violation of statute, or to abstain from any prosecution thereof, or to withhold any evidence, or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

**Compound-
ing prosecu-
tion.**

SEC. 106. Whoever takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound, discontinue or delay any prosecution then pending for any crime or violation of statute, or to withhold any evidence in aid thereof, or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

**False per-
sonation.**

SEC. 107. Whoever falsely personates another person before any court or judge thereof, or before any justice of the peace, mayor of a city, clerk of any court, notary public, or any territorial or county officer who is authorized either to administer oaths or take the acknowledgment of deeds, powers or warrants of attorney, or other instruments, or to grant marriage licenses, with intent to defraud; or who falsely personates or represents another, and, in such assumed character, receives any property intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be imprisoned in the penitentiary not more than fourteen years.

**Producing
false heir.**

SEC. 108. Whoever shall fraudulently produce an infant, falsely pretending it to have been born of parents whose child would

be entitled to a share of any personal estate or to inherit any real estate, with the intent or intent to procure the inheritance of any such real estate or the distribution of any such personal property, from any person lawfully entitled thereto, shall be imprisoned in the penitentiary not more than ten years.

SEC. 109. Any person to whom an infant under the age of six years shall be confided for nursing, education or any other purpose, who shall, with intent to deceive any parent or guardian of such child, substitute and produce to such parent or guardian another child in place of the one so confided, shall be imprisoned in the penitentiary not more than ten years. Substituting child.

SEC. 110. Any officer, under the laws of this territory, who, by color of his office, asks, demands or receives any fee or reward, other than is allowed by law, to execute or do his official duty, or taxes, charges, asks, demands or receives any more or greater fees than are allowed by law for such official duty; or any officer who requires any deputy appointed by him to divide or pay back to such officer a part of the legal fees of such deputy; or who fails to perform any duty in the manner and within the time prescribed by law, shall be fined in any sum not more than five hundred dollars nor less than ten dollars, and imprisoned in the county jail not exceeding six months, and a judgment of conviction shall operate as a judgment of impeachment and removal from office. Extortion.

SEC. 111. Whoever, being a notary public or other officer or person authorized to administer oaths, certifies that any person was sworn or affirmed before him to any affidavit or other instrument of writing, when, in fact, such person was not so affirmed or sworn, shall be imprisoned in the penitentiary not more than three years. False jurat.

SEC. 112. Whoever, being a notary public, or other officer authorized to take and certify acknowledgments of conveyances, mortgages or other instruments of writing, shall append his signature as such officer when no official seal is required, or shall append his signature and affix his official seal when such seal is required by law to be affixed to the certificate of acknowledgment of any conveyance, mortgage or other instrument of writing required to be recorded or filed in this territory, or which cannot be legally recorded therein without acknowledgment and certificate thereof, when at the time of such signing and sealing, the grantor, mortgagor, or other party executing such deed, mortgage, or other instrument had not first acknowledged the execution thereof before such notary public or other officer as aforesaid, shall be imprisoned in the penitentiary not more than three years. False certificate of acknowledgment.

SEC. 113. Whoever, having been appointed a notary public, does or performs any act as a notary public, after the expiration of his term of office, knowing that such term of office has expired, shall be fined not more than five hundred dollars nor less than twenty-five dollars. Notary, acting after term expires.

SEC. 114. Whoever, being a justice of the peace or constable shall, directly or indirectly, purchase any judgment, or interest therein, on the docket of such justice, or upon any docket in his possession, shall be fined not more than one hundred dollars. Justice purchasing judgment.

SEC. 115. Whoever, having lawfully the custody of any person charged with or convicted of any felony the punishment for which is death or confinement in the penitentiary, shall voluntarily Suffering escape.

suffer such prisoner to escape from his custody, shall be imprisoned in the penitentiary not more than fourteen years.

Aiding es-
cape.

SEC. 116. Whoever, not being a person having the lawful custody of any prisoner charged with or convicted of a felony, shall aid or accomplish the escape of such prisoner, shall be imprisoned in the penitentiary not more than fourteen years.

Aiding es-
cape from jail.

SEC. 117. Whoever aids or assists a person lawfully confined in any jail, city prison or other lawful place of confinement to escape therefrom or in an attempt to escape therefrom; or who shall convey into such place of confinement anything with intent to facilitate the escape of such prisoner, although no escape be actually made, shall be fined not more than five hundred dollars nor less than fifty dollars, and imprisoned in the county jail not more than one year.

Suffering
escape.

SEC. 118. Whoever, having lawfully the custody of any person charged with or convicted of any misdemeanor or with the offense of bastardy, shall voluntarily or negligently suffer such person to escape out of his custody, shall be fined in any sum not more than one thousand dollars nor less than one hundred dollars.

Evading
habeas cor-
pus.

SEC. 119. Whoever, having under his restraint any person for whose release a writ of habeas corpus shall have been duly issued, or is being applied for, with intent to elude the service of such writ or to avoid the effect thereof, transfers such person to the custody or control of another, or conceals the place of his or her confinement or restraint, or removes him or her without the jurisdiction of the court from which the writ is issued or sought to be issued; and whoever shall knowingly aid in the commission of any such offense, shall be fined in any sum not more than one thousand dollars nor less than twenty-five dollars, to which may be added imprisonment in the county jail not exceeding ninety days.

Obstructing
process.

SEC. 120. Whoever obstructs the execution of any legal process, or who shall forcibly free any person from legal arrest knowing such person to be under arrest, shall be fined not more than ten thousand dollars nor less than one hundred dollars, to which may be added imprisonment in the county jail not exceeding one year.

Disobeying
subpoena.

SEC. 121. Whoever, having been duly served with a subpoena or citation duly issued, refuses or wilfully fails to obey the same, or secretes himself, or leaves the place of his residence to avoid being served with a subpoena issued, or that he has reason to believe will be issued for him in any cause pending in any court, or in any matter before any legal authority; or, being present before any court or legal authority, and called upon to give testimony, refuses to take an oath or affirmation; or, being sworn or affirmed, refuses to answer any question required by such court or authority to be answered, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than ninety days. But this section shall not prevent summary proceedings for contempt.

Intimidating
juror or wit-
ness.

SEC. 122. Whoever, corruptly or by force, or threats, or threatening letters, endeavors to influence, intimidate or impede any juror, witness or officer, in the discharge of his duty; or, by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice in any court of this territory, shall be fined not more than one thousand dollars, to which may be

added imprisonment in the county jail not more than sixty days, nor less than ten days.

SEC. 123. Whoever, being a sheriff, jailor, or other person, having the care and custody of any jail, prison, or other lawful place of confinement, suffers the same to become foul or unclean, shall be fined not more than one hundred dollars. Foul jail.

SEC. 124. A clerk, sheriff, coroner, constable, or other ministerial officer who refuses or neglects to perform any duty he is required by law to perform in any criminal case or proceeding; and every officer whose duty it is to execute the same, who unnecessarily delays to serve any warrant, legally issued in any criminal case, which is delivered to him to execute, when it is in his power to serve the same, either alone or by calling assistance, shall be fined not more than five hundred dollars, to which may be added imprisonment in the county jail not more than six months. Official negligence.

SEC. 125. Whoever, when required by any sheriff or his deputy, or by any coroner, constable, or any conservator of the peace, to assist him in the execution of his office or in the service of any process, refuses or neglects to render such assistance, without having a valid cause for so refusing or neglecting, shall be fined not more than one hundred dollars. Refusing to aid officer.

SEC. 126. Whoever officiates in any place of authority without being legally authorized is guilty of usurpation, and shall be fined not more than five hundred dollars. Usurpation.

SEC. 127. Whoever, having been elected or appointed to any office, or being the deputy of any officer so elected or appointed, performs any of the duties of such office without having taken and subscribed the oath prescribed by law, or before having given and filed the bond required of him and in the manner prescribed by law, shall be fined not more than one thousand dollars. Officer acting before qualifying.

SEC. 128. Any treasurer, clerk, sheriff, or member of the board of commissioners of a county, who shall purchase or receive any warrant or demand against such county for less than the face value of such demand, shall be fined not more than five hundred dollars. Officer discounting warrants.

SEC. 129. Any territorial officer, county commissioner, trustee of any school district, mayor, councilman, or trustee of any city or town, or any person holding any appointing power, or any person holding a lucrative office under the laws of this territory, who shall, during the time he may occupy such office or hold such appointing power and discharge the duties thereof, be interested, directly or indirectly, in any contract for the construction of any territorial building, court house, school house, bridge, public building, or work of any kind erected or built for the use of the territory, or any county, school district, city or town in the territory, in which he exercises any official jurisdiction; or who shall bargain for or receive any percentage, drawback, premium, or profits, or money whatever, on any contract or for the letting of any contract or making any appointment wherein the territory, or any county, school district, city or town is concerned, shall be fined not more than five thousand dollars nor less than one hundred dollars. Officer interested in contracts.

SEC. 130. Section thirty-two hundred and thirty-two, of the Revised Statutes of Wyoming, is hereby amended and re-enacted so as to read as follows: "Sec. 3232. After the discharge of the grand jury it shall be lawful for the court, when it shall be New grand jury.

deemed necessary, to order a new grand jury to be summoned, returned and sworn, which shall thereafter proceed in the manner provided by law, and such grand jury may be summoned on an open venire."

Filing and
recording in-
dictment.

SEC. 131. Section thirty-two hundred and thirty-nine of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3239. Indictments found by the grand jury shall be presented by their foreman to the court in the presence of the jury, and shall be filed with the clerk who shall endorse thereon the day of their filing, and he shall then record such indictment, with its endorsements, in a record book to be kept for that purpose, and the clerk must compare the record with the original indictment, and certify to the correctness thereof. The clerk shall enter each case upon the appearance docket, and also upon the trial docket of the term as soon as the persons indicted have been arrested."

Lost indict-
ment.

SEC. 132. Whenever an indictment is lost, mislaid, stolen or destroyed, and the same shall have been recorded and certified as required by law, such record, or a copy thereof, certified to be a true copy by the clerk of the court to which such indictment was presented, shall be sufficient evidence of the finding of such indictment, and of the contents thereof, and the defendant may be tried upon such record or copy, and the trial thereon shall proceed and be determined in the same manner and have the same binding force and effect as if the original indictment were present.

Nol-prossing
indictments.

SEC. 133. No indictment shall be nol-prossed, except by order of the court on the motion of the prosecuting attorney, and such motion must be in writing, and the reasons therefor must be stated in such motion and read in open court before such order is made.

Indictment
for homicide.

SEC. 134. Section thirty-two hundred and forty-six of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3246. In any indictment for murder in the first degree, or murder in the second degree, or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death was caused, but it shall be sufficient in an indictment for murder in the first degree to charge that the defendant did purposely and with premeditated malice, kill and murder the deceased; and in like manner in any indictment for murder in the second degree, it shall be sufficient to charge that the defendant did purposely and maliciously, but without premeditation, kill and murder the deceased; and in a like manner in any indictment for manslaughter, it shall be sufficient to charge that the defendant did unlawfully kill the deceased."

Peremptory
challenges.

SEC. 135. Section thirty-two hundred and eighty of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3280. The defendant may challenge peremptorily, in capital cases, twelve jurors, in other felonies, eight jurors, and in misdemeanors, four jurors. The prosecution may challenge peremptorily, in capital cases, six jurors, in other felonies, four jurors, and in misdemeanors, two jurors; and the number of peremptory challenges so allowed to the prosecution shall be multiplied by the number of defendants on trial in each case. Each defendant shall be allowed his separate peremptory challenges. The peremptory challenges shall be made alter-

nately in the following order: The prosecution may challenge one juror for each defendant then on trial, then each defendant may challenge two jurors, then the prosecution may challenge one juror for each defendant then on trial, then each defendant may challenge two jurors, and the same shall continue in this order as near as may be until the challenges shall all be exhausted or the jury accepted."

SEC. 136. Section thirty-two hundred and eighty-one of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3281. Challenge for cause shall lie with both the defense and the prosecution, and all challenges for cause shall be tried by the court on the oath of the person challenged, or on other evidence, and such challenge shall be made before the jury is sworn and not afterwards."

SEC. 137. Section thirty-two hundred and eighty-three of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3283. In the trial of criminal cases it shall not be cause for challenge that a person called to act as a juror has formed or expressed an opinion as to the guilt or innocence of the accused from newspaper reports and rumor, or from either of them, if such person swear that he can impartially try the case according to the law and evidence notwithstanding such opinion."

SEC. 138. Section thirty-three hundred and six of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3306. If a defendant feels himself aggrieved by any decision of the court he may present his bill of exceptions thereto, or to the judge thereof in vacation, which the judge shall sign, and the same shall be made a part of the record and have the same force and effect as in civil cases; if exceptions be taken to the decision of the court, on overruling a motion for a new trial because the verdict is not sustained by sufficient evidence, or is contrary to law, the bill of exceptions must contain all the evidence, and the taking of all bills of exceptions shall be governed by the rules established in civil cases."

SEC. 139. Section thirty-three hundred and thirty-eight of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3348. An application for a new trial shall be by motion upon written grounds, which shall be filed at the term the verdict is rendered, and except for the cause of newly discovered evidence material for the party applying, which he could not with reasonable diligence have discovered and produced at the trial, shall be filed within three days after the verdict was rendered, unless additional time be granted by the court upon good cause shown."

SEC. 140. Section thirty-three hundred and forty-nine of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3349. The causes enumerated in sub-divisions two, three and five, of section thirty-three hundred and forty-seven must be sustained by affidavits showing their truth, and may be controverted by affidavits."

SEC. 141. It shall not be necessary to prove emission to convict any person of the crime of rape, or the crime against nature.

SEC. 142. False imprisonment is the unlawful violation of the personal liberty of another, and consists in confinement or de-

tention, without sufficient legal authority; any person convicted of false imprisonment shall be fined in any sum not exceeding five hundred dollars, or imprisoned not exceeding one year in the county jail.

Allegation
and proof of
money.

SEC. 143. In a prosecution against a person accused of embezzlement, or fraudulently converting to his own use bullion, bank notes or any security for money, it shall be sufficient to allege the embezzlement or fraudulent conversion to be of money, without specifying any particular money, gold, silver, notes or security, and such allegation, so far as it regards the description of the property, shall be sustained, if the accused be proved to have embezzled any bullion, money, bank notes, or any security for money, although the particular species be not proved.

Indictment
for perjury.

SEC. 144. In every indictment for perjury or subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and before what court or authority the oath or affirmation was taken, averring such court or authority to have had full power to administer the same, together with the proper averment or averments to falsify the matter or matters, wherein the perjury is assigned, without setting forth any part of the records or proceedings, either in law, or in equity, other than as aforesaid, and without setting forth the commission or authority of the court, or other authority before whom the perjury was committed, or the form of oath or affirmation, or the manner of administering the same.

Refusing to
pay public
warrant.

SEC. 145. Any territorial county treasurer, who, upon presentation of any auditor's warrant, territorial warrant, county order or like evidence of indebtedness, for payment, shall refuse payment thereof, there being then in such treasury sufficient funds appropriated by law for the payment of such warrant, order or like indebtedness, or wherefrom by law, payment thereof, ought to be made, and any county treasurer or collector of taxes, who, upon presentation of any auditor's warrant, county order, or other like certificate or evidence of indebtedness, in payment of any taxes which may by law be paid therein, shall refuse to receive such order, warrant or certificate in payment of such taxes, every such officer so offending shall be liable to indictment, and upon conviction shall be fined in any sum not exceeding five hundred dollars. This section shall extend to the deputies of every such treasurer or collector of taxes.

Justification
of libel.

SEC. 146. In all prosecutions for libel, the truth, when published with good intent and for justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts under the direction of the court.

Selling liquor
to Indians.

SEC. 147. Any person or persons who shall sell, barter or give away any spiritous or intoxicating liquor to any Indian or Indians, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not more than one thousand dollars, to which may be added imprisonment in the county jail for any period not more than six months.

Repeal.

SEC. 148. An act entitled "An Act making it a felony to sign any false certificate of acknowledge or jurat, and prescribing the punishment therefor," approved March 6th, 1888, and sections eight hundred and fifty-four to and including section nine hundred and twenty-two; sections nine hundred thirty-six, to and including

section nine hundred and ninety-nine; sections one thousand, one thousand and twenty-one, one thousand and fifty-six, one thousand fifty-eight, one thousand and sixty, three thousand two hundred and eighty-four, three thousand two hundred and eighty-five, three thousand three hundred and thirty, and four thousand one hundred and forty, all in the Revised Statutes of Wyoming, are each and all hereby repealed; *Provided*, That any offense committed prior to the passage of this act shall be inquired of, prosecuted and punished in the same manner and with the same effect as if this act had not been passed. Saving clause.

SEC. 149. The district court may, whenever it is of the opinion that the public interests require it, appoint an attorney to assist or act, for the prosecuting attorney, in the trial of cases or before the grand jury, and, while so assisting or acting, such attorney may perform any act or duty which the prosecuting attorney could perform; and the county shall pay such assstant such compensation for his services as the court shall deem proper, which sum, unless otherwise ordered by the court, shall be deducted from the salary of the prosecuting attorney. Assistant prosecutor.

SEC. 150. The words "horse," and "mule," and "neat cattle," in addition to severally including the plural and singular, shall also severally include animals of both sexes and of all ages. "Neat cattle," defined.

SEC. 151. In any indictment the description of any kind or class of neat cattle, shall be deemed sufficient, if described as neat cattle, and the proof of the brand thereon shall be deemed sufficient to identify all classes of live stock, and proof of the ownership of such brand shall be prima facie evidence of the ownership of such live stock. Owners help of live stock.

SEC. 152. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 74.

LIENS.

AN ACT for the Protection of Horse Breeders and for Other Purposes.

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

SECTION 1. The owner of a stallion shall have a lien upon any mare bred to such stallion, and also upon any colt begotten by such stallion, for the sum stipulated to be paid for such service. Lien.

SEC. 2. A notice of such lien shall within sixty days after the day of such service be filed in the office of the county clerk of the county in which the mare or colt is held or pastured, or subject to taxation, and the county clerk shall immediately index the said notice of lien in a lien index; and he shall receive a fee of twenty- Notice of lien.