

CHAPTER 249.

[S. B. 300.]

CRIMINAL CODE.

[The Criminal Code was taken largely from New York and Minnesota.]

AN ACT relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts.

Be it enacted by the Legislature of the State of Washington:

CHAPTER 1.

GENERAL PROVISIONS.

SECTION 1. *Classification of Crimes.*

A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline. Every crime which may be punished by death or by imprisonment in the state penitentiary is a felony. Every crime punishable by a fine of not more than two hundred and fifty dollars, or by imprisonment in a county jail for not more than ninety days, is a misdemeanor. Every other crime is a gross misdemeanor.

Classification of crimes.

SEC. 2. *Persons Punishable.*

The following persons are liable to punishment:

Persons punishable.

1. A person who commits in the state any crime, in whole or in part.
2. A person who commits out of the state any act which, if committed within it, would be larceny, and is afterward found in the state with any of the stolen property.
3. A person who, being out of the state, counsels, causes, procures, aids or abets another to commit a crime in this state.
4. A person who, being out of the state, abducts or kidnaps, by force or fraud, any person, contrary to the laws of the place where the act is committed, and brings, sends or conveys such person into this state.
5. A person who commits an act without the state which affects persons or property within the state, or the public health, morals or decency of the state, which, if committed within the state, would be a crime.

SEC. 3. *Duress of Married Woman No Defense.*

It is no defense for a married woman charged with the commission of a crime, that the alleged act committed by her was committed in the presence of her husband.

Duress of married woman.

SEC. 4. *Duress as a Defense.*

Whenever any crime, except murder, is committed or participated in by two or more persons, any one of whom participates only under compulsion by another engaged therein, who by threats creates a reasonable apprehension in the mind of such participator that in case of refusal he is liable to instant death or grievous bodily harm, such threats and apprehension constitute duress, which will excuse such participator from criminal prosecution.

Duress as a defense.

SEC. 5. *Responsibility of Children.*

Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

Responsibility of children.

SEC. 6. *Intoxication No Defense.*

No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such purpose, motive or intent.

Intoxication no defense.

SEC. 7. *Insanity, Idiocy, Imbecility, Criminal Propensity, No Defense.*

It shall be no defense to a person charged with the commission of a crime, that at the time of its commission, he

Insanity, etc., no defense.

was unable by reason of his insanity, idiocy or imbecility to comprehend the nature and quality of the act committed, or to understand that it was wrong; or that he was afflicted with a morbid propensity to commit prohibited acts; nor shall any testimony or other proof thereof be admitted in evidence.

SEC. 8. *Principal Defined.*

Principal defined.

Every person concerned in the commission of a felony, gross misdemeanor or misdemeanor, whether he directly commits the act constituting the offense, or aids or abets in its commission, and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit a felony, gross misdemeanor or misdemeanor, is a principal, and shall be proceeded against and punished as such. The fact that the person aided, abetted, counseled, encouraged, hired, commanded, induced or procured, could not or did not entertain a criminal intent, shall not be a defense to any person aiding, abetting, counseling, encouraging, hiring, commanding, inducing or procuring him.

SEC. 9. *Accessory Defined.*

Accessory defined.

Every person not standing in the relation of husband or wife, brother or sister, parent or grandparent, child or grandchild, to the offender, who after the commission of a felony shall harbor, conceal or aid such offender with intent that he may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

SEC. 10. *Trial and Punishment of Accessories.*

Trial and punishment of accessories.

Every accessory to a felony may be indicted, tried and convicted either in the county where he became an accessory, or where the principal felony was committed; and whether the principal offender has or has not been convicted, or is or is not amenable to justice, or has been pardoned or otherwise discharged after conviction; and, ex-

cept where a different punishment is specially provided by law, such accessory shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars, or by both.

SEC. 11. *Conviction of Lesser Crime.*

Upon the trial of an indictment or information, the defendant may be convicted of the crime charged therein, or of a lesser degree of the same crime, or of an attempt to commit the crime so charged, or of an attempt to commit a lesser degree of the same crime. Whenever the jury shall find a verdict of guilty against a person so charged, they shall in their verdict specify the degree or attempt of which the accused is guilty.

Conviction of
lesser crime.

SEC. 12. *Attempts, How Punished.*

An act done with intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by statute, shall be punished as follows:

Attempts,
how pun-
ished.

1. If the crime attempted is punishable by death or life imprisonment, the person convicted of the attempt shall be punished by imprisonment in the state penitentiary for not more than twenty years.

2. In every other case he shall be punished by imprisonment in such manner as may be prescribed for the commission of the completed offense, for not more than half the longest term, or by a fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment; but nothing herein shall protect a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed; and a person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion shall discharge the jury and direct the defendant to be tried for the crime itself.

SEC. 13. *Punishment of Felony When Not Fixed by Statute.*

Punishment
of felony.

Every person convicted of a felony for which no punishment is specially prescribed by any statutory provision in force at the time of conviction and sentence, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 14. *Punishment of Misdemeanor When Not Fixed by Statute.*

Punishment
of misde-
meanor.

Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than two hundred and fifty dollars.

SEC. 15. *Punishment of Gross Misdemeanor When Not Fixed by Statute.*

Punishment
of gross mis-
demeanor.

Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both.

SEC. 16. *Failure of Duty by Public Officer a Misdemeanor.*

Nonfeasance.

Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their wilful neglect to perform such duty, except where otherwise specially provided for, shall be a misdemeanor.

SEC. 17. *Prohibited Acts Are Misdemeanors.*

Prohibited
acts.

Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

SEC. 18. *Acts Punishable Under Foreign Law.*

Acts
punishable
elsewhere.

An act or omission punishable as a crime in this state is not less so because it is also punishable under the laws

of another state, government or country, unless the contrary is expressly declared in the law relating thereto.

SEC. 19. *Foreign Conviction or Acquittal.*

Whenever, upon the trial of any person for a crime, it appears that the offense was committed in another state or country, under such circumstances that the courts of this state had jurisdiction thereof, and that the defendant has already been acquitted or convicted upon the merits, upon a criminal prosecution under the laws of such state or country, founded upon the act or omission with respect to which he is upon trial, such former acquittal or conviction is a sufficient defense.

Foreign conviction or acquittal.

SEC. 20. *Conviction or Acquittal in Other County.*

Whenever, upon the trial of any person for a crime, it shall appear that the defendant has already been acquitted or convicted upon the merits, of the same crime, in a court having jurisdiction of such offense in another county of this state, such former acquittal or conviction is a sufficient defense.

Conviction or acquittal in other county.

SEC. 21. *Punishment for Contempt.*

A criminal act which at the same time constitutes contempt of court, and has been punished as such, may also be punished as a crime, but in such case the punishment for contempt may be considered in mitigation.

Punishment for contempt.

SEC. 22. *Sending Letter, When Complete.*

Whenever any statute makes the sending of a letter criminal, the offense shall be deemed complete from the time it is deposited in any postoffice or other place, or delivered to any person, with intent that it shall be forwarded; and the sender may be proceeded against in the county wherein it was so deposited or delivered, or in which it was received by the person to whom it was addressed.

Sending letter.

SEC. 23. *Omission, When Not Punishable.*

No person shall be punished for an omission to perform an act when such act has been performed by another acting in his behalf, and competent to perform it.

Omission

SEC. 24. *Commitment to Washington State Training School.*

Commitment
to Wash-
ington state
training
school.

Whenever any boy between the ages of eight and sixteen years, or any girl between the ages of eight and eighteen years, shall be found guilty of any crime, except murder or manslaughter, the court may, in its discretion, order such person committed to the Washington State Training School to remain, in case of a boy, until he shall arrive at the age of eighteen years and, in case of a girl, until she shall arrive at the age of nineteen years, unless sooner paroled or legally discharged.

SEC. 25. *Commitment to Washington State Reformatory.*

Commitment
to Washing-
ton state
reformatory.

Whenever any male person, between the ages of sixteen and thirty years, never before convicted in this state or elsewhere of any crime which under the laws of this state would amount to a felony, shall be convicted of any felony except murder, arson in the first degree, or robbery, the court may in its discretion order such person to be committed to and confined in the Washington State Reformatory.

SEC. 26. *Transfer of Prisoners From One Institution to Another.*

Transfer of
prisoners.

Whenever in their judgment, the welfare of any prisoner or prisoners confined in any penal institution shall require that any prisoner be removed from one institution to another, the board having control of such institution shall have authority to order such removal.

SEC. 27. *Working Prisoners in County Jail.*

Employment
of prisoners.

The sheriff of each county shall employ all male persons sentenced to imprisonment in the county jail thereof in such manner and at such places within the county as may be directed by the board of county commissioners of such county.

SEC. 28. *Suspending Sentences.*

Suspending
sentences.

Whenever any person under the age of twenty-one years shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery,

carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be staid and suspended until otherwise ordered by such court.

SEC. 29. *Indeterminate Sentences.*

Whenever any person shall be convicted of any felony for which no fixed period of confinement is imposed by law, the court shall, in addition to any fine or forfeiture which he may impose, direct that such person be confined in the state penitentiary, or in the Washington State Reformatory, as the case may be, for a term not less than the minimum nor greater than the maximum term of imprisonment prescribed by law for the offense of which such person shall be convicted; and where no minimum term of imprisonment is prescribed by law, the court shall fix the same in his discretion at not less than six months nor more than five years; and where no maximum term of imprisonment is prescribed by law, the court shall fix such maximum term of imprisonment.

Indeterminate sentences.

SEC. 30. *The Board Having Control to Determine Period of Imprisonment.*

The state board of control, acting in conjunction with the warden of the state penitentiary, or the board of managers of the Washington state reformatory, acting in conjunction with the superintendent of such reformatory, as the case may be, may at any time after the expiration of the minimum term of imprisonment for which such prisoner was committed thereto, direct that any prisoner confined in such institution shall be released on parole upon such terms and conditions as in their judgment they may prescribe in each case.

Period of imprisonment, determination.

SEC. 31. *Confinement of Insane Prisoners.*

Whenever, in the judgment of the court trying the same, any person convicted of a crime shall have been at the time of its commission unable by reason of his insanity, idiocy or imbecility to comprehend the nature and quality of his act, or to understand that it was wrong,

Confinement of insane prisoners.

or shall be at the time of his conviction or sentence insane or an idiot or imbecile, such court may in its discretion direct that such person be confined for treatment in one of the state hospitals for the insane or in the insane ward of the state penitentiary, until such person shall have recovered his sanity. In determining whether any person convicted of a crime was at the time of the commission thereof unable by reason of his insanity, idiocy or imbecility to comprehend the nature and quality of his act, or to understand that it was wrong, or is at the time of his conviction or sentence insane or an idiot or imbecile, the court may take counsel with one or more experts in the diagnosis and treatment of insanity, idiocy and imbecility, and may make such personal or other examination of the defendant as in his judgment may be necessary to aid in the determination.

SEC. 32. *Removal of Insane Convict.*

Removal of
insane
convict.

Whenever in the judgment of the state board of control the welfare of any person confined in any penal institution, or in any institution for the care of the insane, shall require that he be removed for treatment or confinement to another institution for the care of the insane, or to the insane ward of the state penitentiary, they shall be authorized to order such removal, but whenever a change is made in the location of any such inmate, a record open to the public shall be made and the relatives of such inmate shall be notified of the change.

SEC. 33. *Imprisonment on Two or More Convictions.*

Two or
more con-
victions.

Whenever a person shall be convicted of two or more offenses before sentence has been pronounced for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction shall commence at the termination of the first or other prior term or terms of imprisonment to which he is sentenced; and whenever a person while under sentence of felony shall commit another felony and be sentenced to another term of imprisonment, such latter term shall not begin until the expiration of all prior terms.

SEC. 34. *Habitual Criminals.*

Every person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who shall previously have been convicted, whether in this state or elsewhere, of any crime which under the laws of this state would amount to a felony, or who shall previously have been twice convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, shall be adjudged to be an habitual criminal and shall be punished by imprisonment in the state penitentiary for not less than ten years.

Habitual
criminals.

Every person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who shall previously have been twice convicted, whether in this state or elsewhere, of any crime which under the laws of this state would amount to a felony, or who shall previously have been four times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, shall be punished by imprisonment in the state penitentiary for life.

SEC. 35. *Prevention of Procreation.*

Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten years, or of rape, or shall be adjudged to be an habitual criminal, the court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person, for the prevention of procreation.

Prevention of
procreation.

SEC. 36. *Convicts Protected—Forfeitures Abolished.*

Every person sentenced to imprisonment in any penal institution shall be under the protection of the law, and any unauthorized injury to his person shall be punished in the same manner as if he were not so convicted or sentenced. A conviction of crime shall not work a forfeiture of any property, real or personal, or of any right or interest therein. All forfeitures in the nature of deodands,

Rights of
convicts.

or in case of suicide or where a person flees from justice, are abolished.

SEC. 37. *Conviction of Public Officer Forfeits Trust.*

Disqualifica-
tion of
public
officers.

The conviction of a public officer of any felony or malfeasance in office shall entail, in addition to such other penalty as may be imposed, the forfeiture of his office, and shall disqualify him from ever afterwards holding any public office in this state.

SEC. 38. *Convict as Witness.*

Convict as
witness.

Every person convicted of a crime shall be a competent witness in any civil or criminal proceeding, but his conviction may be proved for the purpose of affecting the weight of his testimony, either by the record thereof, or a copy of such record duly authenticated by the legal custodian thereof, or by other competent evidence, or by his cross-examination, upon which he shall answer any proper question relevant to that inquiry, and the party cross-examining shall not be concluded by his answer thereto.

SEC. 39. *Incriminating Testimony Not to be Used.*

Incriminating
testimony
not to be
used.

In every case where it is provided in this act that a witness shall not be excused from giving testimony tending to criminate himself, no person shall be excused from testifying or producing any papers or documents on the ground that his testimony may tend to criminate or subject him to a penalty or forfeiture; but he shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he shall so testify, except for perjury or offering false evidence committed in such testimony.

SEC. 40. *Intent to Defraud.*

Intent to
defraud.

Whenever an intent to defraud shall be made an element of an offense, it shall be sufficient if an intent appears to defraud any person, association or body politic or corporate whatsoever.

SEC. 41. *Crimes on Railway Trains, Boats, Etc.*

The route traversed by any railway car, coach, train or other public conveyance, and the water traversed by

any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate.

Crimes on public conveyances—jurisdiction.

SEC. 42. *Application to Prior Offenses.*

Nothing contained in any provision of this act shall apply to an offense committed or act done at any time before the day when this act shall take effect. Such an offense shall be punished according to, and such act shall be governed by, the provisions of law existing when it is done or committed, in the same manner as if this act had not been passed.

Application to prior offenses.

SEC. 43. *Application to Existing Civil Rights.*

Nothing in this act shall be deemed to affect any civil right or remedy existing at the time when it shall take effect, by virtue of the common law or of the provision of any statute.

Application to existing civil rights.

SEC. 44. *Civil Remedies Preserved.*

The omission to specify or affirm in this act any liability to any damages, penalty, forfeiture or other remedy, imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, shall not affect any right to recover or enforce the same.

Civil remedies preserved.

SEC. 45. *Proceedings to Impeach, Etc., Preserved.*

The omission to specify or affirm in this act any ground of forfeiture of a public office or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, shall not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition or suspension.

Impeachment.

SEC. 46. *Rule of Construction.*

Construc-
tions.

Every provision of this act shall be construed according to the fair import of its terms.

SEC. 47. *Common Law to Supplement Statute.*

Common law
to supple-
ment
statute.

The provisions of the common law relating to the commission of crime and the punishment thereof, in so far as not inconsistent with the institutions and statutes of this state, shall supplement all penal statutes of this state and all persons offending against the same shall be tried in the superior courts of this state.

SEC. 48. *To Be Construed as Continuation of Former Acts.*

To be con-
strued as
continuation
of former
acts.

The provisions of this act, in so far as they are substantially the same as existing statutes, shall be construed as continuations thereof and not as new enactments.

SEC. 49. *Act as Measure of Law.*

Repeals.

No statute, law or rule is continued in force because it is consistent with the provisions of this act on the same subject; but in all cases provided for by this act, all statutes, laws and rules heretofore in force in this state, whether consistent or not with the provisions of this act, unless expressly continued in force by it, are repealed and abrogated.

SEC. 50. *Repeal Does Not Revive Former Law.*

No revival by
repeal.

The repeal or abrogation by this act of any existing law shall not revive any former law heretofore repealed, nor affect any right already existing or accrued or any action or proceeding already taken, except as in this act provided; nor does it repeal any private statute or statute affecting civil rights or liabilities not expressly repealed.

SEC. 51. *Definition of Terms.*

Definition of
terms.

In construing the provisions of this act, save when otherwise plainly declared or clearly apparent from the context, the following rules shall be observed:

Negligence.

1. Each of the words "neglect," "negligence," "negligent," and "negligently" shall import a want of such attention to the nature or probable consequences of an

act or omission as an ordinarily prudent man usually exercises in his own business.

2. Each of the words "corrupt" and "corruptly" shall import a wrongful desire to acquire or cause some pecuniary or other advantage to himself or another, by the person to whom applicable.

3. "Malice" and "maliciously" shall import an evil intent, wish or design to vex, annoy or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty. Malice.

4. The word "knowingly" imports a knowledge that the facts exist which constitute the act or omission of a crime, and does not require knowledge of its unlawfulness; knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent man upon inquiry.

5. Whenever an intent to defraud constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person. Intent.

6. The word "boat" shall include ships, steamers and other structures adapted to navigation or movement from place to place by water. Boats.

7. The word "signature" shall include any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto.

8. The word "writing" shall include printing.

9. The word "property" shall include both real and personal property.

10. The term "real property" shall include every estate, interest and right in lands, tenements and hereditaments, corporeal or incorporeal. Real property.

11. The term "personal property" shall include dogs and all domestic animals and birds, water, gas and electricity, all kinds or descriptions of money, chattels and effects, all instruments or writings completed and ready to be delivered or issued by the maker, whether actually Personal property.

delivered or issued or not, by which any claim, privilege, right, obligation or authority, or any right or title to property real or personal, is, or purports to be, or upon the happening of some future event may be evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, and every right and interest therein.

12. The word "bond" shall include an undertaking.

Genders.

13. Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

14. The word "person" shall include a corporation or joint stock association; and whenever it is used to designate a party whose property may be the subject of an offense it shall also include the state, or any other state, government or country which may lawfully own property within this state.

15. The term "judge" shall include every judicial officer authorized, alone or with others, to hold or preside over a court of record.

16. Any person shall be deemed an "owner" of any property who has a general or special property in the whole or any part thereof, or lawful possession thereof, either actual or constructive.

Structures.

17. The words "dwelling house" shall include every building or structure which shall have been usually occupied by a person lodging therein at night, and whenever it shall be so constructed as to consist of two or more parts or rooms occupied or intended to be occupied, whether permanently or temporarily, by different tenants separately by usually lodging therein at night, or for any other separate purpose, each part shall be deemed a separate dwelling house of the tenant occupying the same.

18. The word "building" shall include every house, shed, boat, water craft, railway car, tent or booth, whether completed or not, suitable for affording shelter for any human being, or as a place where any property is or shall be kept for use, sale or deposit.

19. The word "night time" shall include the period between sunset and sunrise; the word "daytime" the period between sunrise and sunset.

20. The word "break," when used in connection with the crime of burglary, shall include: Breaking and entering.

(a) Breaking or violently detaching any part, internal or external, of a building;

(b) Opening, for the purpose of entering therein, any outer door of a building or of any room, apartment or set of apartments therein separately used and occupied, or any window, shutter, scuttle or other thing used for covering or closing any opening thereto or therein, or which gives passage from one part thereof to another;

(c) Obtaining entrance into such building or apartment by any threat or artifice, used for that purpose, or by collusion with any person therein;

(d) Entering such building, room or apartment by or through any pipe, chimney or other opening, or by excavating or digging through or under a building or the walls or foundation thereof.

21. The word "enter," when constituting an element or part of a crime, shall include the entrance of the offender, or the insertion of any part of his body, or of any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person, or to detach or remove property.

22. The term "railway" or "railroad" shall include all railways, railroads and street railways, whether operated by steam, electricity or any other motive power. Railways.

23. The words "indicted" and "indictment" shall include "informed against" and "information"; and the words "informed against" and "information" shall include the words "indicted" and "indictment." Indictments.

24. The words "officer" and "public officer" shall include all assistants, deputies, clerks and employes of any public officer and all persons exercising or assuming to exercise any of the powers or functions of a public officer. Officers.

25. The word "juror" shall include a talesman, and extend to jurors in all courts, whether of record or not.

26. The word "prisoner" shall include any person held in custody under process of law, or under lawful arrest.

Prisoners.

27. The word "prison" shall mean any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.

Prison.

SEC. 52. *Acts Repealed.*

All acts or parts of acts enumerated in the following schedule, and all acts and parts of acts in conflict with the provisions hereof, are hereby repealed.

Repeals.

SCHEDULE OF ACTS REPEALED.

Ballinger's Annotated Codes and Statutes of Washington, sections 3485, 3486, 3766, 4372, 4376, 6724, 6727 to 6736, inclusive; 6773 to 6776, inclusive; 6866, 6908, 6910 to 6916, inclusive; 6925 to 6927, inclusive; 6945; 7035 to 7071, inclusive; 7073 to 7089, inclusive; 7094 to 7101, inclusive; 7103 to 7116, inclusive; 7118 to 7126, inclusive; 7128 to 7132, inclusive; 7136 to 7142, inclusive; 7144, 7145, 7146a, 7147, 7154, 7155, 7156, 7160, 7165 to 7168, inclusive; 7175, 7176, 7185 to 7231, inclusive; 7233 to 7256, inclusive; 7259, 7260, 7261, 7264, 7265, 7266, 7268, 7269, 7275 to 7286, inclusive; 7288, 7293 to 7296, inclusive; 7298 to 7301, inclusive; 7305, 7306, 7310 to 7317, inclusive; 7322, 7323, 7324, 7334 to 7343, inclusive; 7404, 7405, 7435 to 7440, inclusive;

Laws of Washington, 1901, chapters 17, 25, 34, 40, 59, 145, 154;

Laws of Washington, 1903, chapters 5, 13, 14, 45, 51, 52, 55, 56, 112, 123, 128, 131, section 1;

Laws of Washington, 1905, chapters 24, 33, 42, 49, 77, 98, 158, 179;

Laws of Washington, 1907, chapters 35, 39, 103, 128, 148, 155, 169, 170.

CHAPTER 2.

RIGHTS OF ACCUSED.

SEC. 53. *Right to Counsel.*

Counsel.

Whenever a defendant shall be arraigned upon the charge that he has committed any felony, and shall re-

quest the court to appoint counsel to assist in his defense; and shall by his own oath or such other proof as may be required satisfy the court that he is unable, by reason of poverty, to procure counsel, the court shall appoint counsel, not exceeding two, for such defendant, to be paid upon its order by the county in which such proceeding is had, compensation not exceeding ten dollars per day for each counsel, for the number of days such counsel is actually employed in court upon the trial.

SEC. 54. *Witnesses.*

Every person accused of crime shall have the right to meet the witnesses produced against him face to face: Witness.
Provided, That whenever any witness whose deposition shall have been taken pursuant to law by a magistrate, in the presence of the defendant and his counsel, shall be absent, and cannot be found when required to testify upon any trial or hearing, so much of such deposition as the court shall deem admissible and competent shall be admitted and read as evidence in such case.

SEC. 55. *Right to Subpoena.*

Every person charged with the commission of a crime shall have the right upon the trial of such charge to be heard in person or by counsel, and to produce witnesses and proofs in his favor and to have compulsory process to compel the attendance of all witnesses who may be necessary for his proper defense. Subpoena.

SEC. 56. *Presumption of Innocence—Conviction of Lowest Degree, When.*

Every person charged with the commission of a crime shall be presumed innocent until the contrary is proved by competent evidence beyond a reasonable doubt; and when an offense has been proved against him, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest. Presumption of innocence.

SEC. 57. *Conviction, When Had.*

No person informed against or indicted for a crime shall be convicted thereof, unless by admitting the truth of the charge in his plea, by confession in open court, or Conviction.

by the verdict of a jury, accepted and recorded by the court.

SEC. 58. *Bail, When Allowable.*

Bail.

Every person charged with an offense, except that of murder in the first degree where the proof is evident or the presumption great, may be bailed by sufficient sureties, and bail shall justify and have the same rights as in civil cases, except as otherwise provided by law. The amount of bail in each case shall be determined by the court in its discretion and may from time to time be increased or decreased as circumstances may justify.

SEC. 59. *Proceedings Within Thirty Days.*

Indictment.

Whenever a person has been held to answer to any criminal charge, if an indictment be not found or information filed against him within thirty days, the court shall order the prosecution to be dismissed, unless good cause to the contrary be shown.

SEC. 60. *Trial Within Sixty Days.*

Trial.

If a defendant indicted or informed against for an offense, whose trial has not been postponed upon his own application, be not brought to trial within sixty days after the indictment is found or the information filed, the court shall order it to be dismissed, unless good cause to the contrary is shown.

SEC. 61. *Discharge of Defendant and Bail Upon Dismissal.*

Discharge upon dismissal

Whenever the court shall direct any criminal prosecution to be dismissed, the defendant shall, if in custody, be discharged therefrom, or if admitted to bail, his bail shall be exonerated, and if money has been deposited instead of bail it shall be refunded to the person depositing the same.

SEC. 62. *Nolle Prosequi.*

Nolle prosequi.

The court may, either upon its own motion or upon application of the prosecuting attorney, and in furtherance of justice, order any criminal prosecution to be dismissed; but in such case the reason of the dismissal must be set forth in the order, which must be entered upon the record. No prosecuting attorney shall hereafter discon-

tinue or abandon a prosecution except as provided in this section.

SEC. 63. *Dismissal, When a Bar.*

An order dismissing a prosecution under the provisions of sections 59, 60 or 62 of this act shall bar another prosecution for a misdemeanor or gross misdemeanor where the prosecution dismissed charged the same misdemeanor or gross misdemeanor; but in no other case shall such order of dismissal bar another prosecution. Dismissal, a bar.

SEC. 64. *Acquittal, When a Bar.*

No order of dismissal or directed verdict of not guilty on the ground of a variance between the indictment or information and the proof, or on the ground of any defect in such indictment or information, shall bar another prosecution for the same offense. Whenever a defendant shall be acquitted or convicted upon an indictment or information charging a crime consisting of different degrees, he cannot be proceeded against or tried for the same crime in another degree, nor for an attempt to commit such crime, or any degree thereof. Acquittal a bar.

CHAPTER 3.

CRIMES AGAINST THE SOVEREIGNTY OF THE STATE.

TREASON.

SEC. 65. *Defined—Penalty.*

Treason against the people of the state consists in— Treason.

1. Levying war against the people of the state, or
2. Adhering to its enemies, or
3. Giving them aid and comfort.

Treason is punishable by death.

No person shall be convicted for treason unless upon the testimony of two witnesses to the same overt act or by confession in open court.

SEC. 66. *Levying War.*

To constitute levying war against the state an actual act of war must be committed. To conspire to levy war is not enough. When persons arise in insurrection with intent to prevent, in general, by force and intimidation, Levying war.

the execution of a statute of this state, or to force its repeal, they shall be guilty of levying war. But an endeavor, although by numbers and force of arms, to resist the execution of a law in a single instance, and for a private purpose, is not levying war.

SEC. 67. *Misprision of Treason.*

Misprision
of treason.

Every person having knowledge of the commission of treason, who conceals the same, and does not, as soon as may be, disclose such treason to the governor or a judge of the supreme court or a superior court, shall be guilty of misprision of treason and punished by a fine of not more than one thousand dollars, or by imprisonment in the state penitentiary for not more than five years or in a county jail for not more than one year.

CHAPTER 4.

CRIMES BY OR AGAINST PUBLIC OFFICERS.
BRIBERY AND CORRUPTION.

SEC. 68. *Bribery of Public Officer.*

Bribery.

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any executive or administrative officer of the state, with intent to influence him with respect to any act, decision, vote, opinion or other proceeding, as such officer; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a member of the legislature, or attempt, directly or indirectly, by menace, deceit, suppression of truth or other corrupt means, to influence such member to give or withhold his vote or to absent himself from the house of which he is a member or from any committee thereof; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a judicial officer, juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, proceeding or controversy, with intent to influence his action, vote, opinion or decision thereupon; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a

public officer other than as hereinbefore specified, with intent to influence him with respect to any act, decision, vote or other proceeding in the exercise of his powers or functions, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 69. *Asking or Receiving Bribe.*

Every executive or administrative officer or person elected or appointed to an executive or administrative office who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby; and every member of either house of the legislature of the state who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity; and every judicial officer, and every person who executes any of the functions of a public office not hereinbefore specified, and every person employed by or acting for the state or for any public officer in the business of the state, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding shall be influenced thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

Asking or
receiving
bribe.

SEC. 70. *Juror, etc., Accepting Bribe.*

Every juror, referee, arbitrator, appraiser, assessor, or other person authorized by law to hear or determine any

Juror ac-
cepting
bribe.

question, matter, cause, controversy or proceeding, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, action, judgment or decision shall be influenced thereby, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by fine of not more than five thousand dollars, or by both.

SEC. 71. *Bribing Witness.*

Bribing
witness.

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any witness or person who may be called as a witness, upon an agreement or understanding that the testimony of such witness shall be thereby influenced, or who shall wilfully attempt by any other means to induce any witness or person who may be called as a witness to give false testimony, or to withhold true testimony, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 72. *Witness Accepting Bribe.*

Witness
accepting
bribe.

Every person who is or may be a witness upon a trial, hearing, investigation or other proceeding before any court, tribunal or officer authorized to hear evidence or take testimony, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing or other proceeding, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 73. *Influencing Juror.*

Influencing
juror.

Every person who shall influence, or attempt to influence, improperly, a juror in a civil or criminal action or any proceeding, or any person chosen or appointed as an arbitrator or referee, in respect to his verdict, judgment, report, award or decision in any cause or matter pending:

or about to be brought before him, in any case or in any manner not hereinbefore provided for, shall be guilty of a gross misdemeanor.

SEC. 74. *Juror, etc., Promising Verdict, etc.*

Every juror and every person chosen or appointed arbitrator or referee, who shall make any promise or agreement to give a verdict, judgment, report, award or decision for or against any party, or who shall wilfully receive any communication, book, paper, instrument or information relating to a cause or matter pending before him, except according to the regular course of proceeding upon the trial or hearing of such cause or matter, shall be guilty of a gross misdemeanor.

Juror,
promising
verdict.

SEC. 75. *Misconduct of Officer Drawing Jury.*

Every person charged by law with the preparation of any jury list or list of names from which any jury is to be drawn, and every person authorized by law to assist at the drawing of a grand or petit jury to attend a court or term of court or to try any cause or issue, who shall—

Misconduct
in drawing
jury.

1. Place in any such list any name at the request or solicitation, direct or indirect, of any person; or

2. Designedly put upon the list of jurors, as having been drawn, any name which was not lawfully drawn for that purpose; or

3. Designedly omit to place upon such list any name which was lawfully drawn; or

4. Designedly sign or certify a list of such jurors as having been drawn which were not lawfully drawn; or

5. Designedly and wrongfully withdraw from the box or other receptacle for the ballots containing the names of such jurors any paper or ballot lawfully placed or belonging there and containing the name of a juror, or omit to place therein any name lawfully drawn or designated, or place therein a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; or

6. In drawing or empanelling such jury, do any act which is unfair, partial or improper in any respect;

Shall be guilty of a gross misdemeanor.

SEC. 76. *Soliciting Jury Duty.*

Soliciting
jury duty.

Every person who shall, directly or indirectly, solicit or request any person charged with the duty of preparing any jury list to put his name, or the name of any other person, on any such list, shall be guilty of a gross misdemeanor.

SEC. 77. *Misconduct of Officer in Charge of Jury.*

Misconduct
in charge
of jury.

Every person to whose charge a jury shall be committed by a court or magistrate, who shall knowingly, without leave of such court or magistrate, permit them or any one of them to receive any communication from any person, to make any communication to any person, to obtain or receive any book, paper or refreshment, or to leave the jury room, shall be guilty of a gross misdemeanor.

SEC. 78. *Offender a Competent Witness.*

Offender as
witness.

Every person offending against any of the provisions of law relating to bribery or corruption shall be a competent witness against another so offending and shall not be excused from giving testimony tending to criminate himself.

SEC. 79. *Interfering With Public Officer.*

Interfering
with officer.

Every person who, by means of any threat, force or violence, shall attempt to deter or prevent any executive or administrative officer from performing any duty imposed upon him by law, or who shall knowingly resist by force or violence any executive or administrative officer in the performance of his duty, shall be guilty of a gross misdemeanor.

SEC. 80. *Offering Reward for Appointment.*

Offering re-
ward for ap-
pointment.

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward, in consideration that he or another person shall be appointed to a public office or to a clerkship, deputation or other subordinate position in such office, or that he or any other person shall be permitted to exercise, perform or discharge any prerogative or duty or receive any emolument of such office, shall be guilty of a gross misdemeanor.

SEC. 81. *Grafting.*

Every person who shall ask or receive any compensation, gratuity or reward, or any promise thereof, upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, to refuse, neglect, or defer the performance of any official duty; or who shall ask or receive any compensation, gratuity or reward, or any promise thereof, the right to retain or receive which shall be conditioned that such person shall, directly or indirectly, successfully influence by any means whatever any executive, administrative or legislative officer, in respect to any act, decision, vote, opinion or other proceeding, as such officer; or who shall ask or receive any compensation, gratuity or reward, or any promise thereof, upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, in respect to any act, decision, vote, opinion or other proceeding, as such officer, unless it be clearly understood and agreed in good faith between the parties thereto, on both sides, that no means or influence shall be employed except explanation and argument upon the merits, shall be guilty of a gross misdemeanor, and, in any prosecution, under the third clause of this section, evidence of the means actually employed to influence such officer shall be admitted as proof of the means originally contemplated by the defendant.

SEC. 82. *Misconduct of Public Officer.*

Every public officer who shall—

1. Ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or
2. Be beneficially interested, directly or indirectly, in any contract, sale, lease or purchase which may be made

Misconduct
of public
officer.

by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested therein; or

3. Employ or use any person, money or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another;

Shall be guilty of a gross misdemeanor, and any contract, sale, lease or purchase mentioned in subdivision 2 hereof shall be void.

SEC. 83. *Grant of Official Powers.*

Grant of
official
powers.

Every public officer who, for any reward, consideration or gratuity paid or agreed to be paid, shall, directly or indirectly, grant to another the right or authority to discharge any function of his office, or permit another to perform any of his duties, shall be guilty of a gross misdemeanor.

SEC. 84. *Intrusion Into and Refusal to Surrender Public Office.*

Intrusion
into office.

Every person who shall falsely personate or represent any public officer, or who shall wilfully intrude himself into a public office to which he has not been duly elected or appointed, or who shall wilfully exercise any of the functions or perform any of the duties of such officer, without having duly qualified therefor, as required by law, or who, having been an executive or administrative officer, shall wilfully exercise any of the functions of his office after his right to do so has ceased, or wrongfully refuse to surrender the official seal or any books or papers appertaining to such office, upon the demand of his lawful successor, shall be guilty of a gross misdemeanor.

SEC. 85. *Disturbing Legislature or Intimidating Member.*

Legislature.

Every person who shall wilfully disturb the legislature of this state, or either house thereof, while in session, or who shall commit any disorderly conduct in the presence or view of either house thereof, tending to interrupt its proceedings or impair the respect due to its authority, or

who wilfully, by intimidation or otherwise, shall prevent any member of the legislature from attending any session of the house of which he shall be a member or any committee thereof, or from giving his vote upon any question which may come before such house or committee, or from performing any other official act, shall be guilty of a gross misdemeanor.

SEC. 86. *Witness Refusing to Attend Legislature or Committee or to Testify.*

Every person duly summoned to attend as a witness before either house of the legislature of this state, or any committee thereof authorized to summon witnesses, who shall refuse or neglect, without lawful excuse, to attend pursuant to such summons, or who shall wilfully refuse to be sworn or to affirm or to answer any material or proper question or to produce, upon reasonable notice, any material or proper books, papers or documents in his possession or under his control, shall be guilty of a gross misdemeanor.

Refusing to attend legislature to testify.

RESCUES AND ESCAPES.

SEC. 87. *Rescuing Prisoner.*

Every person who shall, by force or fraud, rescue from lawful custody, or from an officer or person having him in lawful custody, a prisoner held upon a charge, arrest, commitment, conviction or sentence for felony, shall be guilty of a felony; and every person who shall rescue a prisoner held upon a charge, arrest, commitment, conviction or sentence for a gross misdemeanor or misdemeanor shall be guilty of a misdemeanor.

Rescuing prisoner.

SEC. 88. *Taking Property from an Officer.*

Every person who shall take from the custody of any officer or other person any personal property in his charge under any process of law, or who shall wilfully injure or destroy such property, shall be guilty of a misdemeanor.

Taking property from officer.

SEC. 89. *Escaped Prisoner Recaptured.*

Every person in custody, under sentence of imprisonment for any crime, who shall escape from custody, may be recaptured and imprisoned for a term equal to the unexpired portion of the original term.

Escaped prisoner recaptured.

SEC. 90. *Prisoner Escaping.*

Prisoner
escaping.

Every prisoner confined in a prison, or being in the lawful custody of an officer or other person, who shall escape or attempt to escape from such prison or custody, by force or fraud, if he is held on a charge, conviction or sentence of a felony, shall be guilty of a felony; if held on a charge, conviction or sentence of a gross misdemeanor or misdemeanor, he shall be guilty of a misdemeanor.

SEC. 91. *Aiding Prisoner to Escape.*

Aiding
escape.

Every person who, with intent to effect or facilitate the escape of a prisoner, whether such escape shall be effected or attempted or not, shall convey or send to a prisoner any information or aid, or convey or send into a prison any disguise, instrument, weapon or other thing, or aid or assist a prisoner in escaping or attempting to escape from the lawful custody of a sheriff or other officer or person, shall be guilty of a felony if such prisoner is held upon a charge, arrest, commitment, conviction or a sentence for a felony, and shall be guilty of a misdemeanor if such prisoner is held upon a charge, arrest, commitment, conviction or sentence for a gross misdemeanor or misdemeanor.

SEC. 92. *Custodian Suffering Escape.*

Suffering
escape.

Every person who shall allow a prisoner lawfully in his custody to escape, or shall connive at or assist such escape, or shall omit any act or duty by reason of which omission such escape is occasioned, contributed to or assisted, shall, if he connive at or assist such escape, be guilty of a felony; and in any other case, of a gross misdemeanor.

SEC. 93. *Ministerial Officer Permitting Escape.*

Permitting
escape.

Every officer who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape shall be attempted or not, or shall commit any unlawful act tending to hinder justice, shall be guilty of a gross misdemeanor.

SEC. 94. *Concealing Escaped Prisoner.*

Every person who shall conceal, or harbor for the purpose of concealment, a prisoner who has escaped or is escaping from custody, shall be guilty of a felony if the prisoner is held upon a charge or conviction or sentence of felony, and of a misdemeanor if the prisoner is held upon a charge or conviction of a gross misdemeanor or misdemeanor.

Concealing
escaped
prisoner.

PUBLIC RECORDS.

SEC. 95. *Injury to Public Record.*

Every person who shall wilfully and unlawfully remove, alter, mutilate, destroy, conceal or obliterate a record, map, book, paper, document or other thing filed or deposited in a public office, or with any public officer, by authority of law, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars, or by both.

Injury to.

SEC. 96. *Injury to and Misappropriation of Record.*

Every officer who shall mutilate, destroy, conceal, erase, obliterate or falsify any record or paper appertaining to his office, or who shall fraudulently appropriate to his own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him by virtue of his office, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

Misappropriation of.

SEC. 97. *Offering False Instrument for Filing or Record.*

Every person who shall knowingly procure or offer any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in such office under any law of this state or of the United States, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than five thousand dollars, or by both.

False instrument.

SEC. 98. *False Report.*

False report. Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor.

PERJURY AND OTHER CRIMES.

SEC. 99. *Perjury.—First Degree.*

Perjury, first degree. Every person who, in any action, proceeding, hearing, inquiry or investigation, in which an oath may lawfully be administered, shall swear that he will testify, declare, depose or certify truly, or that any testimony, declaration, deposition, certificate, affidavit or other writing by him subscribed is true, and who in such action, proceeding, hearing, inquiry or investigation shall state or subscribe as true any material matter which he knows to be false, shall be guilty of perjury in the first degree and shall be punished by imprisonment in the state penitentiary for not more than fifteen years.

SEC. 100. *Knowledge of Materiality Not Necessary.*

Knowledge of materiality. It shall be no defense to a prosecution for perjury in the first degree that the defendant did not know the materiality of his false statement or that it did not in fact affect the proceeding in or for which it was made. It shall be sufficient that it was material and might have affected such proceeding.

SEC. 101. *Perjury.—Second Degree.*

Perjury, second degree. Every person who, whether orally or in writing, and whether as a volunteer, or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever, shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years, or by imprisonment in the county jail for not more than one year.

SEC. 102. *“Oath” and “Swear” Defined.*

Oath defined. The term “oath” shall include an affirmation and every other mode authorized by law of attesting the truth of

that which is stated. A person who shall state any matter under oath shall be deemed to "swear" thereto.

SEC. 103. *Irregularity in Administering Oath or Incompetency of Witness No Defense.*

It shall be no defense to a prosecution for perjury that an oath was administered or taken in an irregular manner or that the defendant was not competent to give the testimony, deposition, certificate or affidavit of which falsehood is alleged. It shall be sufficient that he actually gave such testimony or made such deposition, certificate or affidavit. Irregularity
no defense.

SEC. 104. *Deposition—When Complete.*

The making of a deposition, certificate or affidavit shall be deemed to be complete when it is subscribed and sworn to or affirmed by the defendant with intent that it be uttered or published as true. Deposition.

SEC. 105. *Statement of What One Does Not Know to Be True.*

Every unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false. Prevarication.

SEC. 106. *Offering False Evidence.*

Every person who, upon any trial, hearing, inquiry, investigation or other proceeding authorized by law, shall offer or procure to be offered in evidence, as genuine, any book, paper, document, record or other instrument in writing, knowing the same to have been forged or fraudulently altered, shall be punished by imprisonment in the state penitentiary for not more than ten years. False evidence.

SEC. 107. *Committal of Witness—Detention of Documents.*

Whenever it shall appear probable to a judge, justice of the peace, magistrate, or other officer lawfully authorized to conduct any hearing, proceeding or investigation, that a person who has testified before him has committed perjury in any testimony so given, or offered any false evidence, he may, by order or process for that purpose, immediately commit such person to jail or take a recognizance for his appearance to answer such charge. In Committal.

such case he may detain any book, paper, document, record or other instrument produced before him or direct it to be delivered to the prosecuting attorney.

SEC. 108. *Subornation of Perjury.*

Subornation
of perjury.

Every person who shall wilfully procure another to commit perjury, in either degree, or to offer any false evidence, shall be guilty of subornation of perjury and shall be punished in the same manner as if he had himself committed the perjury so procured or offered the false evidence so offered.

SEC. 109. *Attempt to Suborn Perjury.*

Attempt to
suborn
perjury.

Every person who, without giving, offering or promising a bribe, shall incite or attempt to procure another to commit perjury, in either degree, or to offer any false evidence, or to withhold true testimony, though no perjury be committed or false evidence offered or true testimony withheld, shall be guilty of a gross misdemeanor.

SEC. 110. *Destroying Evidence.*

Destroying
evidence.

Every person who, with intent to conceal the commission of any felony, or to protect or conceal the identity of any person committing the same, or with intent to delay or hinder the administration of the law or to prevent the production thereof at any time, in any court or before any officer, tribunal, judge or magistrate, shall wilfully destroy, alter, erase, obliterate or conceal any book, paper, record, writing, instrument or thing, shall be guilty of a gross misdemeanor.

SEC. 111. *Tampering With Witness.*

Tampering
with
witness.

Every person who shall wilfully prevent or attempt to prevent, by persuasion, threats or otherwise, any person from appearing before any court, or officer authorized to subpoena witnesses, as a witness in any action, proceeding or investigation, with intent thereby to obstruct the course of justice, shall be guilty of a gross misdemeanor.

SEC. 112. *Neglect or Refusal to Receive a Person Into Custody.*

Refusal to
receive into
custody.

Every officer who, in violation of any legal duty, shall wilfully neglect or refuse to receive a person into his offi-

cial custody or into a prison under his charge, shall, in a case where no other punishment is specially provided by law, be guilty of a gross misdemeanor.

SEC. 113. *Refusal to Make Arrest or to Aid Officer.*

Every person who, after having been lawfully commanded by any magistrate to arrest another person, shall wilfully neglect or refuse so to do; and every person who, after having been lawfully commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any lawful process, shall wilfully neglect or refuse to aid such officer, shall be guilty of a misdemeanor.

Refusal to arrest.

SEC. 114. *Resisting Public Officer.*

Every person who, in any case or under any circumstances not otherwise specially provided for, shall wilfully resist, delay or obstruct a public officer in discharging or attempting to discharge any legal duty of his office, shall be guilty of a misdemeanor.

Resisting public officer.

SEC. 115. *Compounding Crimes.*

Every person who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that he will compound or conceal a crime or violation of a statute, or abstain from testifying thereto, delay a prosecution therefor or withhold any evidence thereof, except in a case where a compromise is allowed by law, shall be guilty—

Compounding crimes.

1. Of a felony and punished by imprisonment in the state penitentiary for not more than five years, where the agreement or understanding relates to a felony;

2. Of a misdemeanor, where the agreement or understanding relates to a gross misdemeanor or misdemeanor, or to a violation of statute for which a pecuniary penalty or forfeiture is prescribed.

In any proceeding against a person for compounding a crime, it shall not be necessary to prove that any person has been convicted of the crime or violation of statute in relation to which an agreement or understanding herein prohibited was made.

SEC. 116. *Intimidating Public Officer.*

Intimidating
public officer.

Every person who shall, directly or indirectly, address any threat or intimidation to a public officer or to a juror, referee, arbitrator, appraiser or assessor, or to any other person authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty to do or make or to omit or delay any act, decision or determination, shall be guilty of a misdemeanor.

SEC. 117. *Malicious Prosecution.*

Malicious
prosecution.

Every person who shall, maliciously and without probable cause therefor, cause or attempt to cause another to be arrested or proceeded against for any crime of which he is innocent—

1. If such crime be a felony, shall be punished by imprisonment in the state penitentiary for not more than five years; and,

2. If such crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor.

SEC. 118. *Barratry.*

Barratry.

Every person who shall bring on his own behalf, or instigate, incite or encourage another to bring, any false suit at law or in equity in any court of this state, with intent thereby to distress or harass a defendant therein; and every person, being an attorney or counselor at law, who shall personally, or through the agency of another, solicit employment as such attorney, in any suit pending or prospective, or, with intent to obtain such employment, shall, directly or indirectly, loan any money or give or promise to give any money, property or other consideration to the person from whom such employment is sought, shall be guilty of barratry and be punished as for a misdemeanor; and in case the person offending is an attorney, he may, in addition thereto, be disbarred from practicing law in this state.

SEC. 119. *Buying, Demand or Promising Reward by Justice or Constable.*

Misconduct
of justice
or constable.

Every justice of the peace or constable who shall, directly or indirectly, buy or be interested in buying any-

thing in action for the purpose of commencing a suit thereon before a justice of the peace, or who shall give or promise any valuable consideration to any person as an inducement to bring, or as a consideration for having brought, a suit before a justice of the peace, shall be guilty of a misdemeanor.

SEC. 120. *Criminal Contempt.*

Every person who shall commit a contempt of court of any one of the following kinds shall be guilty of a misdemeanor: Criminal contempt.

1. Disorderly, contemptuous or insolent behavior committed during the sitting of the court, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority; or,

2. Behavior of like character in the presence of a referee, while actually engaged in a trial or hearing pursuant to an order of court, or in the presence of a jury while actually sitting in the trial of a cause or upon an inquest or other proceeding authorized by law; or,

3. Breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of a court, jury or referee; or,

4. Wilful disobedience to the lawful process or mandate of a court; or,

5. Resistance, wilfully offered, to its lawful process or mandate; or,

6. Contumacious and unlawful refusal to be sworn as a witness or, after being sworn, to answer any legal and proper interrogatory; or,

7. Publication of a false or grossly inaccurate report of its proceedings; or,

8. Assuming to be an attorney or officer of a court or acting as such without authority.

SEC. 121. *Grand Juror Acting After Challenge Allowed.*

Every grand juror who, with knowledge that a challenge interposed against him by a defendant has been allowed, shall be present at, or take part, or attempt to Grand juror.

take part, in the consideration of the charge against the defendant who interposed such challenge, or the deliberations of the grand jury thereon, shall be guilty of a misdemeanor.

SEC. 122. *Production of Pretended Heir.*

Pretended
heir.

Every person who shall fraudulently or falsely pretend that any infant child was born of a parent whose child is or would be entitled to inherit real property or to receive any personal property, or who shall falsely represent himself or another to be a person entitled to an interest or share in the estate of a deceased person as executor, administrator, husband, wife, heir, legatee, devisee, next of kin or relative of such deceased person, shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 123. *Substitution of Child.*

Substitution
of child.

Every person to whom a child has been confided for nursing, education or any other purpose, who, with intent to deceive a person, guardian or relative of such child, shall substitute or produce to such parent, guardian or relative, another child or person in the place of the child so confided, shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 124. *Instituting Suit in Name of Another.*

Suit for
another.

Every person who shall institute or prosecute any action or other proceeding in the name of another, without his consent and contrary to law, shall be guilty of a gross misdemeanor.

SEC. 125. *Unauthorized Communication With Prisoner.*

Unauthorized
communica-
tion with
prisoner.

Every person who, not being authorized by law or by any officer authorized thereto, shall have any verbal communication with any prisoner in any jail, reformatory, penitentiary or other penal institution, or shall bring into or convey out of the same any writing, clothing, food, tobacco or any article whatsoever, shall be guilty of a misdemeanor.

SEC. 126. *Disclosing Transaction of Grand Jury.*

Every judge, grand juror, prosecuting attorney, clerk, stenographer or other officer who, except in the due discharge of his official duty, shall disclose the fact that a presentment has been made or indictment found or ordered against any person, before such person shall be in custody; and every grand juror, clerk or stenographer who, except when lawfully required by a court or officer, shall disclose any evidence adduced before the grand jury, or any proceeding, discussion or vote of the grand jury or any member thereof, shall be guilty of a misdemeanor.

Disclosing transaction of grand jury.

SEC. 127. *Disclosure of Deposition Returned by Grand Jury.*

Every clerk of any court or other officer who shall wilfully permit any deposition, or the transcript of any testimony, returned by a grand jury and filed with such clerk or officer, to be inspected by any person except the court, the deputies or assistants of such clerk, and the prosecuting attorney and his deputies, until after the arrest of the defendant, shall be guilty of a misdemeanor.

Disclosure of deposition.

SEC. 128. *Public Officer Making False Certificate.*

Every public officer who, being authorized by law to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing containing any statement which he knows to be false, in a case where the punishment thereof is not expressly prescribed by law, shall be guilty of a gross misdemeanor.

False certificate.

SEC. 129. *Falsely Auditing and Paying Claims.*

Every public officer, or person holding or discharging the duties of any public office or place of trust under the state or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state or such county, town or city, who shall knowingly audit, allow or pay, or, directly or indirectly, consent to or in any way connive at the auditing, allowance or payment of any claim or demand against the state or such county, town or city, which is false or fraudulent or contains any

False claims.

charge, item or claim which is false or fraudulent, shall be guilty of a gross misdemeanor.

SEC. 130. *Conspiracy.*

Whenever two or more persons shall conspire—

Conspiracy.

1. To commit a crime; or
2. Falsely and maliciously to procure another to be arrested or proceeded against for a crime; or
3. Falsely to institute or maintain any action or proceeding; or
4. To cheat or defraud another out of any property by unlawful or fraudulent means; or
5. To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof; or
6. To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or
7. To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means;

Every such person shall be guilty of a gross misdemeanor.

SEC. 131. *Overt Act Not Necessary.*

Overt act.

In any proceeding for [a] violation of section 130 of this act, it shall [not] be necessary to prove that any overt act was done in pursuance of such unlawful conspiracy or combination.

SEC. 132. *Corporation to Forfeit Franchise.*

Corporation to forfeit franchise.

Every corporation, whether foreign or domestic, which shall violate any provision of section 130 of this act, shall forfeit every right and franchise to do business in this state. The attorney general shall begin and conduct all actions and proceedings necessary to enforce the provisions of this section.

CHAPTER 5.

CRIMES AGAINST THE PERSON.

SUICIDE.

SEC. 133. *Defined.*

Suicide is the intentional taking of one's own life. Defined.

SEC. 134. *Attempting Suicide.*

Every person who, with intent to take his own life, shall commit upon himself any act dangerous to human life, or which, if committed upon or toward another person and followed by death as a consequence, would render the perpetrator chargeable with homicide, shall be punished by imprisonment in the state penitentiary for not more than two years, or by a fine of not more than one thousand dollars. Attempting suicide.

SEC. 135. *Aiding Suicide.*

Every person who, in any manner, shall wilfully advise, encourage, abet or assist another in taking his own life shall be guilty of manslaughter. Aiding suicide.

SEC. 136. *Abetting Attempt at Suicide.*

Every person who, in any manner, shall wilfully advise, encourage, abet or assist another person in attempting to take the latter's life shall be punished by imprisonment in the state penitentiary for not more than ten years. Abetting attempt at suicide.

SEC. 137. *Incapacity of Person Aided No Defense.*

The fact that the person attempting to take his own life was incapable of committing crime shall not be a defense to a prosecution under either of sections 135 or 136 of this act. Incapacity no defense.

HOMICIDE.

SEC. 138. *Defined and Classified.*

Homicide is the killing of a human being by the act, procurement or omission of another and is either (1) murder, (2) manslaughter, (3) excusable homicide or (4) justifiable homicide. Defined and classified.

SEC. 139. *Proof of Death and of Killing by Defendant.*

Proof of
death.

No person shall be convicted of murder or manslaughter unless the death of the person alleged to have been killed and the fact of killing by the defendant, as alleged, are each established as independent facts beyond a reasonable doubt.

SEC. 140. *Murder in the First Degree.*

Murder in
the first
degree.

The killing of a human being, unless it is excusable or justifiable, is murder in the first degree when committed either—

1. With a premeditated design to effect the death of the person killed, or of another; or

2. By an act imminently dangerous to others and evincing a depraved mind, regardless of human life, without a premeditated design to effect the death of any individual; or

3. Without a design to effect death, by a person engaged in the commission of, or in an attempt to commit, or in withdrawing from the scene of, a robbery, rape, burglary, larceny or arson in the first degree; or

4. By maliciously interfering or tampering with or obstructing any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure or appliance pertaining to or connected with any railway, or any engine, motor or car of such railway.

Murder in the first degree shall be punished by death or by imprisonment in the state penitentiary for life, in the discretion of the court.

SEC. 141. *Murder in the Second Degree.*

Murder in
the second
degree.

The killing of a human being, unless it is excusable or justifiable, is murder in the second degree when—

1. Committed with a design to effect the death of the person killed or of another, but without premeditation; or

2. When perpetrated by a person engaged in the commission of, or in an attempt to commit, or in withdrawing from the scene of, a felony other than those enumerated in section 140 of this act.

Murder in the second degree shall be punished by imprisonment in the state penitentiary for not less than ten years.

SEC. 142. *Killing in Duel.*

Every person who shall fight or participate in, as second or assistant, any duel within this state, in which any person is killed, or who, by previous appointment made within this state, shall fight or participate in, as second or assistant, any duel out of the state, in which any person is killed, shall be guilty of murder in the second degree; and, in the latter case, may be proceeded against in any county in this state.

SEC. 143. *Manslaughter.*

In any case other than those specified in sections 140, 141 and 142 of this act, homicide, not being excusable or justifiable, is manslaughter.

Manslaughter is punishable by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

SEC. 144. *Killing Unborn Quick Child.*

The willful killing of an unborn quick child, by any injury committed upon the mother of such child, is manslaughter.

SEC. 145. *Killing Unborn Quick Child by Administering Drugs.*

Every person who shall provide, supply or administer to a woman, whether pregnant or not, or shall prescribe for or advise or procure a woman to take any medicine, drug or substance, or shall use or employ, or cause to be used or employed, any instrument or other means, with intent thereby to procure the miscarriage of a woman, unless the same is necessary to preserve her life, in case the death of the woman or of any quick child of which she is pregnant is thereby produced, shall be guilty of manslaughter.

SEC. 146. *Woman Taking Drugs.*

Woman tak-
ing drugs.

Every woman quick with child who shall take or use, or submit to the use of, any drug, medicine or substance, or any instrument or other means, with intent to procure her own miscarriage, unless the same is necessary to preserve her own life or that of the child whereof she is pregnant, and thereby causes the death of such child, shall be guilty of manslaughter.

SEC. 147. *Owner of Vicious Animal.*

Vicious
animal.

If the owner or custodian of any vicious or dangerous animal, knowing its propensities, shall wilfully or negligently allow it to go at large, and such animal while at large shall kill a human being not himself in fault, such owner or custodian shall be guilty of manslaughter.

SEC. 148. *Killing by Overloading Passenger Vessel.*

Overloading
passenger
vessel.

Every person navigating a vessel for gain who shall wilfully or negligently receive so many passengers or such a quantity of other lading on board, that by means thereof such vessel shall sink, be overset or injured, and thereby a human being shall be drowned or otherwise killed, shall be guilty of manslaughter.

SEC. 149. *Reckless Operation of Steamboat or Engine.*

Reckless
operation of
steamboat
or engine.

Every person having charge of a steamboat used for the conveyance of passengers, or of a boiler or engine thereof, who, from ignorance, recklessness or gross negligence, or for the purpose of excelling another boat in speed, shall create or allow to be created such an undue quantity of steam as to burst the boiler or other apparatus in which it is generated or contained, or to break any apparatus or machinery connected therewith, whereby the death of a human being is occasioned; and every engineer or other person having charge of a steam boiler, steam engine or other apparatus for generating or applying steam, who, wilfully or from ignorance or gross negligence, shall create or allow to be created such an undue quantity of steam as to burst the boiler, engine or apparatus, or to cause any other accident, whereby the death

of a human being is occasioned, shall be guilty of manslaughter.

SEC. 150. *Liability of Intoxicated Physician.*

Every physician or surgeon, or person practicing as such, who, being in a state of intoxication, or under the influence of any narcotic drug, shall prescribe or administer any poison, drug or medicine, or do any other act as a physician, to another person, which, though done without design, shall cause the death of the latter, shall be guilty of manslaughter.

Liability of
intoxicated
physician.

SEC. 151. *Keeping Explosive Unlawfully.*

Every person who shall make or keep gun powder, or any other explosive substance, in a city or village, in any quantity or manner prohibited by law or by ordinance of such municipality, if an explosion thereof shall occur whereby the death of a human being is occasioned, shall be guilty of manslaughter.

Keeping
explosive
unlawfully.

SEC. 152. *Homicide, When Excusable.*

Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, with ordinary caution and without any unlawful intent.

Homicide,
when
excusable.

SEC. 153. *Justifiable Homicide by Public Officer.*

Homicide is justifiable when committed by a public officer, or person acting under his command and in his aid, in the following cases:

Justifiable
homicide by
public officer.

1. In obedience to the judgment of a competent court.
2. When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.
3. When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace.

SEC. 154. *Homicide by Other Person, When Justifiable.*

Homicide is also justifiable when committed either—

Homicide,
when
justifiable.

1. In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother or sister, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or

2. In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling, or other place of abode, in which he is.

MAIMING.

SEC. 155. *Defined—How Punished.*

Defined.

Every person who, with intent to commit a felony, or to injure, disfigure or disable another, shall wilfully inflict upon him an injury which—

1. Seriously disfigures his person by any mutilation thereof; or

2. Destroys or displaces any member or organ of his body; or

3. Seriously diminishes his physical vigor by the injury of any member or organ;

Shall be guilty of maiming and be punished by imprisonment in the state penitentiary for not more than ten years, and the wilful infliction of the injury shall be *prima facie* evidence of the intent.

SEC. 156. *Instrument or Manner of Maiming.*

Manner of
maiming.

To constitute maiming it is immaterial by what means or instrument or in what manner the injury was inflicted.

SEC. 157. *Recovery from Injury, When a Defense.*

Recovery
from injury.

Whenever upon a trial for maiming another person it shall appear that the injury inflicted will not result in any permanent disfiguration of appearance, dimunition of vigor, or other permanent injury, no conviction for maiming shall be had, but the defendant may be convicted of assault in any degree.

KIDNAPING.

SEC. 158. *Defined—How Punished.*

Every person who shall wilfully—

1. Seize, confine, or inveigle another with intent to cause him without authority of law to be secretly confined or imprisoned, or in any way held to service, or with intent to extort or obtain money or reward for his return, release, or disposition, or to lead, take, entice away, or detain, a child under the age of sixteen years with intent to conceal him from his parent, guardian or other person having lawful care or control of him, or to steal any article upon his person; or

2. Abduct, entice, or by force or fraud unlawfully take or carry away another to or from a place without the state, and shall afterwards send, bring or keep such person, or cause him to be kept or secreted within this state;

Shall be guilty of kidnaping, and punished by imprisonment in the state penitentiary for not less than ten years.

SEC. 159. *Selling Services of Person Kidnaped.*

Every person, who within this state or elsewhere, shall sell or in any manner transfer for any term, the services or labor of any person who has been forcibly taken, inveigled, or kidnaped in or from this state, shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 160. *Venue—Effect of Consent.*

Any proceeding for kidnaping may be instituted either in the county where the offense was committed or in any county through or in which the person kidnaped or confined was taken or kept while under confinement or restraint. Upon a trial for violation of section 158 or 159 of this act, the consent thereto of the person kidnaped or confined shall not be a defense unless it appears satisfactorily to the jury that such person was above the age of sixteen years and that his consent was not extorted by threats, duress or fraud.

ASSAULT.

SEC. 161. *Assault in First Degree Defined—How Punished.*

First degree defined.

Every person who, with intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another—

1. Shall assault another with a firearm or any deadly weapon or by any force or means likely to produce death; or

2. Shall administer to or cause to be taken by another, poison or any other destructive or noxious thing so as to endanger the life of another person, shall be guilty of assault in the first degree and shall be punished by imprisonment in the state penitentiary for not less than five years.

SEC. 162. *Assault in the Second Degree—How Punished.*

Second degree.

Every person who, under circumstances not amounting to assault in the first degree—

1. With intent to injure, shall unlawfully administer to or cause to be taken by another, poison or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or

2. With intent thereby to enable or assist himself or any other person to commit any crime, shall administer to, or cause to be taken by, another, chloroform, ether, laudanum or any other intoxicating narcotic or anaesthetic; or

3. Shall wilfully inflict grievous bodily harm upon another with or without a weapon; or

4. Shall wilfully assault another with a weapon or other instrument or thing likely to produce bodily harm; or

5. Being armed with a deadly weapon shall wilfully assault another with a whip; or

6. Shall assault another with intent to commit a felony, or to prevent or resist the execution of any lawful process or mandate of any court officer, or the lawful apprehension or detention of himself or another person; or

7. While hunting any game or other animals or birds, shall shoot another;

Shall be guilty of assault in the second degree and be punished by imprisonment in the state penitentiary for not more than ten years or by a fine of not more than one thousand dollars, or by both.

SEC. 163. *Assault in the Third Degree—How Punished.*

Every person who shall commit an assault or an assault and battery not amounting to assault in either the Third degree. first or second degrees, shall be guilty of assault in the third degree, and shall be punished as for a gross misdemeanor.

SEC. 164. *Force, When Lawful.*

The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases: Force, when lawful.

1. Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;

2. Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;

3. Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than shall be necessary;

4. Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice or scholar;

5. Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been

stopped and the force used is not more than shall be necessary to expel the offender with reasonable regard to his personal safety;

6. Whenever used by any person to prevent an idiot, lunatic or insane person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

SEC. 165. *Provoking Assault.*

Provoking
assault.

Every person who shall by word, sign or gesture, willfully provoke, or attempt to provoke, another person to commit an assault or breach of the peace, shall be guilty of misdemeanor.

ROBBERY.

SEC. 166. *Defined.*

Defined.

Robbery is the unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property, or the person or property of a member of his family, or of anyone in his company at the time of the robbery. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. If used merely as a means of escape, it does not constitute robbery. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear. Every person who shall commit robbery shall be punished by imprisonment in the state penitentiary for not less than five years.

DUELS.

SEC. 167. *Duel, How Punished.*

Duel, how
punished.

Every person who shall fight a duel or engage in any combat with another with a deadly weapon, by previous

agreement, or upon a previous quarrel, although no death or wound shall ensue, shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 168. *Challenger, Abettor, Etc.*

Every person who shall challenge another to fight a duel, or who shall send a written or verbal message purporting or intended to be a challenge to fight a duel, or an invitation to a combat with deadly weapons, or shall accept such a challenge or message, or shall knowingly carry or deliver such challenge or message, or be present at the time appointed for such duel or combat, or when the same is fought, either as second, aide, or surgeon, or who shall advise, or abet, or give any countenance or assistance to such duel or combat upon previous agreement, shall be punished by imprisonment in the state penitentiary for not more than five years.

Challenger,
abettor.

SEC. 169. *Attempt to Induce Challenge, Posting.*

Every person who shall send or use to another any word or sign whatever with intent to provoke or induce such person to give or receive a challenge to fight a duel, or who shall post or advertise another for not fighting a duel or for not sending or accepting a challenge to fight a duel, or who, in writing or in print, shall use reproachful or contemptuous language to or concerning anyone for not sending or accepting a challenge to fight a duel, or for not fighting a duel, shall be guilty of a gross misdemeanor.

Inducing
challenge.

SEC. 170. *Duel Outside State, Venue.*

Every person who shall leave the state with intent to elude any provision of sections 167 or 168 of this act, or to commit any act outside of the state punished by the provisions thereof, if committed in the state, shall be guilty of the same offense and subject to the same punishment as if the act had been committed or was to have been consummated in the state and may be proceeded against and tried in any county therein, but a former conviction or acquittal in another state or county for the same offense shall be a bar to further proceedings against him for such offense.

Duel outside
state, venue.

SEC. 171. *Witnesses.*

Witnesses.

Every person offending against any provision contained in sections 167 to 170, inclusive, of this act, shall be a competent witness against any other offender in the same transaction, and shall not be excused from giving testimony tending to incriminate himself.

LIBEL AND SLANDER.

SEC. 172. *Libel Defined.*

Libel defined.

Every malicious publication by writing, printing, picture, effigy, sign or otherwise than by mere speech, which shall tend:

1. To expose any living person to hatred, contempt, ridicule or obliquy, or to deprive him of the benefit of public confidence or social intercourse; or

2. To expose the memory of one deceased to hatred, contempt, ridicule or obliquy; or

3. To injure any person, corporation or association of persons in his or their business or occupation, shall be a libel. Every person who publishes a libel shall be guilty of a gross misdemeanor.

SEC. 173. *How Justified or Excused—Malice, When Presumed.*

Justification—malice.

Every publication having the tendency or effect mentioned in section 172 of this act shall be deemed malicious unless justified or excused. Such publication is justified whenever the matter charged as libelous charges the commission of a crime, is a true and fair statement, and was published with good motives and for justifiable ends. It is excused when honestly made in belief of its truth and fairness and upon reasonable grounds for such belief, and consists of fair comments upon the conduct of any person in respect of public affairs, made after a fair and impartial investigation.

SEC. 174. *Publication Defined.*

Publication defined.

Any method by which matter charged as libelous may be communicated to another shall be deemed a publication thereof.

SEC. 175. *Liability of Editors and Others.*

Every editor or proprietor of a book, newspaper or serial, and every manager of a co-partnership or corporation by which any book, newspaper or serial is issued, is chargeable with the publication of any matter contained in any such book, newspaper or serial, but in every prosecution for libel the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes by another who had no authority from him to make such publication, and was retracted by him as soon as known with an equal degree of publicity.

Liability of editors.

SEC. 176. *Report of Proceedings Privileged.*

No prosecution for libel shall be maintained against a reporter, editor, proprietor, or publisher of a newspaper for the publication therein of a fair and true report of any judicial, legislative or other public and official proceeding, or of any statement, speech, argument or debate in the course of the same, without proving actual malice in making the report. The editor or proprietor of a book, newspaper or serial shall be proceeded against in the county where such book, newspaper or serial is published.

Proceedings privileged.

SEC. 177. *Venue Punished [Punishment] Restricted.*

Every other person publishing a libel in this state may be proceeded against in any county where such libelous matter was published or circulated, but a person shall not be proceeded against for the publication of the same libel against the same person in more than one county.

Venue.

SEC. 178. *Privileged Communications.*

Every communication made to a person entitled to or concerned in such communication, by one also concerned in or entitled to make it, or who stood in such relation to the former as to offer a reasonable ground for supposing his motive to be innocent, shall be presumed not to be malicious, and shall be termed a privileged communication.

Privileged communications.

SEC. 179. *Furnishing Libelous Information.*

Every person who shall wilfully state, deliver or transmit by any means whatever, to any manager, editor, pub-

Furnishing libelous information.

lisher, reporter or other employe of a publisher of any newspaper, magazine, publication, periodical or serial, any statement concerning any person or corporation, which, if published therein, would be a libel, shall be guilty of a misdemeanor.

SEC. 180. *Threatening to Punish [Publish] Libel.*

Threatening
libel.

Every person who shall threaten another with the publication of a libel concerning the latter, or his spouse, parent, child, or other member of his family, and every person who offers to prevent the publication of a libel upon another person upon condition of the payment of, or with intent to extort money or other valuable consideration from any person, shall be guilty of a gross misdemeanor.

SEC. 181. *Slander of Woman.*

Slander of
woman.

Every person who, in the presence or hearing of any person other than the female slandered, whether she be present or not, shall maliciously speak of or concerning any female of the age of twelve years or upwards, not a common prostitute, any false or defamatory words or language which shall injure or impair the reputation of any such female for virtue or chastity or which shall expose her to hatred, contempt or ridicule, shall be guilty of a misdemeanor. Every slander herein mentioned shall be deemed to be malicious unless justified, and shall be justified when the language charged as slanderous, false or defamatory is true and fair, and was spoken with good motives and for justifiable ends.

SEC. 182. *Testimony Necessary to Convict.*

Testimony
to convict.

No conviction shall be had under the provisions of section 181 of this act, upon the testimony of the woman slandered unsupported by other evidence.

CHAPTER 6.

CRIMES AGAINST MORALITY, DECENCY, ETC.

RAPE, ABDUCTION, CARNAL ABUSE, ETC.

SEC. 183. *Rape.*

Rape.

Rape is an act of sexual intercourse with a female not the wife of the perpetrator committed against her will and without her consent. Every person who shall perpe-

trate such an act of sexual intercourse with a female of the age of ten years or upwards not his wife:

1. When, through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent; or

2. When her resistance is forcibly overcome; or

3. When her resistance is prevented by fear of immediate and great bodily harm which she has reasonable cause to believe will be inflicted upon her; or

4. When her resistance is prevented by stupor or weakness of mind produced by an intoxicating narcotic or anaesthetic agent administered by or with the privity of the defendant; or

5. When she is at the time unconscious of the nature of the act, and this is known to the defendant;

Shall be punished by imprisonment in the state penitentiary for not less than five years.

SEC. 184. *Carnal Knowledge of Children.*

Every person who shall carnally know and abuse any female child under the age of eighteen years, not his wife, shall be punished as follows:

Carnal knowledge of children.

1. When such child is under the age of ten years, by imprisonment in the state penitentiary for life;

2. When such child is ten and under fifteen years of age, by imprisonment in the state penitentiary for not less than five years;

3. When such child is fifteen and under eighteen years of age, and of previously chaste character, by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year.

SEC. 186. *Sexual Intercourse and Carnal Knowledge Defined.*

Any sexual penetration, however slight, is sufficient to complete sexual intercourse or carnal knowledge.

Sexual intercourse and carnal knowledge defined.

SEC. 186. *Compelling a Woman to Marry.*

Every person who, by force, menace, or duress, shall compel a woman against her will to marry him or to marry any other person, or to be defiled, shall be punished by

Compelling a woman to marry.

imprisonment in the state penitentiary for not more than twenty years, or by a fine of not more than one thousand dollars, or by both.

SEC. 187. *Abduction.*

Every person who—

Abduction.

1. Shall take a female under the age of eighteen years for the purpose of prostitution or sexual intercourse, or without the consent of her father, mother, guardian or other person having legal charge of her person, for the purpose of marriage; or

2. Shall inveigle or entice an unmarried female of previously chaste character into a house of ill-fame or assignation, or elsewhere, for the purpose of prostitution; or

3. Shall take or detain a woman unlawfully against her will, with intent to compel her by force, menace or duress, to marry him or another person, or to be defiled; or

4. Being the parent, guardian or other person having legal charge of the person of a female under the age of eighteen years, shall consent to her taking or detention by any person for the purpose of prostitution or sexual intercourse or for any obscene, indecent or immoral purpose;

Shall be guilty of abduction and punished by imprisonment in the state penitentiary for not more than ten years or by a fine of not more than one thousand dollars, or by both.

SEC. 188. *Placing Female in House of Prostitution.*

Every person who—

Placing
female in
house of
prostitution.

1. Shall place a female in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that she shall live a life of prostitution, or who shall compel any female to reside with him or with any other person for immoral purposes, or for the purposes of prostitution, or shall compel any such female to reside in a house of prostitution or to live a life of prostitution; or

2. Shall ask or receive any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any female for the

purpose of causing her to cohabit with any male person or persons not her husband; or

3. Shall give, offer, or promise any compensation, gratuity or reward, to procure any female for the purpose of placing her for immoral purposes in any house of prostitution, or elsewhere, against her will; or

4. Being the husband of any woman, or the parent, guardian or other person having legal charge of the person of a female under the age of eighteen years, shall connive at, consent to, or permit her being or remaining in any house of prostitution or leading a life of prostitution; or

5. Shall live with or accept any earnings of a common prostitute, or entice or solicit any person to go to a house of prostitution for any immoral purpose, or to have sexual intercourse with a common prostitute;

Shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than two thousand dollars.

SEC. 189. *Seduction.*

Every person who shall seduce and have sexual intercourse with any female of previously chaste character, shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both fine and imprisonment: *Provided*, That if at any time before judgment upon an information or indictment, a defendant shall marry such female, the court shall order all further proceedings stayed; and if at any time within three years from the date of such marriage the defendant shall wrongfully fail to support or provide for or shall wrongfully desert or abandon such wife, said proceeding shall be revived and continued in the same manner as though no marriage had taken place, and in the trial of such cause the wife shall be competent to testify and may testify against her husband.

SEC. 190. *Indecent Assault.*

Indecent
assault.

Every person who shall take any indecent liberties with, or on the person of any female of chaste character, without her consent, or with or on the person of any female under the age of eighteen years, of chaste character, with or without her consent, shall be guilty of a gross misdemeanor.

SEC. 191. *Corroborating Evidence Necessary.*

Corroborat-
ing evidence.

No conviction shall be had for violation of any of the foregoing provisions of this chapter upon the testimony of the female upon or against whom the crime was committed, unless supported by other evidence.

CRIMES AGAINST CHILDREN, ETC.

SEC. 192. *Abandonment of Wife or Child.*

Abandon-
ment.

Every person who shall wilfully and without lawful excuse desert, or wilfully neglect or refuse to provide for the support and maintenance of, his wife, or child under the age of sixteen years, either said wife or child being in necessitous circumstances, shall be punished by imprisonment in the state penitentiary for not more than three years, or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment: *Provided*, That, before trial, with the consent of the defendant, or after conviction, the court may, in its discretion, require the defendant to enter into a recognizance in such amount as the court may fix, with or without sureties, conditioned that such defendant will faithfully pay weekly, such sum and for such a time as the court may direct, to or for the benefit of such wife or child, and so long as the defendant shall faithfully comply with the conditions of such recognizance, all proceedings in such action, or upon such judgment, shall be stayed; but if the defendant shall fail to comply with the conditions of such recognizance, or shall fail to comply with any order for his appearance in said court, such proceeding shall be revived and continued as if no stay had taken place.

SEC. 193. *Keepers of Concert Saloons, etc.*

Every person who—

1. Shall admit to or allow to remain in any dance house, public pool or billiard hall, concert saloon, or in any place except a restaurant or dining room, where intoxicating liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, in whole or in part, any person under the age of twenty-one years; or,

Public resorts.

2. Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium, or any preparation thereof, is smoked, or where any narcotic drug is used, any person under the age of twenty-one years; or,

3. Shall sell, or give, or permit to be sold, or given to any person under the age of twenty-one years any intoxicating liquor, cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or,

4. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, pistol, or toy pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

SEC. 194. *Employment of Minors Prohibited.*

Every person who shall employ, or cause to be employed, exhibit or have in his custody for exhibition or employment any minor actually or apparently under the age of eighteen years; and every parent, relative, guardian, employer or other person having the care, custody, or control of any such minor, who shall in any way procure or consent to the employment of such minor—

Employment of minors.

1. In begging, receiving alms, or in any mendicant occupation; or,

2. In any indecent or immoral exhibition or practice;
or,

3. In any practice or exhibition dangerous or injurious to life, limb, health or morals; or,

4. As a messenger for delivering letters, telegrams, packages or bundles, to any known house of prostitution or assignation;

Shall be guilty of a misdemeanor.

SEC. 195. *Employment of Children.*

Employment
of children.

Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any male child under the age of fourteen years or any female child under the age of sixteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

ABORTION.

SEC. 196. *Defined.*

Defined.

Every person who, with intent thereby to produce the miscarriage of a woman, unless the same is necessary to preserve her life or that of the child whereof she is pregnant, shall—

1. Prescribe, supply, or administer to a woman, whether pregnant or not, or advise or cause her to take any medicine, drug or substance; or,

2. Use, or cause to be used, any instrument or other means;

Shall be guilty of abortion, and punished by imprisonment in the state penitentiary for not more than five years, or in the county jail for not more than one year.

SEC. 197. *Pregnant Women Attempting Abortion.*

Attempting
abortion.

Every pregnant woman who shall take any medicine, drug or substance, or use or submit to the use of any instrument or other means, with intent thereby to produce

her own miscarriage, unless the same is necessary to preserve her life or that of the child whereof she is pregnant, shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than one thousand dollars.

SEC. 198. *Selling Drugs, etc.*

Every person who shall manufacture, sell or give away any instrument, drug, medicine, or other substance, knowing or intending that the same may be unlawfully used in procuring the miscarriage of a woman, shall be guilty of a gross misdemeanor. Selling drugs.

SEC. 199. *Evidence.*

In any prosecution for abortion, attempting abortion, or selling drugs unlawfully, no person shall be excused from testifying as a witness on the ground that said testimony would tend to incriminate himself. Evidence.

SEC. 200. *Concealing Birth.*

Every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after its birth, shall be guilty of a gross misdemeanor. Concealing birth.

BIGAMY, ADULTERY, ETC.

SEC. 201. *Bigamy Defined—How Punished—Exceptions.*

Every person who, having a husband or wife living, shall marry another person, or continue to cohabit with such second husband or wife in this state, shall be guilty of bigamy and be punished by imprisonment in the state penitentiary for not more than five years: *Provided*, That this section shall not extend to a person— Bigamy defined.

1. Whose former husband or wife has been absent for five years exclusively then last past, without being known to him or her within that time to be living, and believed to be dead; or,

2. Whose former marriage has been pronounced void, annulled or dissolved by a court of competent jurisdiction.

SEC. 202. *Punishment of Consort.*

Punishment
of consort.

Every person who shall knowingly enter into a bigamous marriage with another, or, after such marriage, continue to cohabit with such other, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars.

SEC. 203. *Incest.*

Incest. . .

Whenever any male and female persons, nearer of kin to each other than second cousins, computing by the rules of the civil law, whether of the half or the whole blood, shall have sexual intercourse together, both shall be guilty of incest and punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 204. *Crime Against Nature.*

Crime
against
nature.

Every person who shall carnally know in any manner any animal or bird; or who shall carnally know any male or female person by the anus, or with the mouth or tongue; or who shall voluntarily submit to such carnal knowledge; or who shall attempt sexual intercourse with a dead body, shall be guilty of sodomy and shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 205. *Adultery.*

Adultery.

Whenever any married woman shall have sexual intercourse with a man other than her husband, whether married or not, both shall be guilty of adultery and punished by imprisonment in the state penitentiary for not more than two years or by a fine of not more than one thousand dollars: *Provided*, That no prosecution for violation of this section shall be commenced except on complaint of the husband or wife, nor after one year from the commission of the offense.

SEC. 206. *Lewdness.*

Lewdness.

Every person who shall lewdly and viciously cohabit with another not the husband or wife of such person, and every person who shall be guilty of open or gross lewdness, or make any open and indecent or obscene exposure of

his person, or of the person of another, shall be guilty of a gross misdemeanor.

SEC. 207. *Obscene Literature.*

Every person who—

1. Shall sell, lend, or give away, or have in his possession with intent to sell, lend, give away or show any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or who shall design, copy, draw, photograph, print, utter, publish or otherwise prepare such a book, picture, drawing, paper or other article; or write or print any circular, advertisement or notice of any kind, or give oral information stating when, where, how or of whom such an indecent or obscene article or thing can be purchased or obtained; or,

Obscene
literature.

2. Shall sell, lend, give away or have in his possession with intent to sell, lend, give away or show any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or largely made up of criminal news, police reports, accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime; or,

3. Shall exhibit within the view of any minor any of the books, papers or other things hereinbefore enumerated; or,

4. Shall hire, use or employ, or having custody or control of his person shall permit any minor to sell, give away, or in any manner distribute any article hereinbefore mentioned; or,

5. Shall cause to be performed or exhibited, or engage in the performance or exhibition of any obscene, indecent or immoral show, act or performance;

Shall be guilty of a gross misdemeanor.

SEC. 208. *Indecent Articles, etc.*

Every person who shall expose for sale, loan or distribution, any instrument or article, or any drug or medicine, for the prevention of conception, or for causing unlawful abortion; or shall write, print, distribute or exhibit any

Indecent
articles.

card, circular, pamphlet, advertisement or notice of any kind, stating when, where, how, or of whom such article or medicine can be obtained, shall be guilty of a misdemeanor.

SEC. 209. *Prohibited Publications.*

Prohibited
publications.

Every person who shall publish, and every proprietor, manager or editor who shall permit to be published, in any book, newspaper, magazine or other printed publication circulated wholly or in part in this state—

1. Any detailed account of the commission or attempted commission of the crime of rape, carnal knowledge, seduction, adultery, sodomy or any other sexual crime, or of the trial of any person charged therewith; or,

2. Any detailed account of the execution of any person convicted of crime; or,

3. Any detailed statement of any evidence of indecent, obscene or immoral acts offered in any trial or proceeding; or,

4. Any interview with, advertisement for, communication from or account of the actions of any public prostitute, except upon a matter concerning public welfare;

Shall be guilty of a misdemeanor.

SEC. 210. *Advertising Cures.*

Advertising
cures.

Every person who shall publish, and every proprietor, manager or editor who shall permit to be published in any publication whatever, and every person who shall cause to be displayed or distributed in any public manner any card or notice advertising any treatment or cure for any venereal disease or any disease or weakness of the sexual organs caused by sexual vice or abuse, shall be guilty of a misdemeanor.

SEC. 211. *Advertising for Divorce Business.*

Advertising
for divorce
business.

Every person who shall cause to be published in any newspaper, magazine or other publication, or who shall cause or allow to be posted or distributed in any place frequented by the public any card or notice offering to procure or obtain, or to aid in procuring or obtaining any divorce or the dissolution or nullification of any marriage, or offering to appear or act as attorney or counsel in any

suit for divorce, alimony, or the dissolution or nullification of any marriage, either in this state or elsewhere, shall be guilty of a misdemeanor.

LOTTERIES.

SEC. 212. *Defined—A Nuisance—Drawing—How Punished.*

A lottery is a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance, whether it shall be called a lottery, raffle, gift enterprise, or by any other name, and is hereby declared unlawful and a public nuisance. Defined.

Every person who shall contrive, propose or draw a lottery, or shall assist in contriving, proposing or drawing a lottery, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars, or by both.

SEC. 213. *Selling Tickets, Advertising.*

Every person who shall sell, give, or in any way whatever furnish or transfer to or for another, a ticket, chance, share or interest, or any paper, certificate or instrument purporting to be or to represent a ticket, chance, share or interest in, or dependent upon the event of, a lottery, to be drawn within or without the state; or who by writing, printing, circular or letter, or in any other way shall advertise or publish the account of a lottery in or out of the state, stating how, when or where the same is to be or has been drawn, or what are the prizes therein, or any of them, or the price of a ticket, or any share or interest therein, or where or how it may be obtained, shall be guilty of a gross misdemeanor. Selling tickets, advertising.

SEC. 214. *Disposal of Property by Lottery—Keeping Office—Letting Building.*

Every person who shall offer for sale or distribution in any way any real or personal property, or any interest therein, to be determined by lot or chance, dependent upon the drawing of a lottery in or out of the state; or who shall sell, furnish or procure in any manner a chance or Disposal of property by lottery.

share, or any interest in property offered for sale or distribution in violation of this section, or a ticket or other evidence of any such chance, share or interest; or who shall open, set up, or keep for himself or another, an office or place for registering the number of tickets in a lottery in or out of the state, or for making, receiving, or registering any bets or stakes for the drawing or result of such lottery; or who shall advertise or in any way publish any account of an opening, setting up, or keeping of such an office or place; or who shall knowingly let, or permit to be used, any building or portion thereof for any of the purposes specified in this subdivision;

Office.

Shall be guilty of a gross misdemeanor.

SEC. 215. *Insuring Lottery Tickets—Advertising Offers to Insure.*

Every person who shall insure, or receive any consideration for insuring, for or against the drawing of a ticket, share or interest in a lottery, or of a number of such ticket, share or interest; or who shall receive any valuable consideration, upon an agreement to pay money or deliver property in the event that a ticket, share or interest, or a number of such a ticket, share or interest in a lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn in a proper way or in a proper order; or who shall promise or agree or offer to pay money or deliver property, or to do or forbear to do any act for the benefit of any person, with or without consideration, upon any accident or contingency dependent upon the drawing thereof, or of any number or ticket therein, or who, by writing, printing, circular or letter, or in any way, shall advertise or publish an offer, notice or proposition in violation of the provisions of this section;

Lottery tickets.

Shall be guilty of a gross misdemeanor.

SEC. 216. *Lotteries Out of State—Advertisement by Non-Residents.*

The provisions of this subdivision are applicable to lotteries drawn, or to be drawn out of the state, whether authorized or not by the laws of the state or country where they are to be drawn, in the same manner as to those in

Lotteries out of state.

the state, and every provision of law relating to advertising lotteries or offers to insure lottery tickets, shall be applicable, whenever the advertisement was published, or the letter or circular sent or delivered, through or in the state, though the person causing or procuring the same to be published, sent or delivered was out of the state at the time of so doing.

GAMBLING.

SEC. 217. *Conducting Gambling.*

Every person who shall open, conduct, carry on or operate, whether as owner, manager, agent, dealer, clerk, Conducting gambling. or employe, and whether for hire or not, any gambling game or game of chance, played with cards, dice, or any other device, or any scheme or device whereby any money or property or any representative of either, may be bet, wagered or hazarded upon any chance, or any uncertain or contingent event, shall be a common gambler, and shall be punished by imprisonment in the state penitentiary for not more than five years.

SEC. 218. *Gambling.*

Every person who shall bet, wager or hazard any money or property, or any representative of either, upon any Gambling. game, scheme or device, opened, conducted, carried on or operated in violation of the last section shall be guilty of a misdemeanor.

SEC. 219. *Swindling.*

Every person who, by color, or aid of any trick or sleight of hand performance, or by any fraud or fraudulent scheme, cards, dice, or device, shall win for himself Swindling. or for another any money or property, or representative of either, shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 220. *Possession of Gambling Devices.*

Every person who shall have in his possession or shall permit to be placed or kept in any building or boat, or part thereof, owned, leased or occupied by him, any table, Gambling devices. slot machine, or any other article, device or apparatus of a kind commonly used for gambling, or operated for the

losing or winning of any money or property, or any representative of either, upon any chance or uncertain or contingent event, shall be guilty of a gross misdemeanor.

SEC. 221. *Pool Selling and Book-Making.*

Pool selling
and book-
making.

Every person, whether acting in his own behalf, or as an agent, servant or employe of another person within or outside of this state, who shall sell any pool, make any book, or receive, record, register, transmit or forward any bet or wager, or any money or property or thing of value designed or intended to be bet, wagered or hazarded, upon the result of any contest or trial of skill, speed or endurance between men or beasts, whether such contest or trial take place within or outside of this state, or upon the result of any lot, chance, casualty, or uncertain or contingent event whatever, shall be punished by imprisonment in the state penitentiary for not more than five years.

SEC. 222. *Allowing Building to Be Used.*

Use of
premises.

Every person being in possession or control of any tent, building, float or vessel, or part thereof, who shall knowingly permit the same, or any part thereof, to be used for gambling, swindling, pool selling, or bookmaking, or for betting, wagering or hazarding money or property, or any representative of either, upon any game, scheme or device, or upon the result of any lot, chance or uncertain or contingent event whatever, shall be guilty of a gross misdemeanor.

SEC. 223. *Bucket Shop Defined.*

Bucket shop
defined.

A bucket shop is hereby defined to be a shed, tent, tenement, booth, building, float or vessel, or any part thereof, wherein may be made contracts respecting the purchase or sale upon margin or credit of any commodities, securities, or property, or option for the purchase thereof, wherein both parties intend that such contract shall or may be terminated, closed and settled; either,

1. Upon the basis of the market prices quoted or made on any board of trade or exchange upon which such commodities, securities or property may be dealt in; or,

2. When the market prices for such commodities, securities or property shall reach a certain figure in any such board of trade or exchange; or,

3. On the basis of the difference in the market prices at which said commodities, securities or property are, or purport to be, bought and sold.

SEC. 224. *Maintaining Bucket Shop—Penalty.*

Every person, whether in his own behalf, or as agent, servant or employe of another person, within or outside of this state, who shall open, conduct or carry on any bucket shop, or make or offer to make any contract described in the last section, or with intent to make such a contract, or assist therein, shall receive, exhibit, or display any statement of market prices of any commodities, securities, or property, shall be punished by imprisonment in the state penitentiary for not more than five years.

Maintaining
bucket shop.

SEC. 225. *Written Statement to Be Furnished—Presumption.*

Every person, whether in his own behalf, or as the servant, agent or employe of another person, within or outside of this state, who shall buy or sell for another, or execute any order for the purchase or sale of any commodities, securities or property, upon margin or credit, whether for immediate or future delivery, shall, upon written demand therefor, furnish such principal or customer with a written statement containing the names of the persons from whom such property was bought, or to whom it has been sold, as the case may be, the time when, the place where, the amount of, and the price at which the same was either bought or sold; and if such person shall refuse or neglect to furnish such statement within forty-eight hours after such written demand, such refusal shall be *prima facie* evidence as against him that such purchase or sale was made in violation of section 224 of this act.

Written
statement.

SEC. 226. *Seizure and Disposition of Gambling Devices.*

It shall be the duty of all peace officers to search for and seize all tables, slot machines, or other article, ma-

Seizure of
gambling
devices.

chine, device or apparatus of the kind commonly used for gambling, or operated for the winning or losing of money or property, or any representative of either, upon any chance or uncertain or contingent event, and all property useful in the operation or maintenance of a bucket shop, and take the same before a magistrate. If in the judgment of such magistrate any of such articles may be useful as evidence in the trial of any case, he may order the same held for such trial or delivered to the prosecuting attorney; otherwise, he shall order the same to be forthwith destroyed. After the final hearing and disposition of any case in which any of said articles may be held or used as evidence, whether such case result in a conviction or acquittal, the magistrate or judge having jurisdiction of such case shall forthwith order all such articles destroyed.

SEC. 227. *Bunco-Steering.*

Bunco-
steering.

Every person who shall entice, or induce another, upon any pretense, to go to any place where any gambling game, scheme or device, or any trick, sleight of hand performance, fraud or fraudulent scheme, cards, dice or device, is being conducted or operated; or while in such place shall entice or induce another to bet, wager or hazard any money or property, or representative of either, upon any such game, scheme, device, trick, sleight of hand performance, fraud or fraudulent scheme, cards, dice, or device, or to execute any obligation for the payment of money, or delivery of property, or to lose, advance, or loan any money or property, or representative of either, shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 228. *Evidence—Testimony of Player.*

Testimony of
player.

No person shall be excused from giving testimony concerning any offense committed by another against any of the provisions of sections 217 or 221, inclusive, of this act, by reason of his having bet or played at the prohibited game or device.

PAWN BROKERS AND SECOND-HAND DEALERS.

SEC. 229. *Duty to Record Transactions.*

It shall be the duty of every pawn broker and second-hand dealer doing business in any city of the first class in this state to maintain in his place of business a book or other permanent record in which shall be legibly written in the English language, at the time of each loan, purchase or sale, a record thereof containing—

Record of transactions.

1. The date of the transaction;
2. The name of the person or employe conducting the same;
3. The name, age, street and house number, and a general description of the dress, complexion, color of hair, and facial appearance of the person with whom the transaction is had;
4. The name and street and house number of the owner of the property bought or received in pledge;
5. The street and house number of the place from which the property bought or received in pledge was last removed;
6. A description of the property bought or received in pledge, which in the case of watches shall contain the name of the maker and the number of both the works and the case, and in the case of jewelry shall contain a description of all letters and marks inscribed thereon: *Provided*, That when the article bought or received is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction shall be sufficient;
7. The price paid or the amount loaned;
8. The names and street and house numbers of all persons witnessing the transaction; and
9. The the number of any pawn ticket issued therefor.

SEC. 230. *Inspection of Records and Goods.*

Such record, and all goods received, shall at all times during the ordinary hours of business be open to the inspection of the prosecuting attorney or of any peace officer.

Inspection of records.

SEC. 231. *Report to Chief of Police.*

Daily
reports.

Every pawn broker and second-hand dealer doing business in any city of the first and second class shall, before noon of each day, furnish to the chief of police of such city, on such forms as such chief of police may provide therefor, a full, true and correct transcript of the record of all transactions had on the preceding day, and, having good cause to believe that any property in his possession has been previously lost or stolen, he shall forthwith report such fact to the chief of police, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him.

SEC. 232. *Retention of Property.*

Retention of
property.

No property bought or received in pledge by any pawn broker or second-hand dealer shall be removed from his place of business, except when redeemed by the owner thereof, within four days after the receipt thereof shall have been reported to the chief of police as herein provided.

SEC. 233. *Penalty.*

Penalty.

Every pawn broker or second-hand dealer, and every clerk, agent or employe of such pawn broker or second-hand dealer, who shall—

1. Fail to make an entry of any material matter in his book or record kept as provided for in section 231 of this act; or,
2. Make any false entry therein; or,
3. Falsify, obliterate, destroy or remove from his place of business such book or record; or,
4. Refuse to allow the prosecuting attorney or any peace officer to inspect the same, or any goods in his possession, during the ordinary hours of business; or,
5. Report any material matter falsely to the chief of police; or,
6. Having forms provided therefor, shall fail before noon of each day to furnish the chief of police with a full, true and correct transcript of the record of all transactions had on the previous day, it being the intent of this

section that Saturday's business may be reported on Monday; or,

7. Fail to report forthwith to the chief of police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him; or,

8. Remove, or allow to be removed from his place of business, except upon redemption by the owner thereof, any property received, within four days after the receipt thereof shall have been reported to the chief of police; or,

9. Receive any property from any person under the age of twenty-one years, any common drunkard, any habitual user of narcotic drugs, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person be acting in his own behalf or as the agent of another;

Shall be guilty of a misdemeanor.

SEC. 234. *Rates of Interest and Sale of Pledged Property.*

All pawn brokers are authorized to charge and receive interest at the rate of three per cent. a month for money loaned on the security of personal property actually received in pledge, and every person who shall ask or receive a higher rate of interest or discount on any such loan, or on any actual or pretended sale, or redemption of personal property, or who shall sell any property held for redemption within ninety days after the period for redemption shall have expired, shall be guilty of a misdemeanor.

Rates of interest.

SEC. 235. *"Pawn Broker"—Defined.*

Every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or conditional sales of personal property, shall be deemed to be a pawn broker.

"Pawn broker"—defined.

SEC. 236. *"Second-Hand Dealer"—Defined.*

Every person engaged in whole or in part in the business of buying or selling second-hand personal property,

"Second-hand dealer"—defined.

metal junk, or melted metals, shall be deemed to be a second-hand dealer.

RIGHTS OF SEPULTURE.

SEC. 237. *Dissection—When Permitted.*

Dissection.

The right to dissect the dead body of a human being shall be limited to cases specially provided by statute or by the direction or will of the deceased; cases where a coroner is authorized to hold an inquest upon the body, and then only as he may authorize dissection; and cases where the husband, wife or next of kin charged by law with the duty of burial shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized. Every person who shall make, cause or procure to be made any dissection of the body of a human being, except as hereinbefore provided, shall be guilty of a gross misdemeanor.

SEC. 238. *Burial or Cremating.*

Burial or cremating.

Except in cases of dissection provided for in the last section, and where a dead body shall rightfully be carried through or removed from the state for the purpose of burial elsewhere, every dead body of a human being lying within this state, and the remains of any dissected body, after dissection, shall be decently buried, or cremated within a reasonable time after death.

SEC. 239. *Opening Grave—Stealing Body—Receiving Same.*

Opening grave.

Every person who shall remove the dead body of a human being, or any part thereof, from a grave, vault, or other place where the same has been buried or deposited awaiting burial or cremation, without authority of law, with intent to sell the same, or for the purpose of securing a reward for its return, or for dissection, or from malice or wantonness, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars, or by both.

Every person who shall purchase or receive, except for burial or cremation, any such dead body, or any part thereof, knowing that the same has been removed contrary

to the foregoing provisions, shall be punished by imprisonment in the state penitentiary for not more than three years, or by a fine of not more than one thousand dollars, or by both.

Every person who shall open a grave or other place of interment, temporary or otherwise, or a building where such dead body is deposited while awaiting burial or cremation, with intent to remove said body or any part thereof, for the purpose of selling or demanding money for the same, for dissection, from malice or wantonness, or with intent to sell or remove the coffin or of any part thereof, or anything attached thereto, or any vestment, or other article interred, or intended to be interred with the body, shall be punished by imprisonment in the state penitentiary for not more than three years, or by a fine of not more than one thousand dollars, or by both.

SEC. 240. *Interfering With Dead Body or Funeral.*

Every person who shall arrest or attach the dead body of a human being upon a debt or demand, or shall detain or claim to detain it for any debt or demand, or upon any pretended lien or charge; or who, without authority of law, shall obstruct or detain a person engaged in carrying or accompanying the dead body of a human being to a place of burial or cremation, shall be guilty of a misdemeanor.

Interfering
with burial.

SEC. 241. *Opening Road Through Cemetery.*

Every person who shall make or open any road, or construct any railway, turnpike, canal, or other public easement over, through, in, or upon, such part of any inclosure as may be used for the burial of the dead, without authority of law or the consent of the owner thereof, shall be guilty of a misdemeanor.

Road
through
cemetery.

SABBATH BREAKING.

SEC. 242. *Defined.*

Every person who, on the first day of the week, shall promote any noisy or boisterous sport or amusement, disturbing the peace of the day; or who shall conduct or carry on, or perform or employ any labor about any trade

Defined.

or manufacture, except livery stables, garages and works of necessity or charity conducted in an orderly manner so as not to interfere with the repose and religious liberty of the community; or who shall open any drinking saloon, or sell, offer or expose for sale, any personal property, shall be guilty of a misdemeanor: *Provided*, That meals, without intoxicating liquors, may be served on the premises or elsewhere by caterers, and prepared tobacco, milk, fruit, confectionery, newspapers, magazines, medical and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for the good order or health or comfort of a community; but keeping open a barber shop, shaving or cutting hair shall not be deemed a work of necessity or charity, and nothing in this section shall be construed to permit the sale of uncooked meats, groceries, clothing, boots or shoes.

SEC. 243. *Obstructing View of Saloon.*

Obstructing
view of
saloon.

Every person being the owner or manager of or an employe in any drinking saloon who shall obstruct the view of the inside thereof from the outside by means of any screen, shade or other devices on any day shall be guilty of a misdemeanor.

SEC. 244. *Observance of Other Day.*

Observance
of other
day.

It shall be a sufficient defense to a prosecution for performing work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as [will] not disturb others in the observance of the Sabbath.

SEC. 245. *Service of Process on the Sabbath Prohibited.*

Service of
process on
Sabbath.

Every person who shall serve any legal process on the Sabbath day, except in case of a breach, or apprehended breach, of the peace, or when sued out for the apprehension of a person charged with a crime, or where such service is expressly authorized by statute, shall be guilty of a misdemeanor.

SEC. 246. *Preventing Religious Act.*

Every person who by threats or violence shall wilfully prevent another person from performing any lawful act enjoined upon or recommended to him by the religion which he professes, shall be guilty of a misdemeanor.

Preventing
religious act.

SEC. 247. *Disturbing Religious Meeting.*

Every person who shall wilfully disturb, interrupt, or disquiet any assemblage of people met for religious worship—

Disturbing
religious
meeting.

1. By noisy, rude or indecent behavior, profane discourse, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting; or,

2. By exhibiting shows or plays, or promoting any racing of animals, or gaming of any description, or engaging in any boisterous or noisy amusement; or,

3. By disturbing in any manner, without authority of law within one mile thereof, free passage along a highway to the place of such meeting, or by maliciously cutting or otherwise injuring or disturbing a harness, conveyance, tent or other property belonging to any person in attendance upon such meeting;

Shall be guilty of a misdemeanor.

CHAPTER 7.

CRIMES AGAINST PUBLIC HEALTH AND SAFETY.

SEC. 248. *Public Nuisance.*

A public nuisance is a crime against the order and economy of the state. Every place

Public
nuisance.

1. Wherein any gambling, swindling game or device, book making, pool selling, or bucket shop or any agency therefor shall be conducted, or any article, apparatus or device useful therefor shall be kept; or,

2. Wherein any fighting between men or animals or birds shall be conducted; or,

3. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or,

4. Where vagrants resort; and

Every act unlawfully done and every omission to perform a duty, which act or omission

1. Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or,

2. Shall offend public decency; or,

3. Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway; or,

4. Shall in any way render a considerable number of persons insecure in life or the use of property;

Shall be a public nuisance.

SEC. 249. *Unequal Damage.*

Unequal
damage.

An act which affects a considerable number of persons in any of the ways specified in section 248 of this act is not less a public nuisance because the extent of the damage is unequal.

SEC. 250. *Maintaining or Permitting Nuisance.*

Maintaining
nuisance.

Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor.

SEC. 251. *Abatement of Nuisance.*

Abatement of
nuisance.

Any court or magistrate before whom there may be pending any proceeding for a violation of section 250 of this act, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the sheriff at the cost of the defendant.

SEC. 252. *Keeping Explosives Unlawfully.*

Keeping
explosives
unlawfully.

Every person who shall make or keep any explosive or combustible substance in any city or village, or carry it

through the streets thereof in a quantity, or manner prohibited by law, or by ordinance of such municipality; and every person who, by careless, negligent or unauthorized use or management of any such explosive or combustible substance, shall injure or cause injury to the person or property of another, shall be guilty of a misdemeanor.

SEC. 253. Possession of Uninspected Oils and Effacing Brands from Oil Barrels.

Every person who shall sell, or offer for sale, or have in his possession with intent to sell, or who shall knowingly use for illuminating purposes, any oil, or other petroleum product, which shall not have been tested and approved by the state oil inspector, or who shall sell or dispose of any empty oil barrel, cask or package without thoroughly removing and effacing all inspection brands thereon, shall be guilty of a misdemeanor.

Possession of
uninspected
oils.

SEC. 254. Transporting Explosives.

Every person who shall put up for sale, or who shall deliver to any warehouseman, dock, depot, or common carrier any package, cask or can containing benzine, gasoline, naphtha, nitroglycerine, dynamite, powder or other explosive or combustible substance, without having printed thereon in a conspicuous place in large letters the word "Explosive," shall be guilty of a misdemeanor.

Transporting
explosives.

SELLING POISON WITHOUT LABEL, AND RECORDING THE
SAME.

SEC. 255. Person Omitting to Label Drugs, or Labeling Them Wrongly.

Every person who, in putting up any drug, medicine, or food, or preparation used in medical practice, or making up any prescription, or filling any order for drugs, medicines, food or preparation shall put any untrue label, stamp or other designation of contents upon any box, bottle or other package containing a drug, medicine, food or preparation used in medical practice, or substitute or dispense a different article for or in lieu of any article prescribed, ordered, or demanded, or put up a greater or less

Labeling
drugs.

quantity of any ingredient specified in any such prescription, order or demand than that prescribed, ordered, or demanded, or otherwise deviate from the terms of the prescription, order, or demand by substituting one drug for another, shall be guilty of a misdemeanor: *Provided, however,* That, except in the case of physician's prescriptions, nothing herein contained shall be deemed or construed to prevent or impair or in any manner affect the right of an apothecary, druggist, pharmacist or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such other article in place or in lieu of an article ordered, required or demanded, with the knowledge and consent of the purchaser.

SEC. 256. *Selling Poison Without Labeling and Recording the Sale.*

Labeling and
recording
poison.

It shall be unlawful for any person to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth, without affixing or causing to be affixed to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poison printed or written thereon in plain, legible characters, which schedules are as follows, to-wit:

SCHEDULE "A".

Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paragogic and such others as contain less than two grains of opium to the ounce.

SCHEDULE "B".

Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote,

croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less. Every person who shall dispose of or sell at retail or furnish any poisons included under schedule A shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons to any minor, intoxicated person, or person known to be of unsound mind, or to any person without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines, or poisons, on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated under said schedule A, a suitable brand in red ink with the word "poison" upon it. Every person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Dispenser
to be satis-
fied that
purchaser
knows effect
of drug.

SEC. 257. *Regulating the Sale of Narcotic Drugs.*

It shall be unlawful for any person to sell, furnish or dispose of any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine, or any derivative, mixture or preparation of any of them, except upon the signed prescription of a physician duly licensed under the laws of this state, which prescription shall be retained by the person dispensing the same, shall be filled but once, and of which no copy shall be taken by any person. The person dispensing the same shall at the time thereof indorse on the back of such

Narcotics.

Record or
sales.

prescription the name and street and house number of the person to whom dispensed; and the proprietor or manager of the store where dispensed shall keep all such prescriptions in a permanent file, separate from all other prescriptions, in his place of business for the period of two years after the same shall have been dispensed, and shall at any time allow the same to be inspected, and copies thereof to be made by any peace officer, the prosecuting attorney of the county where sold, or any authorized inspector of drugs: *Provided*, That nothing herein contained shall prohibit any manufacturer or licensed druggist from selling or delivering any of the drugs named to a person known to be a licensed physician or licensed druggist, nor prohibit a physician from dispensing the same in good faith to his patients, nor prohibit the sale of patent or proprietary medicines containing opium or morphine, in combination or compound with other active elements wherein the dose of opium is less than one quarter grain, or the dose of morphine is less than one-twentieth grain. Every person who shall violate any of the provisions of this section shall be guilty of a gross misdemeanor.

SEC. 258. *Fraudulent Prescription by Physician.*

Fraudulent
prescription.

Every physician who shall sell or give to or prescribe for any person any opium, morphine, alkaloid (cocaine, or alpha or beta eucaine, or any derivative, mixture or preparation of any of them, or any intoxicating liquor, except to a patient believed in good faith to require the same for medicinal use, and in quantities proportioned to the needs of such patient, shall be guilty of a gross misdemeanor.

SEC. 259. *Presenting Fraudulent Prescription.*

Use or
fraudulent
prescription.

Every person who shall falsely make, forge or alter, or, knowing the same to have been falsely made, forged or altered, shall present to any druggist a physician's prescription with intent by means thereof to procure from such druggist any opium, morphine, alkaloid cocaine, or alpha or beta eucaine, or any derivative, mixture or preparation of any of them, or any intoxicating liquor, shall be guilty of a misdemeanor.

SEC. 260. *Regulating the Sale of Milk and Cream in Cities.*

Every person who, in any city of the first class, shall sell or deliver, or offer for sale, or have in his possession with intent to sell or deliver any milk or cream without having a permit therefor duly issued by the commissioner of health, health officer or inspector of milk in such city, or without having such permit displayed in a conspicuous manner in his place of business, or without having the number of such permit and the name of the owner thereof painted in a conspicuous manner on both outer sides of every wagon or other vehicle used for the sale or delivery of milk or cream, shall be guilty of a misdemeanor.

SEC. 261. *Regulating the Sale of Milk and Cream Generally.*

Every person who shall sell, or deliver, or offer for sale, or have in his possession with intent to sell or deliver—

1. Any unwholesome milk or cream; or,
2. Any milk containing less than 8.75 per cent. of milk solids, exclusive of fat, or less than 3.25 per cent. of fat, except in the manner and under the conditions prescribed for the sale of skimmed milk; or,
3. Any skimmed milk; except under the title "skimmed milk" and in cans or bottles plainly stamped in some prominent and conspicuous manner with the words, "skimmed milk"; and every person who shall sell or serve, or keep for sale or service in any hotel, restaurant or boarding house any skimmed milk without having displayed in a conspicuous manner in every room where so sold or served, placards bearing in large letters the words, "Skimmed Milk Sold Here"; or,
4. Any skimmed milk containing less than 9.3 per cent. of milk solids, exclusive of fat; or,
5. Any cream containing less than eighteen per cent. of fat, shall be guilty of a misdemeanor.

SEC. 262. *"Unwholesome"—Defined.*

Milk or cream shall be deemed unwholesome in the following cases:

1. When any foreign substance has been added there-

Sale of milk.

Purity of milk or cream.

"Unwholesome" milk or cream.

"Unwholesome" milk
or cream.

to or placed therein for the purpose of thickening, coloring or preserving the same; or,

2. When it contains any pathogenic bacteria or germs, pus cells, or blood cells; or,

3. When it contains more than two hundred thousand bacteria or germs of all kinds to the cubic centimetre; or,

4. When any water has been added thereto; or,

5. When any part of it has been drawn from a cow fed on refuse or unwholesome food; or,

6. When any part of it has been drawn from a dirty cow or cow kept in an unclean shed, barn or yard, or has been milked by unclean milkers; or,

7. When any part of it has been contaminated; or,

8. When any part of it has been drawn from an unhealthy cow; or,

9. When any part of it has been exposed to any contagious or infectious disease; or,

10. When any part of it has been drawn from a cow within ten days before or five days after partuition, or in any case before such cow shall be free from fever.

No milk or cream once unwholesome can thereafter be rendered wholesome or salable.

SEC. 263. *"Skimmed Milk"—Defined.*

Defined.

Any milk from which the cream has been removed or which contains less than 3.25 per cent. of butter fat shall be deemed to be "skimmed milk."

SEC. 264. *Wilfully Poisoning Food.*

Poisoning
food.

Every person who shall wilfully mingle poison in any food, drink or medicine intended or prepared for the use of a human being, and every person who shall wilfully poison any spring, well or reservoir of water, shall be punished by imprisonment in the state penitentiary for not less than five years or by a fine of not less than one thousand dollars.

SEC. 265. *Dangerous Weapons—Evidence.*

Dangerous
weapons.

Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as slung shot, sand club, or metal

knuckles; shall furtively carry, or conceal any dagger, dirk, knife, pistol, or other dangerous weapon; or who shall use any contrivance or device for suppressing the noise of any fire arm, shall be guilty of a gross misdemeanor.

SEC. 266. *Setting Spring Gun.*

Every person who shall set a so-called trap, spring pistol, rifle, or other deadly weapon, shall be punished as follows: Setting
spring gun.

1. If no injury result therefrom to any human being, by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both.

2. If injuries not fatal result therefrom to any human being, by imprisonment in the state penitentiary for not more than twenty years.

3. If the death of a human being results therefrom, by imprisonment in the state penitentiary for not more than twenty years.

SEC. 267. *Obstruction of Extinguishment of Fire.*

Every person who, with intent to prevent or obstruct the extinguishment of any fire, shall cut or remove any bell rope, wire or other apparatus for communicating an alarm of fire, or cut, injure or destroy any engine, hose, or other fire apparatus, or otherwise prevent or obstruct the extinguishment of any fire, shall be punished by imprisonment in the state penitentiary for not more than five years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars. Interference
with fire
apparatus.

SEC. 268. *Obstructing Firemen.*

Every person who at the burning of any building shall be guilty of any disobedience to the lawful orders of a public officer or fireman or of resistance to or interference with the lawful efforts of any fireman, or company of firemen to extinguish the same, or of disorderly conduct likely to interfere with the extinguishment thereof, or who shall forbid, prevent or dissuade others from assisting to extinguish such fire, shall be guilty of a misdemeanor. Obstructing
firemen.

SEC. 269. *Smoking—Where Prohibited.*

Smoking.

Every person who shall light a pipe, cigar or cigarette in, or who shall enter with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building, shall be guilty of a misdemeanor.

SEC. 270. *Setting Prohibited Fire.*

Setting prohibited fire.

Every person who, within a county where there is a deputy fire warden, shall burn any wood or brush between the 1st day of June and the 1st day of October in each year, without first obtaining a permit thereto from such deputy fire warden, or who, in setting, guarding or extinguishing any fire in such wood or brush, shall wilfully or negligently fail to observe any precaution prescribed by such deputy fire warden, shall be guilty of a misdemeanor: *Provided*, That nothing herein contained shall prevent any person from burning any logs, stumps, drift or brush heaps in small quantities isolated from other inflammable material under personal supervision and such other safeguards as shall prevent such fires from spreading.

SEC. 271. *Negligent Fires.*

Negligent fires.

Every person who shall wilfully or negligently set, or fail to carefully guard or extinguish any fire, whether on his own land or the land of another, whereby the timber or property of another shall be endangered, or who shall fail to respond to any lawful summons to aid in guarding or extinguishing any fire, shall be guilty of a misdemeanor.

SEC. 272. *Operating Dangerous Engine.*

Operating dangerous engine.

Every person who shall operate or permit to be operated in dangerous proximity to any brush, grass or other inflammable material, any engine or boiler which is not equipped with a modern spark arrester, in good condition, shall be guilty of a misdemeanor.

SEC. 273. *Door of Public Buildings to Swing Outward.*

Doors of public resort.

The doors of all theatres, opera houses, school buildings, churches, public halls, or places used for public en-

tertainments, exhibitions or meetings, which are used exclusively or in part for admission to or egress from the same, or any part thereof, shall be so hung and arranged as to open outwardly, and during any exhibition, entertainment or meeting, shall be kept unlocked and unfastened, and in such condition that in case of danger or necessity, immediate escape from such building shall not be prevented or delayed; and every agent or lessee of any such building who shall rent the same or allow it to be used for any of the aforesaid public purposes without having the doors thereof hung and arranged as hereinbefore provided, shall, for each violation of any provision of this section, be guilty of a misdemeanor.

SEC. 274. *Engineer Who Cannot Read.*

Every person who, as an officer of a corporation or otherwise, shall knowingly employ as an engineer or engine driver, to run a locomotive or train on any railway, any person who cannot read time tables and ordinary handwriting; and every person who, being unable to read time tables and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor.

Illiterate
engineers.

SEC. 275. *Intoxication of Employes.*

Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagman or signalman, or person having charge of stations, starting, regulating or running trains upon a railway, or person employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public street, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Intoxication
of employes

SEC. 276. *Failure to Ring Bell.*

Every engineer driving a locomotive on any railway who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded at least eighty rods from any place where such railway crosses a traveled road or street on the same level (except

Failure to
ring bell.

in cities), or to continue the ringing of such bell or sounding of such whistle until such locomotive shall have crossed such road or street, shall be guilty of a misdemeanor.

SEC. 277. *Other Violations of Duty.*

Nonfeasance
by trainmen.

Every engineer, motorman, gripman, conductor, brakeman, switch tender, train dispatcher or other officer, agent or servant of any railway company, who shall be guilty of any wilful violation or omission of his duty as such officer, agent or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor.

SEC. 278. *Obstructing and Delaying Train.*

Delaying
train.

Every person who shall wilfully obstruct, hinder or delay the passage of any car lawfully operated upon any railway, shall be guilty of a misdemeanor.

SEC. 279. *Speed of Automobile.*

Speed of
automobile.

Every person who shall drive or operate, and every owner, lessee or other person in charge thereof who shall permit to be driven or operated, any automobile or motor vehicle on any public road, highway, park or parkway, street or avenue, within this state—

1. Within a thickly settled or business portion of any city or town, at a rate of speed faster than one mile in five minutes; or

2. Over any crossing, cross-walk or street intersection within the limits of any city or town, when any person is upon the same, at a rate of speed faster than one mile in fifteen minutes; or

3. At any other place, at a rate of speed faster than one mile in two and one-half minutes; or

4. Upon any public road, highway, park or parkway, street or avenue, at any unsafe or unreasonable rate of speed, having proper regard to the safety of any other person or persons using the same, shall be guilty of a misdemeanor.

SEC. 280. *Liability of Person Handling Steamboat or Steam Boiler.*

Every person who shall apply, or cause to be applied to a steam boiler a higher pressure of steam than is allowed by law, or by any inspector, officer or person authorized to limit the same; every captain or other person having charge of the machinery or boiler in a steamboat used for the conveyance of passengers on the waters of this state, who, from ignorance or gross neglect, or for the purpose of increasing the speed of such boat, shall create or cause to be created an undue or unsafe pressure of steam; and every engineer or other person having charge of a steam boiler, steam engine or other apparatus for generating or employing steam, who shall wilfully or from ignorance or gross neglect, create or allow to be created such an undue quantity of steam as to burst the boiler, engine or apparatus, or cause any other accident, whereby human life is endangered, shall be guilty of a gross misdemeanor.

Pressure in steam boilers.

SEC. 281. *Endangering Life by Refusal to Labor.*

Every person who shall wilfully and maliciously, either alone or in combination with others, break a contract of service or employment, knowing or having reasonable cause to believe that the consequence of his so doing will be to endanger human life or to cause grievous bodily injury, or to expose valuable property to destruction or serious injury, shall be guilty of a misdemeanor.

Nonfeasance by laborer.

SEC. 282. *Disturbance on Highway.*

Every person who shall ride or drive any horse upon a public highway, in a manner likely to endanger the safety or life of another, or on such highway shall create or participate in any noise, disturbance or other demonstration calculated or intended to frighten, intimidate or disturb any person, shall be guilty of a misdemeanor.

Disturbance on highway.

SEC. 283. *Dangerous Exhibitions.*

Every proprietor, lessee or occupant of any place of amusement, or any plat of ground or building, who shall allow it to be used for the exhibition of skill in throwing

Dangerous exhibitions.

any sharp instrument or in shooting any bow gun, pistol or firearm of any description, at or toward any human being, shall be guilty of a misdemeanor.

SEC. 284. *Sale of Cigarettes and Cigarette Materials.*

Cigarettes.

Every person who shall manufacture, sell, give away or distribute, or have in his possession any cigarettes, cigarette papers or cigarette wrappers, shall be guilty of a misdemeanor.

SEC. 285. *Deposit of Unwholesome Substance.*

Unsanitary deposits.

Every person who shall deposit, leave or keep, on or near a highway or route of public travel, on land or water, any unwholesome substance; or who shall establish, maintain or carry on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is noisome or detrimental to the public health; or who shall deposit or cast into any lake, creek or river, wholly or partly in this state, the offal from or the dead body of any animal, shall be guilty of a gross misdemeanor.

SEC. 286. *Allowing Vicious Animal at Large.*

Vicious animal.

Every person having the care or custody of any animal known to possess any vicious or dangerous tendencies, who shall allow the same to escape or run at large in any place or manner liable to endanger the safety of any person, shall be guilty of a misdemeanor; and any person may lawfully kill such animal when reasonably necessary to protect his own or the public safety.

SEC. 287. *Exposing Contagious Disease.*

Exposing contagious disease.

Every person who shall wilfully expose himself to another, or any animal affected with any contagious or infectious disease, in any public place or thoroughfare, except upon his or its necessary removal in a manner not dangerous to the public health; and every person so affected who shall expose any other person thereto without his knowledge, shall be guilty of a misdemeanor.

SEC. 288. *Diseased Animals.*

Diseased animals.

Every owner or person having charge thereof, who shall import or drive into this state, or who shall turn out or

suffer to run at large upon any highway or unenclosed lands, or upon any lands adjoining the enclosed lands kept by any person for pasture; or who shall keep or allow to be kept in any barn with other animals, or water or allow to be watered at any public drinking fountain or watering place, any animal having any contagious or infectious disease; or who shall sell, let or dispose of any such animal knowing it to be so diseased, without first apprising the purchaser or person taking it of the existence of such disease, shall be guilty of a misdemeanor.

SEC. 289. *Diseased Animals—Disposal of Carcasses.*

Every person owning or having in charge any animal that has died or been killed on account of disease, shall immediately bury the carcass thereof at least three feet underground, or cause the same to be consumed by fire. No person shall sell or offer to sell or give away the carcass of any animal which died or was killed on account of disease, or convey the same along any public road or land not his own. Every violation of any provision of this section shall be a misdemeanor.

Dead animals.
Disposal of carcass.

SEC. 290. *Polluting Water Supply.*

Every person who shall deposit or suffer to be deposited in any spring, well, stream, river or lake, the water of which is or may be used for drinking purposes, or on any property owned, leased or otherwise controlled by any municipal corporation, corporation or person as a watershed or drainage basin for a public or private water system, any matter or thing whatever, dangerous or deleterious to health, or any matter or thing which may or could pollute the waters of such spring, well, stream, river, lake or water system, shall be guilty of a gross misdemeanor.

Polluting water supply.

SEC. 291. *Furnishing Impure Water.*

Every owner, agent, manager, operator or other person having charge of any waterworks furnishing water for public or private use, who shall knowingly permit any act or omit any duty or precaution by reason whereof the purity or healthfulness of the water supplied shall become impaired, shall be guilty of a gross misdemeanor.

Furnishing impure water.

SEC. 292. *Practicing Medicine Without a License.*

Licenses of
physicians
and dentists.

Every person who shall practice medicine or surgery or dentistry without having obtained and filed in the office of the county clerk where he resides, a license as required by law, shall be guilty of a gross misdemeanor.

SEC. 293. *Unlicensed Pilotage.*

Unlicensed
pilotage.

Every person not duly licensed thereto, who shall pilot or offer to pilot any vessel into, within or out of the waters of Juan de Fuca Strait or Puget Sound, shall be guilty of a misdemeanor: *Provided*, That nothing herein shall prohibit a master of a vessel acting as his own pilot, nor compel a master or owner of any vessel to take out a pilot license for that purpose.

CHAPTER VIII.

CRIMES AGAINST THE PUBLIC PEACE.

SEC. 294. *Armed Association.*

Armed
association.

It shall not be lawful for any body of men other than the National Guard or troops of the United States, to associate themselves together as a military company with arms, without the consent of the Governor; but members of social and benevolent associations are not prohibited from wearing swords. Every person who shall associate with others in violation of this section shall be guilty of a misdemeanor.

SEC. 295. *Disturbing Meeting.*

Disturbing
meeting.

Every person who, without [authority] of law, shall wilfully disturb any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor.

SEC. 296. *Riot Defined.*

Rioting.

Whenever three or more persons, having assembled for any purpose, shall disturb the public peace by using force or violence to any other person, or to property, or shall threaten or attempt to commit such disturbance, or to do any unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they shall be guilty of a riot.

SEC. 297. *Riot—Penalty.*

Every person who shall be guilty of riot or of participating therein, by being present at, or by instigation, permitting or aiding the same, shall be punished as follows:

1. If the purpose of the assembly or the acts done therein, or intended by the persons engaged, shall be to resist the enforcement of a statute of this state or of the United States, or to obstruct any public officer of this state or the United States in serving or executing any process or other mandate of a court, or in the performance of any other duty, or if at the time of the riot the offender shall carry a firearm or any other dangerous weapon, or shall be disguised, by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars.

2. If the offender shall direct, advise, encourage or solicit other persons present or participating in a riot or assembly to acts of force or violence, by imprisonment in the state penitentiary for not more than two years, or by a fine of not more than one thousand dollars.

3. In every other case, by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars.

SEC. 298. *Unlawful Assembly.*

Whenever three or more persons shall assemble with Unlawful assembly. intent—

1. To commit any unlawful act by force; or,
2. To carry out any purpose in such manner as to disturb the public peace; or,
3. Being assembled, shall attempt or threaten any act tending toward a breach of the peace, or an injury to persons or property, or any unlawful act—such an assembly is unlawful, and every person participating therein by his presence, aid or instigation, shall be guilty of a gross misdemeanor.

SEC. 299. *Remaining After Warning.*

Every person who shall remain present at the place of an unlawful meeting after having been warned to disperse by a magistrate or public officer, unless as a public officer

or at the request of such officer he is assisting in dispersing the same, or in protecting persons or property or in arresting offenders, shall be guilty of a misdemeanor.

SEC. 300. *Destruction of Property.*

Whenever any of the persons so unlawfully assembled shall pull down or destroy any dwelling house or other building, or any shop, steamboat or vessel, he shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars.

SEC. 301. *Disguised and Masked Persons.*

Disguised
persons.

Any assemblage of three or more persons, disguised by having their faces painted, discolored, colored or concealed, shall be unlawful; and every person so disguised present thereat, shall be guilty of a gross misdemeanor; but nothing herein shall be construed as prohibiting any peaceful assemblage for a masquerade or fancy dress ball or entertainment.

SEC. 302. *Owner of Premises Allowing Masqueraders.*

Allowing
masquera-
ders.

Every person, being the owner, lessee or occupant of any building, boat, or part thereof, who shall knowingly permit therein any unlawful assemblage of masked persons, shall be guilty of a gross misdemeanor.

SEC. 303. *Combination to Resist Process.*

Combination
to resist
process.

Every person who shall enter into a combination with another to resist the execution of any legal process or other mandate of a court of competent jurisdiction, under circumstances not amounting to a riot, shall be guilty of a gross misdemeanor.

PRIZE FIGHTING.

SEC. 304. *Aiding, Betting or Stake Holding.*

Aiding, bet-
ting or stake
holding.

Every person who shall engage in, instigate, aid, encourage, or do any act to further an encounter or fight with or without weapons, between two or more persons, or a fight commonly called a ring or prize fight, or an encounter commonly called a sparring match, with or

without gloves, or who shall send a challenge or acceptance of a challenge for such an encounter or fight; or who shall carry or deliver such a challenge or acceptance, or shall train or assist any person in training or preparing for such an encounter or fight; or who shall bet, stake or wager money or other property upon the result of such encounter or fight; or hold or undertake to hold any money or other property so staked or wagered, to be delivered to, or for the benefit of the winner thereof, shall be guilty of a gross misdemeanor: *Provided*, That nothing in this section shall be so construed as to interfere with members of private clubs sparring or fencing for exercise among themselves.

SEC. 305. *Apprehension of Persons About to Fight.*

Whenever it shall be made to appear to any magistrate that there are reasonable grounds to apprehend that an offense specified in section 304 of this act is about to be committed within his jurisdiction, or by any person therein, he shall issue his warrant for the arrest of the person or persons so about to offend, and if upon any such person being brought before him it shall appear that there is reasonable ground to believe that he is about to commit such an offense he shall require him to give bond to the state, approved by him, in a sum not exceeding one thousand dollars, with or without sureties, conditioned that such person shall not within one year thereof commit such an offense. On failure to furnish such bond such person shall be committed to the county jail.

Apprehension of persons.

SEC. 306. *Forcible Entry and Detainer.*

Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and every person who, having removed or been removed therefrom pursuant to the order or direction of any court, tribunal or officer, shall afterwards return to settle or reside unlawfully upon, or take possession of, such lands or possessions, shall be guilty of a misdemeanor.

Forcible entry and detainer.

SEC. 307. *Aiming or Discharging Firearms.*

Discharging
firearms.

Every person who shall aim any gun, pistol, revolver or other firearm, whether loaded or not, at or towards any human being, or who shall wilfully discharge any firearm, air gun or other weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury result, shall be guilty of a misdemeanor.

SEC. 308. *Use of Firearms by Minor.*

Use of fire-
arms by
minor.

No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

SEC. 309. *Offenses in Public Conveyances.*

Offenses in
public
conveyances.

Every person who shall wilfully use profane, offensive, or indecent language or engage in any quarrel in any public conveyance, or interfere with or annoy any passenger therein, or, having refused to pay the proper fare, shall fail to leave any such conveyance upon demand, or, with intent to avoid the payment of fare shall ride upon any car or engine not commonly used for the carriage of passengers, shall be guilty of a misdemeanor.

SEC. 310. *Criminal Anarchy Defined.*

Criminal
anarchy.

Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocating of such doctrine either by word of mouth or writing is a felony.

SEC. 313. [311.] *Advocacy of Criminal Anarchy.*

Every person who—

Advocacy of
criminal
anarchy.

1. By word of mouth or writing shall advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning organized government by force or violence,

or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or

2. Shall print, publish, edit, issue or knowingly circulate, sell, distribute or publicly display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or,

3. Shall openly, wilfully and deliberately justify by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or

4. Shall organize or help to organize or become a member of or voluntarily assemble with any society, group or assembly of persons formed to teach or advocate such doctrine,

Shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 312. *Publishing Matter Inciting Breach of Peace.*

Every person who shall wilfully print, publish, edit, issue, or knowingly circulate, sell, distribute or display any book, paper, document or written or printed matter, in any form, advocating, encouraging or inciting, or having a tendency to encourage or incite the commission of any crime, breach of the peace or act of violence, or which shall tend to encourage or advocate disrespect for law or for any court or courts of justice, shall be guilty of a gross misdemeanor.

Publishing
matter
inciting
breach of
peace.

SEC. 313. *Liability of Editors and Others.*

Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained

Liability of
editors.

in such book, newspaper or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes by another who had no authority from him to make the publication, and was retracted by him as soon as known.

SEC. 314. *Assemblages of Anarchists.*

Assemblages
of anarchists.

Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in section 310 of this act, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or both.

SEC. 315. *Permitting Premises to be Used for Assemblages of Anarchists.*

Use of
premises by
anarchists.

Every owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, who shall wilfully and knowingly permit therein any assemblage of persons prohibited by section 314 of this act, or who, after notification that the premises are so used, shall permit such use to be continued, shall be guilty of a gross misdemeanor.

SEC. 316. *Witness' Privilege.*

Evidence.

No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in sections 311 or 314 of this act, upon the ground that the evidence might tend to criminate himself.

CHAPTER IX.

CRIMES AGAINST PROPERTY.

CRIMES AGAINST STATE PROPERTY.

SEC. 317. *Misappropriation and Falsification of Accounts by Public Officer.*

Embezzle-
ment and
falsification
by public
officer.

Every public officer, and every other person receiving money on behalf or for or on account of the people of the state or of any department of the state government or of any bureau or fund created by law in which the

people are directly or indirectly interested, or for or on account of any county, city, town or any school, diking, drainage or irrigation district, who—

1. Shall appropriate to his own use or the use of any person not entitled thereto, without authority of law, any money so received by him as such officer or otherwise; or

2. Shall knowingly keep any false account, or make any false entry or erasure in any account, of or relating to any money so received by him; or

3. Shall fraudulently alter, falsify, conceal, destroy or obliterate any such account; or

4. Shall wilfully omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town or such school, diking, drainage or irrigation district or to the proper officer or authority empowered to demand and receive the same, any money received by him as such officer when it is a duty imposed upon him by law to pay over and account for the same, shall be punished by imprisonment in the state penitentiary for not more than fifteen years.

SEC. 318. *Other Violations by Officers.*

Every officer or other person mentioned in section 317 of this act, who shall wilfully disobey any provision of law regulating his official conduct in cases other than those specified in said section, shall be guilty of a gross misdemeanor.

Other
violations
by officers.

SEC. 319. *Misappropriation, etc., by Treasurer.*

Every state, county, city or town treasurer who shall wilfully misappropriate any moneys, funds or securities received by or deposited with him as such treasurer, or who shall be guilty of any other malfeasance or wilful neglect of duty in his office, shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than five thousand dollars.

Misappropriation
by
treasurer.

ARSON.

SEC. 320. *First Degree.*

Every person who shall wilfully—

1. Burn or set on fire in the night-time the dwelling First degree.

house of another, or any building in which there shall be at the time a human being; or

2. Set any fire manifestly dangerous to any human life, shall be guilty of arson in the first degree and be punished by imprisonment in the state penitentiary for not less than five years.

SEC. 321. *Second Degree.*

Second
degree.

Every person who, under circumstances not amounting to arson in the first degree, shall wilfully burn or set on fire any building, or any structure or erection appurtenant to or adjoining any building, or any wharf, dock, threshing machine, threshing engine, bridge or trestle, or any hay, grain, crop or timber, whether cut or standing, or any lumber, shingle or other timber products, shall be guilty of arson in the second degree, and shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars.

SEC. 322. *Contiguous Fires.*

Contiguous
fires.

Whenever any building or structure which may be the subject of arson in either the first or second degree shall be so situated as to be manifestly endangered by any fire and shall subsequently be set on fire thereby, any person participating in setting such fire shall be deemed to have participated in setting such building or structure on fire.

SEC. 323. *"Set on Fire" Defined.*

"Firing"
defined.

A building, structure or any property mentioned in section 321 hereof shall be deemed "set on fire," whenever any part thereof or anything therein shall be scorched, charred or burned.

SEC. 324. *Ownership of Building.*

Ownership
of building.

To constitute arson it shall not be necessary that another person than the defendant should have had ownership in the building or structure set on fire.

SEC. 325. *Preparation Is Attempt.*

Preparation
is attempt.

Any wilful preparation made by any person with a view to setting fire to any building or structure shall be deemed

to be an attempt to commit the crime of arson, and shall be punished as such.

BURGLARY.

SEC. 326. *First Degree.*

Every person who, with intent to commit some crime therein, shall enter in the night time, the dwelling house of another in which there shall be at the time a human being— First degree.

1. Being armed with a dangerous weapon; or
2. Arming himself therein with such a weapon; or
3. Being assisted by a confederate actually present; or
4. Who, while engaged in the night-time in effecting such entrance, or in committing any crime in such building or in escaping therefrom, shall assault any person; or
5. Who, with intent to commit some crime therein, shall break and enter any bank, postoffice, railway express or railway mail car, shall be guilty of burglary in the first degree and shall be punished by imprisonment in the state penitentiary for not less than five years.

SEC. 327. *Second Degree.*

Every person who, with intent to commit some crime therein shall, under circumstances not amounting to burglary in the first degree, enter the dwelling house of another or break and enter, or, having committed a crime therein, shall break out of, any building or part thereof, or a room or other structure wherein any property is kept for use, sale or deposit, shall be guilty of burglary in the second degree and shall be punished by imprisonment in the state penitentiary for not more than fifteen years. Second degree.

SEC. 328. *Presumption of Intent.*

Every person who shall unlawfully break and enter or unlawfully enter any building or structure enumerated in sections 326 and 327 of this act shall be deemed to have broken and entered or entered the same with intent to commit a crime therein, unless such unlawful breaking and entering or unlawful entry shall be explained by testimony satisfactory to the jury to have been made without criminal intent. Presumption of intent.

SEC. 329. *Crime in Building—Punished Separately.*

Crime while
burglarizing.

Every person who, in the commission of a burglary shall commit any other crime, shall be punished therefor as well as for the burglary, and may be prosecuted for each crime separately.

SEC. 330. *Making or Having Burglar Tools.*

Burglar tools.

Every person who shall make or mend or cause to be made or mended, or have in his possession in the day or night-time, any engine, machine, tool, false key, pick lock, bit, nippers or implement adapted, designed or commonly used for the commission of burglary, larceny or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same is intended to be so used, shall be guilty of a gross misdemeanor. The possession thereof except by a mechanic, artificer or tradesman at and in his established shop or place of business, open to public view, shall be *prima facie* evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the commission of a crime.

FORGERY.

SEC. 331. *First Degree.*

First degree.

Every person who, with intent to defraud, shall forge any writing or instrument by which any claim, privilege, right, obligation or authority, or any right or title to property, real or personal, is or purports to be, or upon the happening of some future event may be, evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, or any request for the payment of money or delivery of property or any assurance of money or property, or any writing or instrument for the identification of any person, or any public record or paper on file in any public office, or any certified or authenticated copy of such record or paper, or any entry in any public or private record of account, or any judgment, decree, order, mandate, return, writ or process of any court, tribunal, judge, justice of the peace,

commissioner or magistrate, or the official return or report of, or a license issued by, any public officer, or any pleading, demurrer, motion, affidavit, appearance, notice, cost-bill, statement of facts, bill of exceptions or proposed statement of facts or bill of exceptions in any action or proceeding whether pending or not, or the draft of any bill or resolution that has been presented to either house of the legislature of this state, whether engrossed or not, or the great seal of this state, the seal of any public officer, court, notary public or corporation, or any public seal authorized or recognized by the laws of this or any other state or government, or any impression of any such seal; or shall forge or counterfeit any coin or money of any state or government, or any bank or treasury bill, any note or postage or revenue stamp; or who, without authority shall make or engrave any plate in the form or similitude of any writing, instrument, seal, coin, money, stamp or thing which may be the subject of forgery, shall be guilty of forgery in the first degree, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

SEC. 332. *False Certificate to Certain Instruments.*

Every officer authorized to take a proof or acknowledgment of an instrument which by law may be recorded, who shall wilfully certify falsely that the execution of such instrument was acknowledged by any party thereto, or that the execution thereof was proved, shall be guilty of forgery in the first degree.

False certificate by official.

SEC. 333. *Second Degree.*

Every person who, with intent to injure or defraud shall—

1. Make any false entry in any public or private record or account; or

Second degree.

2. Fail to make a true entry of any material matter in any public or private record or account; or

3. Forge any letter or written communication or copy or purported copy thereof, or send or deliver, or connive at the sending or delivery of any false or fictitious telegraph message or copy or purported copy thereof, where-

by or wherein the sentiments, opinions, conduct, character, purpose, property, interests or rights of any person shall be misrepresented or may be injuriously affected, or, knowing any such letter, communication or message or any copy or purported copy thereof to be false, shall utter or publish the same or any copy or purported copy thereof as true, shall be guilty of forgery in the second degree, and shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than five thousand dollars.

SEC. 334. *Falsely Indicating Person as Corporate Officer.*

Signing for
corporation.

The false making or forging of an instrument or writing purporting to have been issued by or in behalf of a corporation or association, state or government and bearing the pretended signature of any person therein falsely indicated as an agent or officer of such corporation, association, state or government, is forgery in the same degree as if that person were in truth such officer or agent of such corporation, association, state or government.

SEC. 335. *Uttering Forged Instruments, Coins, Etc., Forgery.*

Uttering
forged
articles.

Every person who, knowing the same to be forged or altered, and with intent to defraud, shall utter, offer, dispose of or put off as true, or have in his possession with intent so to utter, offer, dispose of or put off any forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery in the same degree as if he had forged the same.

SEC. 336. *True Writing Signed by Wrong-Doer's Name.*

Forgery by
true
writings.

Whenever the false making or uttering of any instrument or writing is forgery in any degree, every person who, with intent to defraud shall offer, dispose of or put off such an instrument or writing subscribed or endorsed in his own name or that of any other person, whether such signature be genuine or fictitious, under the pretense that

such subscription or endorsement is the act of another person of the same name, or that of a person not in existence, shall be forgery in the same degree.

SEC. 337. *Misconduct in Signing a Petition.*

Every person who shall wilfully sign the name of another person or of a fictitious person, or for any consideration, gratuity or reward shall sign his own name to or withdraw his name from any referendum or other petition circulated in pursuance of any law of this state or any municipal ordinance; or in signing his name to such petition shall wilfully subscribe to any false statement concerning his age, citizenship, residence or other qualifications to sign the same; or knowing that any such petition contains any such false or wrongful signature or statement, shall file the same, or put the same off with intent that it should be filed, as a true and genuine petition, shall be guilty of a misdemeanor.

Misconduct
in signing.

SEC. 338. *Definitions.*

Within the provisions of this subdivision relating to forgery, a "written instrument," or a "writing," shall include an instrument partly written and partly printed or wholly printed with a written signature thereto, or any signature or writing purporting to be a signature of or intended to bind an individual, partnership, corporation or association or an officer thereof.

Definitions.

The words "forge," "forgery," "forged," and "forging," shall include false making, "counterfeiting" and the alteration, erasure or obliteration of a genuine instrument in whole or in part, the false making or counterfeiting of the signature of a party or witness, real or fictitious, and the placing or connecting together with intent to defraud, of different parts or the whole of several genuine instruments.

A plate is in the "form and similitude," of the genuine instrument forged, if the finished parts of the engraving thereupon shall resemble or conform to the similar parts of the genuine instrument.

COUNTERFEITING—FRAUDULENT PRACTICES.

SEC. 339. *Possession of Counterfeit Coin.*Possession
of counter-
feit coin.

Every person who shall have in his possession a counterfeit of any gold or silver coin, whether of the United States or any foreign country or government, knowing the same to be counterfeit, with intent to sell, utter, use, circulate or export the same as true or as false, or to cause the same to be so uttered or used, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than five thousand dollars, or by both.

SEC. 340. *Advertising Counterfeit Money.*Advertising
counterfeit
money.

Every person who, with intent to defraud, shall print, circulate or distribute a letter, circular, card, pamphlet, hand bill or any other written or printed matter offering or purporting to offer for sale, exchange or as a gift, counterfeit coin or paper money, or giving or purporting to give information where counterfeit coin or paper money can be procured, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than five thousand dollars.

SEC. 341. *False Certificate of Registration of Animals—False Representation as to Breed.*

Animals.

False
pedigrees.

Every person who, by color or aid of any false pretense, representation, token or writing shall obtain from any club, association, society or company for the improvement of the breed of cattle, horses, sheep, swine, fowls or other domestic animals or birds, a certificate of registration of any animal or bird in a herd-book, or other register of any such association, society or company, or a transfer of any such registration, and every person who shall knowingly represent an animal or bird for breeding purposes to be of a greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a gross misdemeanor.

SEC. 342. *Removing Lawful Brands.*Removing
brands.

Every person who shall wilfully deface, obliterate, remove or alter any mark or brand placed by or with the

authority of the owner thereof on any shingle bolt, log or stick of timber, or on any horse, mare, gelding, mule, cow, steer, bull, sheep, goat or hog, shall be punished by imprisonment in the state penitentiary for not more than five years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

SEC. 343. *Imitating Lawful Brand.*

Every person who, in any county, shall place upon any property, any brand or mark in the likeness or similitude of another brand or mark filed with the county auditor of such county by the owner thereof as a brand or mark for the designation or identification of a like kind of property, shall—

Imitating
brand.

1. If done with intent to confuse or commingle such property with, or to appropriate to his own use, the property of such other owner, be guilty of a felony, and be punished by imprisonment in the state penitentiary for not more than five years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment; or

2. If done without such intent, shall be guilty of a misdemeanor.

SEC. 344. *Counterfeiting Trademark, Brand, Etc.*

Every person who shall use or display or have in his possession with intent to use or display, the genuine label, trademark, term, design, device, or form of advertisement of any person, corporation, association or union, lawfully filed for record in the office of the secretary of state, or the exclusive right to use which is guaranteed to any person, corporation, association or union, by the laws of the United States, without the written authority of such person, corporation, association or union, or who shall wilfully forge or counterfeit or use or display or have in his possession with intent to use or display any representation, likeness, similitude, copy or imitation of any genuine label, trademark, term, design, device, or form of adver-

Counterfeit-
ing trade-
mark, brand,
etc.

tisement, so filed or protected, or any die, plate, stamp or other device for manufacturing the same, shall be guilty of a gross misdemeanor.

SEC. 345. *Displaying Goods With False Trademark.*

Displaying
false trade-
mark.

Every person who shall knowingly sell, display or advertise, or have in his possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device, or form of advertisement lawfully filed for record in the office of the secretary of state by any person, corporation, association or union, or the exclusive right to the use of which is guaranteed to such person, corporation, association or union under the laws of the United States, which label, trademark, term, design, device or form of advertisement shall have been used or affixed thereto without the written authority of such person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof, shall be guilty of a misdemeanor.

SEC. 346. *When Deemed Affixed.*

When
Deemed
Affixed.

A label, trademark, term, design, device or form of advertisement shall be deemed to be affixed to any goods, wares, merchandise, mixture, preparation or compound whenever it is in any manner placed in or upon either the article itself, or the box, bale, barrel, bottle, case, cask or other vessel or package, or the cover, wrapper, stopper, brand, label or other thing in, by or with which the goods are packed, enclosed or otherwise prepared for sale or distribution.

SEC. 347. *Fraudulent Registration of Trademark.*

Fraudulent
registration
of trademark.

Every person who shall for himself, or on behalf of any other person, corporation, association or union, procure the filing of any label, trademark, term, design, device or form of advertisement, with the secretary of state by any fraudulent means, shall be guilty of a misdemeanor.

SEC. 348. *Form and Similitude Defined.*

Form and
Similitude.

A plate, label, trademark, term, design, device or form of advertisement is in the form and similitude of the genu-

ine instrument imitated if the finished parts of the engraving thereupon shall resemble or conform to the similar parts of the genuine instrument.

SEC. 349. *Larceny.*

Every person who, with intent to deprive or defraud the owner thereof— Larceny.

1. Shall take, lead or drive away the property of another; or

2. Shall obtain from the owner or another the possession of or title to any property by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check or draft was not authorized or entitled to make or draw the same, or by color or aid of any fraudulent or false representation, personation or pretense or by any false token or writing or by any trick, device, bunco game or fortune telling; or

3. Having any property in his possession, custody or control, as bailee, factor, pledgee, servant, attorney, agent, employe, trustee, executor, administrator, guardian or officer of any person, estate, association or corporation, or as a public officer, or a person authorized by agreement or by competent authority to take or hold such possession, custody or control, or as a finder thereof, shall secret, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto; or

4. Having received any property by reason of a mistake, shall with knowledge of such mistake secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto; and

5. Every person who, knowing the same to have been so appropriated, shall bring into this state, or buy, sell, receive or aid in concealing or withholding any property wrongfully appropriated, whether within or outside of this state, in such manner as to constitute larceny under the provisions of this act—

Steals such property and shall be guilty of larceny.

SEC. 350. *Commission or Part Ownership No Defense.*

Commission
or part
ownership.

It shall be no defense to a prosecution for larceny that the accused was entitled to a commission out of the money or property appropriated, as compensation for collecting or receiving the same for or on behalf of the owner thereof, or that the money or property appropriated was partly the property of another and partly the property of the accused; but it shall not be larceny for any bailee, factor, pledgee, servant, attorney, agent, employee, or trustee, executor, administrator, guardian, officer or other person to retain his reasonable collection fee or charges.

SEC. 351. *Sale of Mortgaged Property—When Larceny.*

Sale of
mortgaged
property.

Every person who shall sell or mortgage any personal property which is at the time mortgaged or upon which any lien has been or may lawfully be filed, without informing the purchaser or mortgagee thereof, before the payment of the purchase price or money loaned, of the several amounts of all such mortgages and liens, shall be deemed to have made a false representation within the meaning of section 349, subdivision 2, of this act.

SEC. 352. *Contractor Failing to Pay for Labor or Material.*

Contractor
not avoiding
liens.

Every person having entered into a contract to supply any labor or materials for the value or price of which any lien might lawfully be filed upon the property of another, who shall receive the full price or consideration thereof, or the amount of any account stated thereon, shall be deemed within the meaning of section 349, subdivision 3, of this act, to receive the same as the agent of the party with whom such contract was made, his successor or assign, for the purpose of paying all claims for labor and materials supplied.

SEC. 353. *Grand Larceny—Penalty.*

Grand
larceny.

Every person who shall steal or unlawfully obtain, appropriate, bring into this state, buy, sell, receive, conceal

or withhold in any manner specified in section 349 of this act—

1. Property of any value by taking the same from the person of another or from the body of a corpse; or

2. Property of any value by taking the same from any building that is on fire or by taking the same after it has been removed from a building in consequence of an alarm of fire; or

3. A record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or officers; or

4. From any range or pasture, any horse, mare, gelding, foal or filly, ass or mule, one or more head of neat cattle or any sheep; or

5. Property of the value of more than twenty-five dollars, in any manner whatever,

Shall be guilty of grand larceny and be punished by imprisonment in the state penitentiary for not more than fifteen years.

Every other larceny shall be petit larceny and shall be a gross misdemeanor.

SEC. 354. *Value—How Ascertained.*

The value of all instruments not having a market value, whether issued or delivered or not, by which any claim, privilege, right, obligation or authority or any right or title to property, real or personal, is, or purports to be, or upon the happening of some future event may be evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, shall be deemed to be the amount of money due thereon or secured to be paid thereby and unpaid, or which in any contingency might be collected thereon or thereby, or the value of the property transferred or affected or the title to which is shown thereby, or the sum which might be recovered for the want thereof, as the case may be. In every other case not otherwise regulated by statute, "value" shall be deemed to mean market value.

Ascertaining
value.

SEC. 355. *Stealing Railway Tickets.*

Stealing
railway
tickets.

If any person in the employ of a railway or steamboat company shall fraudulently neglect to cancel or to return to the proper officer or agent of such company, any ticket, coupon or pass, with intent to permit the same to be used in fraud of any railway or steamboat company, or if any person shall steal or fraudulently stamp, print, sign, sell or put into circulation any such ticket, coupon or pass, he shall be guilty of larceny.

SEC. 356. *Claim of Title—When Ground of Defense.*

Claim of
title.

In any prosecution for larceny it shall be a sufficient defense that the property was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable.

SEC. 357. *Restoration of Stolen Property—Duty of Officers.*

Restoring
stolen
property—
officers.

The officer arresting any person charged as principal or accessory in any robbery or larceny shall use reasonable diligence to secure the property alleged to have been stolen, and after seizure shall be answerable therefor while it remains in his hands, and shall annex a schedule thereof to his return of the warrant.

Whenever the prosecuting attorney shall require such property for use as evidence upon the examination or trial, such officer, upon his demand, shall deliver it to him and take his receipt therefor, after which such prosecuting attorney shall be answerable for the same.

EXTORTION OR OPPRESSION.

SEC. 358. *Extortion.*

Extortion.

Every person, who, under circumstances not amounting to robbery, shall extort or gain any money, property or advantage, or shall induce or compel another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, by means of force or any threat, either—

1. To accuse any person of a crime; or

2. To do any injury to any person or to any property; or
3. To publish or connive at publishing any libel; or
4. To expose or impute to any person any deformity or disgrace; or
5. To expose any secret,

Shall be guilty of extortion and shall be punished by imprisonment in the state penitentiary for not more than five years.

SEC. 359. *Oppression Under Color of Office.*

Every officer, or person pretending to be such, who unlawfully and maliciously, under pretense or color of official authority shall—

Oppression
under color
of office.

1. Arrest another or detain him against his will; or
2. Seize or levy upon another's property; or
3. Dispossess another of any lands or tenements; or
4. Do any act whereby another person shall be injured in his person, property or rights, commits oppression, shall be guilty of a gross misdemeanor.

5. No officer or person having the custody and control of the body or liberty of any person under arrest, shall refuse permission to such arrested person to communicate with his friends or with an attorney, nor subject any person under arrest to any form of personal violence, intimidation, indignity or threats for the purpose of extorting from such person incriminating statements or a confession. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 360. *Extortion by Public Officer.*

Every public officer who shall ask or receive, or agree to receive a fee or other compensation for his official service, either—

Extortion
by public
officer.

1. In excess of the fee or compensation allowed to him by statute therefor; or
2. Where no fee or compensation is allowed to him by statute therefor, commits extortion, and is guilty of a misdemeanor.

SEC. 361. *Blackmail.*

Blackmail.

Every person who, with intent thereby to extort or gain any money or other property or to compel or induce another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, or to influence the action of any public officer, or to do or abet or procure any illegal or wrongful act, shall threaten directly or indirectly—

1. To accuse any person of a crime; or
2. To do any injury to any person or to any property; or
3. To publish or connive at publishing any libel; or
4. To expose or impute to any person any deformity or disgrace; or
5. To expose any secret,

Shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

SEC. 362. *Coercion.*

Coercion.

Every person who, with intent to compel another to do or abstain from doing an act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully—

1. Use violence or inflict injury upon such other person or any of his family, or upon his property, or threaten such violence or injury; or
2. Deprive such person of any tool, implement or clothing, or hinder him in the use thereof; or
3. Attempt to intimidate such person by threats or force,

Shall be guilty of a misdemeanor.

FRAUDS.

SEC. 363. *Falsely Personating Another.*

Every person who shall falsely personate another, and in such assumed character shall—

Falsely
personating
another.

1. Marry or pretend to marry or sustain the marriage relation towards another; or

2. Become bail or surety for a party in an action or special proceeding, civil or criminal, before a court or officer authorized to take such bail or surety; or

3. Confess a judgment; or

4. Subscribe, verify, publish, acknowledge or approve a written instrument which by law may be recorded, with intent that the same may be delivered or issued as true; or

5. Appear for arraignment, trial or judgment in any criminal proceeding; or

6. Do any other act in the course of any action or proceeding, wherein, if it were done by the person falsely personated such person might in any event become liable to an action or special proceeding, civil or criminal, or to pay a sum of money, or to incur a charge, forfeiture, or penalty, or whereby any benefit might accrue to the offender or to any other person,

Shall be punished by imprisonment in the state penitentiary for not more than ten years.

SEC. 364. *Personating an Officer.*

Every person who shall falsely personate a public officer, civil or military, or a policeman, or a private individual having special authority by law to perform an act affecting the rights or interests of another, or who, without authority shall assume any uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character shall do any act purporting to be official, whereby another is injured or defrauded, shall be guilty of a gross misdemeanor.

Personating
an officer.

SEC. 365. *Use of False Permit, License or Diploma.*

Every person who shall conduct any business or perform any act under color of, or file for record with any public

False permit,
license or
diploma.

officer, any false or fraudulent permit, license, diploma or writing, or any permit, license, diploma or writing not lawfully belonging to such person, or who shall obtain any permit, license, diploma or writing by color or aid of any false representation, pretense, personation, token or writing, shall be guilty of a gross misdemeanor.

SEC. 366. *Concealing Foreign Matter in Merchandise.*

Concealing
foreign
matter in
merchandise.

Every person who, with intent to defraud, shall place or conceal any foreign substance in any barrel, bag, bale, box or other package containing any article of merchandise, shall be guilty of a gross misdemeanor.

SEC. 367. *Obtaining Signature by False Pretense.*

Obtaining
signature by
false
pretense.

Every person who, with intent to cheat or defraud another, shall designedly by color or aid of any false token or writing or other false pretense, representation or presentation, obtain the signature of any person to a written instrument, shall be punished by imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

SEC. 368. *False Representation Concerning Credit.*

False
representa-
tion concern-
ing credit.

Every person who, with intent thereby to obtain credit or financial rating, shall wilfully make any false statement in writing of his assets or liabilities to any person with whom he may be either actually or prospectively engaged in any business transaction or to any commercial agency or other person engaged in the business of collecting or disseminating information concerning financial or commercial ratings, shall be guilty of a misdemeanor.

SEC. 369. *False Representation Concerning Title.*

False
representa-
tion concern-
ing title.

Every person who shall maliciously or fraudulently execute or file for record any instrument, or put forward any claim, by which the right or title of another to any real property is, or purports to be transferred, encumbered or clouded, shall be guilty of a gross misdemeanor.

SEC. 370. *Publishing False Statement to Affect Market Price.*

Every person who, with intent to affect the market price of any security or property shall put off, circulate or publish any false or misleading writing, statement or intelligence, shall be guilty of a gross misdemeanor. False circular.

SEC. 371. *Obtaining Employment by False Letter or Certificate.*

Every person who shall obtain employment or appointment to any office or place of trust, by color or aid of any false or forged letter or certificate of recommendation, shall be guilty of a misdemeanor. False letter.

SEC. 372. *Fraud by Employment Agent.*

Every employment agent or broker who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in any writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof or the wages to be paid therefor, shall be guilty of a misdemeanor. Fraud by employment agent.

SEC. 373. *Frauds on Inn-Keeper.*

Every person who shall obtain any food, lodging or accommodation at any hotel, restaurant, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who shall obtain credit at a hotel, restaurant, boarding house or lodging house by color or aid of any false pretense, representation, token or writing, or who after obtaining board, lodging or accommodation at a hotel, restaurant, boarding house or lodging house, shall abscond or surreptitiously remove his baggage therefrom without paying for such food, lodging or accommodation, shall be guilty of a misdemeanor. Frauds on inn-keeper.

SEC. 374. *Improper Use of Insignia.*

Every person who shall wilfully wear the badge, button, insignia or rosette of any military order or of any secret order or society, or any similitude thereof; or who shall Improper use of insignia.

use any such badge, button, insignia or rosette to obtain aid or assistance, or any other benefit or advantage, unless he shall be entitled to so wear or use the same under the constitution, by-laws, rules and regulations of such order or society, shall be guilty of a misdemeanor.

SEC. 375. *Fraudulently Presenting Claim to Public Officer.*

False claim. Every person who, with the intent to defraud, shall knowingly present for audit, allowance or payment to any officer or board of the state or of any county, city, town or school district, authorized to audit, allow or pay bills, claims or charges, any false or fraudulent claim, account, writing or voucher or any bill, account or demand containing false or fraudulent charges, items or claims, shall be guilty of a gross misdemeanor.

SEC. 376. *Fraud by Bailee of Animal.*

Fraud by bailee of animal. Every person who shall obtain from another the possession or use of any horse or other draft animal or any vehicle or automobile, without paying therefor, with intent to defraud the owner thereof, or who shall obtain the possession or use thereof by color or aid of any false or fraudulent representation, pretense, token or writing, or shall obtain credit for such use by color or aid of any false or fraudulent representation, pretense, token or writing; or who having hired property, shall recklessly, wilfully, wantonly or by gross negligence injure or destroy or cause, suffer, allow or permit the same, or any part thereof, to be injured or destroyed; or who, having hired any horse or other draft animal upon an understanding or agreement that the same shall be ridden or driven a specified distance or to a specified place, shall wilfully and fraudulently ride or drive or cause, permit or allow the same to be ridden or driven a longer distance, or to a different place, shall be guilty of a misdemeanor.

SEC. 377. *Destruction or Removal of Mortgaged Property.*

Destruction of mortgaged property. Every person being in possession thereof, who shall remove, conceal or destroy or connive at or consent to the

removal, concealment or destruction of any personal property or any part thereof, upon which a mortgage, lien, conditional sales contract or lease exists, in such a manner as to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contracts or such lessor, or who, with intent to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contract, or such lessor, shall sell, remove, conceal or destroy or connive at or consent to the removal, concealment or destruction of such property, shall be guilty of a gross misdemeanor.

In any prosecution under this section any allegation containing a description of the mortgage, lien, conditional sales contract or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

SEC. 378. *Mock Auctions.*

Every person who shall obtain any money or property from another or shall obtain the signature of another to any writing the false making of which would be forgery, by color or aid of any false or fraudulent sale of property or pretended sale of property by auction, or by any of the practices known as mock auction, shall be punished by imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

Mock
auctions.

Every person who shall buy or sell or pretend to buy or sell any goods, wares or merchandise, exposed to sale by auction, if an actual sale, purchase and change of ownership therein does not thereupon take place, shall be guilty of a misdemeanor.

SEC. 379. *Fraudulent Removal of Property.*

Every person who, with intent to defraud a prior or subsequent purchaser thereof, or prevent any of his property being made liable for the payment of any of his debts, or levied upon by an execution or warrant of attachment, shall remove any of his property, or secrete, assign, convey or otherwise dispose of the same, or with intent to

Fraudulent
removal of
property.

defraud a creditor shall remove, secrete, assign, convey or otherwise dispose of any of his books or accounts, vouchers or writings in any way relating to his business affairs, or destroy, obliterate, alter or erase any of such books of account, accounts, vouchers or writing or any entry, memorandum or minute therein contained, shall be guilty of a gross misdemeanor.

SEC. 380. *Knowingly Receiving Fraudulent Conveyance.*

Receiving
fraudulent
conveyance.

Every person who shall receive any property or conveyance thereof from another, knowing that the same is transferred or delivered to him in violation of, or with the intent to violate section 379 of this act, shall be guilty of a misdemeanor.

SEC. 381. *Fraud in Assignment for Benefit of Creditors.*

Assignment
for benefit
of creditors.

Every person who, having made, or being about to make, a general assignment of his property to pay his debts, shall by color or aid of any false or fraudulent representation, pretense, token or writing induce any creditor to participate in the benefits of such assignments, or to give any release or discharge of his claim or any part thereof, or shall connive at the payment in whole or in part of any false, fraudulent or fictitious claim, shall be guilty of a gross misdemeanor.

FRAUDELENT INJURY OF VESSEL.

SEC. 382. *Wilful Destruction of Vessel.*

Destruction
of vessel.

Every person who shall wreck, burn, sink, scuttle or otherwise injure or destroy a vessel or its cargo, or wilfully permit the same to be done, with the intent to prejudice or defraud an insurer or any other person, or who shall fit out a vessel, or shall load any cargo on board thereof with intent to permit or cause the same to be wrecked, sunk or otherwise injured or destroyed, and thereby defraud or prejudice an insurer or other person, shall be punished by imprisonment in the state penitentiary for not more than twenty years.

SEC. 383. *Making False Manifest, Invoice, Etc.*

Every person who shall prepare, make or subscribe a false or fraudulent manifest, invoice, bill of lading, ship's register, or protest, with intent to defraud another, shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than one thousand dollars, or by both.

False manifest.

SEC. 384. *Fraudulent Destruction of Insured Property.*

Every person who, with intent to defraud or prejudice the insurer thereof, shall wilfully injure or destroy any property not specified or included hereinbefore in this subdivision, which is insured at the time against loss or damage by fire or other causality, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

Destruction of insured property.

FALSE WEIGHTS AND MEASURES.

SEC. 385. *Using False Weights and Measures.*

Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly misrepresenting the quantity thereof bought or sold; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it or permit it to be used in violation of the foregoing provisions of this section, shall be guilty of a gross misdemeanor.

Using false weights and measures.

FRAUD IN THE MANAGEMENT OF CORPORATIONS.

SEC. 386. *Fraud in Stock Subscription.*

Every person who shall sign the name of a fictitious person to any subscription for or any agreement to take stock in any corporation existing or proposed, and every

Fraud in stock subscription.

person who shall sign to any such subscription or agreement the name of any person, knowing that such person does not intend in good faith to comply with the terms thereof, or upon any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, shall be guilty of a gross misdemeanor.

SEC. 387. *Fraudulent Issue of Stock, Scrip, Etc.*

Fraudulent
issue of
stock.

Every officer, agent or other person in the service of a joint stock company or corporation, domestic or foreign, who, wilfully and knowingly with intent to defraud, shall—

1. Sell, pledge or issue or cause to be sold, pledged or issued, or sign or execute or cause to be signed or executed, with intent to sell, pledge or issue, or cause to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of ownership of any share or shares of such company or corporation, or any conveyance or encumbrance of real or personal property, contract, bond, or evidence of debt, or writing purporting to be a conveyance or encumbrance of real or personal property, contract, bond or evidence of debt of such company or corporation, without being first duly authorized by such company or corporation, or contrary to the charter or laws under which such company or corporation exists, or in excess of the power of such company or corporation, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or,

2. Reissue, sell, pledge or dispose of, or cause to be reissued, sold, pledged or disposed of, any surrendered or canceled certificate or other evidence of the transfer of ownership of any such share or shares:

Shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 388. *Insolvent Bank Receiving Deposit.*

Insolvent
bank receiv-
ing deposit.

Every owner, officer, stockholder, agent or employe of any person, firm, corporation or association engaged, wholly or in part, in the business of banking or receiving

money or negotiable paper or securities on deposit or in trust, who shall accept or receive, with or without interest, any deposit, or who shall consent thereto or connive thereat, when he knows or has good reason to believe that such person, firm, corporation or association is unsafe or insolvent, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than ten thousand dollars.

SEC. 389. *Corporation Doing Business Without License.*

Every corporation, whether domestic or foreign, and every person representing or pretending to represent such corporation as an officer, agent or employe thereof, who shall transact, solicit or advertise for any business in this state, before such corporation shall have obtained from the officer lawfully authorized to issue the same, a certificate that such corporation is authorized to transact business in this state, shall be guilty of a gross misdemeanor.

Corporation
doing busi-
ness without
license.

SEC. 390. *False Report of Corporation.*

Every director, officer or agent of any corporation or joint stock association, and every person engaged in organizing or promoting any enterprise, who shall knowingly make or publish or concur in making or publishing any written prospectus, report, exhibit or statement of its affairs or pecuniary condition, containing any material statement that is false or exaggerated, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars.

False report
of corpora-
tion.

SEC. 391. *Warehouseman or Carrier Refusing to Issue Receipt.*

Every person or corporation, and every officer, agent and employe thereof, receiving any goods, wares or merchandise, for sale or on commission, for storage, carriage or forwarding, who, having an opportunity to inspect the same, shall fail or refuse to deliver to the owner thereof a receipt duly signed, bearing the date of issuance, describing the goods, wares or merchandise received and the quantity, quality and condition thereof, and specifying the

Receipt by
carrier.

terms and conditions upon which they are received, shall be guilty of a misdemeanor.

SEC. 392. *Fictitious Bill of Lading and Receipt.*

Fictitious bill
of lading.

Every person or corporation engaged wholly or in part in the business of a common carrier or warehouseman, and every officer, agent or employe thereof, who shall issue any bill of lading, receipt or other voucher by which it shall appear that any goods, wares or merchandise have been received by such carrier or warehouseman, unless the same have been so received and shall be at the time actually under his control, or who shall issue any bill of lading, receipt or voucher containing any false statement concerning any material matter, shall be guilty of a gross misdemeanor. But no person shall be convicted under this section for the reason that the contents of any barrel, box, case, cask or other closed vessel or package mentioned in the bill of lading, receipt or voucher did not correspond with the description thereof in such instrument, if such description corresponds substantially with the mark on the outside of such barrel, box, case, cask, vessel or package, unless it appears that the defendant knew that such marks were untrue.

SEC. 393. *Warehouseman Fraudulently Mixing Goods.*

Warehouse-
man mixing
goods.

Every person mentioned in section 392 of this act, who shall fraudulently mix or tamper with any goods, wares or merchandise under his control, shall be guilty of a gross misdemeanor.

SEC. 394. *Duplicate Receipt.*

Duplicate
receipt.

Every person mentioned in section 392 of this act, who shall issue any second or duplicate receipt or voucher of the kind specified in said section, while a former receipt or voucher for the goods, wares or merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "Duplicate," in a plain and legible manner, shall be guilty of a misdemeanor.

SEC. 395. *Bill of Lading or Receipt Must be Canceled on Redelivery of Property.*

Each person mentioned in section 392 of this act who shall deliver to another any goods, wares or merchandise for which a bill of lading, receipt or voucher has been issued, unless such bill of lading, receipt or voucher is surrendered and canceled or a lawful and sufficient bond or undertaking is given therefor at the time of such delivery, or unless, in case of a partial delivery, a memorandum thereof is endorsed upon such bill of lading, receipt or voucher, shall be guilty of a misdemeanor.

Cancellation
of bill of
lading.

SEC. 396. *Regulating Sale of Passage Tickets.*

It shall be the duty of every person or corporation engaged wholly or in part in the business of carrying passengers for hire, to provide every agent authorized to sell its passage tickets in this state, with a certificate of his authority, attested by its seal and the signature of its manager, secretary or general passenger agent, which shall contain a designation of the place of business at which such authority shall be exercised.

Sale of
tickets by
carrier.

Every person and every corporation or association, and every officer, agent or employe thereof who shall sell, exchange or transfer, or have in his possession with intent to sell, exchange or transfer, or maintain, conduct or operate any office or place of business for the sale, exchange or transfer of any passage ticket or pass or part thereof, or any other evidence of a right to travel upon any railroad or boat, whether the same be owned or operated within or without the limits of this state, in any place except his place of business, or within such place of business without having rightfully in his possession and posted in a conspicuous place therein the certificate of authority hereinabove provided for, shall be guilty of a misdemeanor.

SEC. 397. *Redemption of Unused Passage Ticket.*

Every person or corporation engaged wholly or in part in the business of carrying passengers for hire in this state, and every authorized ticket agent thereof, to whom there shall be presented by the holder thereof, within one

Redemption
of ticket.

year after its expiration, any passage ticket or part thereof, or other evidence of right to travel, wholly or in part upon the railroad or boat of such person or corporation, which shall be wholly or partially unused, who shall fail to redeem the same within three days after presentation, upon the following terms, to-wit:

1. When wholly unused, for the price paid therefor; and

2. When partially unused, for the price paid therefor, less the regular toll or charge for the passage had;

Shall be punished by a fine of not more than five hundred dollars, and in addition thereto shall forfeit to the holder of such ticket or part thereof or other evidence of a right to travel, three times the redeemable value thereof.

MALICIOUS MISCHIEF—INJURY TO PROPERTY.

SEC. 398. *Injury to Railway.*

Injury to railway.

Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway; and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, motor or car on any railway, shall be punished by imprisonment in the state penitentiary for not more than twenty-five years.

SEC. 399. *Attempt to Commit Train Robbery.*

Attempt to commit train robbery.

Every person who, with intent to commit any robbery, burglary or larceny, shall go upon or board any train, motor, car or engine; mask, extinguish or alter any light or other signal; exhibit or compel any other person to exhibit any false light or signal; or stop any such train, car or engine or slacken the speed thereof or compel or attempt to compel any other person in charge or control thereof to stop such train, car or engine or slacken the speed thereof, shall be punished by imprisonment in the state penitentiary for not less than five years.

SEC. 400. *Endangering Life and Property by Explosives.*

Every person who shall maliciously place any explosive substance or material in, upon, under, against or near any building, car, vessel, railroad track or structure, in such manner or under such circumstances as to destroy or injure the same if exploded, shall be guilty of a felony, and if the circumstances and surroundings are such that the safety of any person might be endangered by the explosion thereof, shall be punished by imprisonment in the state penitentiary for not more than twenty years; and in every other case by imprisonment in the state penitentiary for not more than five years.

Endangering
by explosives.

SEC. 401. *Damaging Building, Etc., by Explosion.*

Every person who shall maliciously, by the explosion of gun powder or any other explosive substance or material, destroy or damage any building, car, vessel, railroad track or structure, shall be punished as follows:

Damage by
explosion.

1. If thereby the life or safety of a human being is endangered, by imprisonment in the state penitentiary for not more than twenty years.

2. In every other case by imprisonment in the state penitentiary for not more than five years.

SEC. 402. *False Signals for Vessels, Etc.*

Every person who, in such manner as might, if not discovered, endanger a vessel, railway engine, motor, train or car, shall show, mask, extinguish, alter or remove any light or signal, or exhibit any false light or signal, shall be punished by imprisonment in the state penitentiary for not more than ten years.

False signals
for vessels.

SEC. 403. *Injury to United States Light.*

Every person who shall wilfully break, injure, deface or destroy any light house station, post, platform, step, lamp or other structure pertaining to such light house station, or shall extinguish or tamper with any light erected by the United States upon or along the navigable waters of this state to aid in the navigation thereof, in case no

Injury to
United States
light.

punishment is provided therefor by the laws of the United States, shall be punished as follows:

1. Whenever such act may endanger the safety of any vessel navigating such waters, or jeopardize the safety of any person or property in or upon such vessel, by imprisonment in the state penitentiary for not more than ten years.

2. In all other cases by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both.

SEC. 404. *Injuring Public Utilities.*

Every person who shall wilfully or maliciously remove, damage or destroy:

Injuring
public
utilities.

1. A highway or a private way laid out by authority of law, or a bridge upon such public or private road, or wilfully or maliciously cause to be placed thereon any substance or thing dangerous to any person or animal traveling thereon or which might injure or puncture the tire of any vehicle; or,

2. A pile or other material fixed in the ground and used for securing any bank or dam of any river or other water, or any dike, dock, quay, jetty or lock; or,

3. A buoy or beacon lawfully placed in any waters within this state; or,

4. A tree, rock, post or other monument erected or marked for the purpose of designating a point on the boundary of the state, of a county, city, town or of a farm, tract or lot of land, or any mark or inscription thereon; or,

5. A mile board, mile stone or guide post erected upon a highway, or any inscription thereon; or,

6. A telegraph, telephone or electric transmission line or any part thereof, or any appurtenance thereto, or apparatus connected with the operation thereof; or,

7. A fence, gate, cattle guard, bridge, water tank, mile post, car, engine, motor or other useful structure on the line of any railway; or,

8. A pipe or main for conducting gas, water or oil, or any works erected for the purpose of supplying build-

ings therewith, or any appurtenance or appendage thereto; or,

9. A sewer or drain, or a pipe or main connected therewith or forming a part thereof; or,

10. A ditch or flume lawfully erected for carrying water or draining land; or,

11. Any engine, hose, hose-cart, truck, ladder, extinguisher or other apparatus used by any fire company or fire department, or any rope, wire, bell, signal, instrument or apparatus for the communication of alarms of fire or police calls; or,

12. Any public building, or building used for educational, scientific, charitable or religious purpose, or any useful or ornamental thing therein; or,

13. Any work of literature or art or copy thereof, object of curiosity or scientific interest, statue, picture or engraving, displayed, kept or erected in any public building, street, park or other public place or in any collection, exhibition, museum, fair, gallery or library, or in any building devoted to educational, scientific, charitable or religious purposes; or,

14. A monument erected in any cemetery, street, park or other public place; or,

15. A sign or notice erected or posted by any officer under lawful authority, or by the owner or occupant of the premises where posted; or,

16. A legal notice or other legal paper posted in compliance with the requirement of any statute of this state, or under the direction or order of a court; and,

Every person—

17. Who shall moor any vessel, scow, barge, raft or boom to any bridge or to any buoy or beacon lawfully in any waters within this state; or,

18. Who shall intercept, read or in any manner interrupt or delay the sending of a message over any telegraph or telephone line; or,

19. Who shall erect or maintain any unlawful structure in any stream or river;

Shall be guilty of a misdemeanor.

SEC. 405. *Unlawful Interference With Gas, Electric, Steam or Water Appliance.*

Interference
with public
utility
appliances.

Every person who, with intent to injure or defraud, shall—

1. Break or deface the seal of any gas, electric, steam or water meter; or,

2. Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof; or,

3. Make any connections by means of a wire, pipe, conduit or otherwise with any wire, main or pipe used for the delivery of gas, electricity, steam or water to a consumer thereof, in such manner as to take gas, electricity, steam or water from said wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained; or,

4. Make any connection or re-connection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stop-cock or other appliances connected therewith; or,

5. Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or water consumed, or interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by the person, company or corporation owning the same; or,

6. Take or use any water from any irrigation flume, ditch or lateral, without the consent of the owner thereof, or open, close or interfere with any gate connected therewith;

Shall be guilty of a misdemeanor.

SEC. 406. *Interfering With Dam, Reservoir, Etc.*

Interfering
with dam or
reservoir.

Every person who shall wilfully or maliciously displace, remove, injure or destroy any pier, boom, or dam lawfully erected or maintained upon, in or across any water in this state, or any dam or reservoir lawfully maintained

for impounding water; or hoist any gate in or about such dam or reservoir, shall be guilty of a gross misdemeanor.

SEC. 407. *Injury to Property.*

Every person who shall wilfully—

Injury to property.

1. Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state; or,

Timber, etc.

2. Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another or of the state, or in any road or street; or,

3. Dig, take or carry away without lawful authority or consent, from any lot or land in any city, or town, or from any lands included within the limits of a street or avenue in such city or town, any earth, soil or stone; or,

Soil.

4. Enter without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or,

Orchard.

5. Cut down, destroy or in any way injure any shrub, tree, vine or garden produce grown or growing within any such orchard, garden or vineyard, or any framework or erection therein; or,

Shrubs.

6. Damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or,

Buildings.

7. Destroy or damage, with intent to prevent or delay the use thereof, any engine, machine, tool or implement intended for use in trade or husbandry; or,

Machinery.

8. Untie, unfasten or liberate, without authority, the horse or team of another; or lead, ride or drive away, without authority, the horse, team, automobile or other vehicle of another from the place where left by the owner or person in charge thereof; or,

Vehicles.

9. Kill, maim or disfigure any animal belonging to another, or expose any poisons or noxious substance with intent that it should be taken by such animal; or,

Animal.

10. Take, carry away, interfere with or disturb any oysters or other shell fish of another in any river, bay, or other water of this state, or remove, pull up or destroy

Shell fish.

any stake or buoy used for designating any oyster bed ; or,

Shacks.

11. Intrude or place any hovel, shanty or building upon or within the limits of any lot or piece of land within any city or town, without the consent of the owner, or within the boundaries of any street in such city or town ; or,

Wild animals.

12. Kill, wound or trap any animal or bird within the limits of any cemetery, park or pleasure ground, or remove therefrom or destroy the young of any such animal or the egg of any such bird ; or,

Vessels.

13. Injure, destroy or tamper with any rope, line, cable or chain with which any vessel, scow, boom, beacon or buoy shall be anchored or moored, or the steering gear, bell gear, engine, machinery, lights or other equipment of any vessel ; or,

Signs.

14. Place upon or affix to any real property or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event ; or,

Animals on right of way.

15. Suffer any animal to go upon the enclosed right-of-way of any railway company, or leave open any gate or bars so that an animal might stray upon such right-of-way ;

Shall be guilty of a misdemeanor.

SEC. 408. *Tampering With Papers.*

Tampering with papers.

Every person who shall wilfully or maliciously destroy, alter, erase, obliterate or conceal any letter, telegraph message, book or record of account, or any writing or instrument by which any claim, privilege, right, obligation or authority, or any right or title to property, real or personal, is, or purports to be, or upon the happening of some future event may be, evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, shall be guilty of a gross misdemeanor.

SEC. 409. *Falsifying Accounts.*

Falsifying accounts.

Every person who shall wilfully or maliciously make any false entry, or fail to make an entry of any material mat-

ter, in any book or record of account, shall be guilty of a gross misdemeanor.

SEC. 410. *Divulging Telegram.*

Every person who shall wrongfully obtain or attempt to obtain, any knowledge of a telegraphic message, by connivance with the clerk, operator, messenger or other employe of a telegraph company, and every clerk, operator, messenger or other employe of such company who shall wilfully divulge to any but the person for whom it was intended, any telegraphic message or dispatch entrusted to him for transmission or delivery, or the nature or contents thereof, or shall wilfully refuse, neglect or delay duly to transmit or deliver the same, shall be guilty of a misdemeanor.

Divulging telegram.

SEC. 411. *Opening Sealed Letter.*

Every person who shall wilfully open or read, or cause to be opened or read, any sealed message, letter or telegram intended for another person, or publish the whole or any portion of such a message, letter or telegram, knowing it to have been opened or read without authority, shall be guilty of a misdemeanor.

Opening sealed letter.

SEC. 412. *Trespass on Railway Track.*

Every person who, without permission from the person or corporation owning or operating the same, shall enter, or take any animal or vehicle upon any railway, bridge or trestle, or ride, operate or propel a handcar, velocipede, track bicycle or tricycle on or along the track of any railway, shall be guilty of a misdemeanor.

Trespass on railway track.

SEC. 413. *Trespass Upon Land of Another, Warning.*

Every person who shall go upon the land of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act, or shall wilfully go or remain upon any land after having been warned by the owner or occupant thereof not to trespass thereon, shall be guilty of a misdemeanor.

Trespass upon land.

Every owner or other occupant of any land shall be deemed to have given a sufficient warning against trespassing, within the meaning of this section, who shall

post in a conspicuous manner on each side thereof, upon or near the boundary, at intervals of not more than seven hundred feet, signs legibly printed or painted in the English language, warning persons not to trespass.

An entryman on land under the laws of the United States shall be deemed an owner within the meaning of this section.

SEC. 414. *Injury to Baggage.*

Injury to
baggage.

Every person employed by any person or corporation engaged wholly or in part in the business of carrying passengers or baggage for hire, and every express agent, stage driver, drayman, expressman or hackman who shall wilfully or carelessly break, injure or destroy any trunk, valise, box, package or other baggage, shall be guilty of a misdemeanor.

SEC. 415. *Injury to Other Property.*

Injury to
property.

Every person who shall wilfully or maliciously destroy or injure any real or personal property of another, for the destruction or injury of which no special punishment is otherwise specially prescribed, shall—

1. If the value of the property destroyed, or the diminution in value by the injury, shall be less than twenty dollars, be guilty of a misdemeanor.

2. If the value of the property destroyed, or the diminution in value by the injury, shall be twenty dollars or more, be guilty of a gross misdemeanor.

CHAPTER 10.

MISCELLANEOUS CRIMES.

SEC. 416. *Drunkenness.*

Drunkenness.

Every person who shall become intoxicated by voluntarily drinking intoxicating liquors, and who, while intoxicated shall loiter about any place where intoxicating liquors are sold or kept for sale, or create any disturbance or use any profane or indecent language in any public place, street or meeting, or commit any assault or breach of the peace, shall be guilty of a misdemeanor.

SEC. 417. *Common Drunkard.*

Every person who shall be three times convicted of a violation of section 416 of this act, or of any municipal ordinance defining and punishing drunkenness or any crime of which drunkenness shall be an element, or who shall squander his property in drink, or who, as a result of the use of intoxicating liquors shall abuse or fail properly to support or care for his wife or any minor child lawfully in his custody, shall be a common drunkard, and shall be adjudged so to be by any magistrate before whom he may be brought on a charge of committing any crime of which drunkenness is an element, in addition to any other punishment inflicted therefor.

Common
drunkard.

SEC. 418. *Opium Joints.*

Every person who shall open, conduct or maintain, as owner or employe, any place where opium, morphine, alkaloid-cocaine or alpha or beta eucaine or any derivative, mixture or preparation of any of them, shall be in any manner used by persons resorting thereto for the purpose; and every person who shall visit or resort to such place for the purpose of using in any manner any of said drugs, shall be guilty of a gross misdemeanor.

Opium
joints.

SEC. 419. *Solemnizing Unlawful Marriage.*

Every person who shall solemnize a marriage when either party thereto is known to him to be under the age of legal consent, or to be an idiot, insane person, habitual criminal or common drunkard, or a marriage to which, within his knowledge, any legal impediment exists, shall be guilty of a gross misdemeanor.

Solemnizing
unlawful
marriage.

SEC. 420. *Obstructing Public Officer.*

Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required of him by any public officer, or who, in such statement, report or information shall make any wilfully untrue, misleading or exaggerated statement, or who shall wilfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties, shall be guilty of a misdemeanor.

Obstructing
public
officer.

SEC. 421. *Acting Without Lawful Authority.*

Acting
without
authority.

Every person who shall in any case not otherwise specially provided for, do any act, for the doing of which a license or other authority is required by law, without having such license or other authority as required by law, shall be guilty of a misdemeanor.

SEC. 422. *Collecting for Benefit Without Authority.*

Collecting for
benefit.

Every person who shall sell a ticket to any ball, benefit or entertainment, or ask or receive any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being duly authorized thereto by the person, association or order for whose benefit or pretended benefit the same is done, shall be guilty of a misdemeanor.

SEC. 423. *Desecration of Flag.*

Desecration
of flag.

Every person who, for exhibition or display, shall cause to be placed upon or affixed to any flag, standard, color or ensign of the United States, or upon a flag, standard, color or ensign purporting to be such, any inscription, design, device, symbol, name, advertisement, words, characters, picture, mark or notice whatever; or who shall display or exhibit any such flag, standard, color or ensign to which any such inscription, design, device, symbol, name, advertisement, words, characters, photograph, mark or notice whatever; or who shall publicly mutilate, trample upon, deface, jeer at or defy any such flag, standard, color or ensign, shall be guilty of a misdemeanor.

SEC. 424. *Bribery of Labor Representative.*

Bribery of
labor repre-
sentative.

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any duly constituted representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employes of any person or corporation, shall be guilty of a gross misdemeanor.

SEC. 425. *Labor Representative Receiving Bribe.*

Every person who, being the duly constituted representative of a labor organization, shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that any of his acts, decisions or other duties as such representative, or any act to prevent or cause a strike of the employes of any person or corporation shall be influenced thereby, shall be guilty of a gross misdemeanor.

Labor representative receiving bribe.

SEC. 426. *Corrupt Influencing of Agent.*

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any agent, employe or servant of any person or corporation, with intent to influence his action in relation to his principal's, employer's or master's business, shall be guilty of a gross misdemeanor.

Influencing of agent.

SEC. 427. *Grafting by Employe.*

Every agent, employe or servant of any person or corporation who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that he shall act in any particular manner in connection with his principal's, employer's or master's business; or who, being authorized to purchase or contract for materials, supplies or other articles or to employ servants or labor for his principal, employer or master, shall ask or receive, directly or indirectly, for himself or another, a commission, discount, bonus or promise thereof from any person with whom he may deal in relation to such matters, shall be guilty of a gross misdemeanor.

Grafting by employe.

SEC. 428. *Use of the Words "Sterling Silver," Etc.*

Every person who shall make, sell or offer to sell or dispose of, or have in his possession with intent to sell or dispose of any metal article marked, stamped or branded with the words "sterling," "sterling silver," or "solid sil-

"Sterling silver."

ver," unless nine hundred twenty-five one-thousandths of the component parts of the metal of which such article and all parts thereof is manufactured is pure silver, shall be guilty of a gross misdemeanor.

SEC. 429. *Use of Words "Coin Silver," Etc.*

"Coin silver." Every person who shall make, sell or offer to sell or dispose of, or have in his possession with intent to dispose of any metal article marked, stamped or branded with the words "coin," or "coin silver," unless nine hundred one-thousandths of the component parts of the metal of which such article and all parts thereof is manufactured, is pure silver, shall be guilty of a gross misdemeanor.

SEC. 430. *Use of the Word "Sterling," on Mounting.*

"Sterling." Every person who shall make, sell, offer to sell or dispose of, or have in his possession with intent to sell or dispose of, any article comprised of leather, shell, ivory, celluloid, pearl, glass, porcelain, pottery, steel or wood, to which is applied or attached a metal mounting marked, stamped or branded with the words "sterling," or "sterling silver," unless nine hundred twenty-five one-thousandths of the component parts of the metal of which such metal mounting is manufactured is pure silver, shall be guilty of a gross misdemeanor.

SEC. 431. *Use of the Words "Coin Silver," on Mounting.*

"Coin silver" on mountings. Every person who shall make, sell, offer to sell or dispose of, or have in his possession with intent to sell or dispose of, any article comprised of leather, shell, ivory, celluloid, pearl, glass, porcelain, pottery, steel or wood, to which is applied or attached a metal mounting marked, stamped or branded with the words "coin" or "coin silver," unless nine hundred one-thousandths of the component parts of the metal of which such metal mounting is manufactured is pure silver, shall be guilty of a gross misdemeanor.

SEC. 432. *Unlawfully Marking Article Made of Gold.*

Unlawfully marking article of gold. Every person who shall make, sell, offer to sell or dispose of, or have in his possession with intent to sell or

dispose of, any article constructed wholly or in part of gold, or of an alloy of gold, and marked, stamped or branded in such manner as to indicate that the gold or alloy of gold in such article is of a greater degree or carat of fineness, by more than one carat, than the actual carat or fineness of such gold or alloy of gold, shall be guilty of a gross misdemeanor.

SEC. 433. *"Marked, Stamped or Branded," Defined.*

An article shall be deemed to be "marked, stamped or branded" whenever such article, or any box, package, cover or wrapper in which the same is enclosed, encased or prepared for sale or delivery, or any card, label or placard with which the same may be exhibited or displayed, is so marked, stamped or branded. Terms defined.

SEC. 434. *Protecting Civil Public Rights.*

Every person who shall deny to any other person because of race, creed or color, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, shall be guilty of a misdemeanor. Denying civil rights.

SEC. 435. *Master of Vessel Bringing Foreign Convict.*

Every person who, being the master or commander of any vessel or boat arriving from a foreign country, shall knowingly bring into this state a person who has been or is a foreign convict of any offense, which, if committed in this state would be punishable under the laws thereof, shall be guilty of a misdemeanor. Bringing in foreign convict.

SEC. 436. *Vagrancy.*

Every—

1. Person who asks or receives any compensation, gratuity or reward for practising fortune telling, palmistry or clairvoyance; or, Vagrancy.
2. Person who keeps a place where lost or stolen property is concealed; or,
3. Person practicing or soliciting prostitution or keeping a house of prostitution; or,
4. Common drunkards found in any place where intox-

icating liquors are sold or kept for sale, or in an intoxicated condition; or,

5. Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

6. Healthy person who solicits alms; or,

7. Lewd, disorderly or dissolute person; or,

8. Person who wanders about the streets at late or unusual hours of the night without any visible or lawful business; or,

9. Person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

10. Person who lives or works in a house of prostitution or solicits for any prostitute or house of prostitution; or,

11. Person who solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere; or,

12. Habitual user of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them; or,

13. Person having no visible means of support, who does not seek employment, nor work when employment is offered to him; or,

14. Person who by his own confession thereto or prior conviction thereof is known to have been guilty of larceny, burglary, robbery or any crime of which fraud or an intent to defraud is an element, who shall be found in any drinking saloon or cellar, or any public dance hall or music hall where intoxicating liquors are sold, or be found intoxicated, or who, except upon lawful business, shall go about any dark street or alley or any residence section of any city or town in the night-time, or loiter about any steamboat landing, passenger depot, banking institution or crowded street, shop or thoroughfare, or any public meeting or gathering, or place where people gather in crowds—

Is a vagrant, and shall be punished by imprisonment in

the county jail for not more than six months, or by a fine of not more than five hundred dollars.

SEC. 437. *Admitting Convict to Saloon, and Selling Liquor to Drunkard.*

Every person, being the owner or manager of, or an employe in any drinking saloon, drinking cellar or public dance hall or music hall where intoxicating liquors are sold or kept for sale, who shall knowingly permit to enter such saloon, cellar or hall, or give employment to, or sell or give any intoxicating liquor to, any female person, any person previously convicted, whether in this state or elsewhere, of a crime of which fraud or the intent to defraud is an element, or of petit larceny, or of any crime which under the laws of this state would amount to a felony, or who shall sell or give any intoxicating liquor to any person adjudged to be a common drunkard, or to any person in an intoxicated condition, shall be guilty of a misdemeanor.

Convicts and drunkards.

SEC. 438. *Performing or Selling Undedicated Play.*

Every person who, without the consent of the owner thereof, shall cause to be publicly performed any dramatic composition, or dramatic musical composition commonly called an opera, or any substantial part thereof, which has been copyrighted under the laws of the United States, or shall knowingly participate in the performance or representation of any substantial part thereof, or knowingly sell a substantial copy of any substantial part thereof, shall be guilty of a misdemeanor.

Violating copyright.

SEC. 439. Every employe of a public house or public service corporation who shall solicit or receive any gratuity from any guest shall be guilty of a misdemeanor.

SEC. 440. Every person giving any such gratuity mentioned in section 439 shall be guilty of a misdemeanor.

SEC. 441. *Prohibiting Drinking in Public Conveyances.*

Every person who shall drink any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor.

Drinking in public conveyances.

SEC. 442. *Common Carrier Not to Permit Drinking in Public Conveyance.*

Common carrier to prohibit drinking in conveyance.

Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employe of such person, who shall knowingly permit any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor.

Misrepresenting liquors.

SEC. 443. Every person who, as principal, agent or otherwise, shall sell or offer for sale any spirituous or distilled intoxicating liquor known as whiskey (except Scotch or Irish whiskey), any part of which has not been aged for a period of four years in wooden barrels or casks, or who shall, as principal, agent or otherwise, sell or offer for sale any malt liquor that has not been aged for a period of more than sixty (60) days, or which contains more than eight (8)% alcohol by weight shall be guilty of a gross misdemeanor.

Low wines or spirits.

SEC. 444. Every person who, by mixing, compounding or distilling low wines or ardent spirits, or who, by adding thereto any flavoring or other substance, shall produce, or who shall sell or offer for sale or have in his possession with intent to sell, any liquor known as whiskey, gin or brandy so produced, shall be guilty of a gross misdemeanor.

Passed by the Senate March 1, 1909.

Passed by the House March 4, 1909.

Approved March 22, 1909.