

2. The fear of an immediate and unlawful injury to the person or property of any one in the company of the person robbed, at the time of the robbery.

§ 285. VALUE TAKEN IMMATERIAL.] When property is taken under the circumstances required to constitute robbery, the fact that the property was of trifling value does not qualify the offense.

§ 286. TAKING SECRETLY NOT ROBBERY.] The taking of property from the person of another is not robbery, when it clearly appears that the taking was fully completed without his knowledge.

§ 287. TWO DEGREES OF ROBBERY.] Robbery when accomplished by the use of force, or of putting the person robbed in fear of some immediate injury to his person, is robbery in the first degree. When accomplished in any other manner, it is robbery in the second degree.

§ 288. PUNISHMENT OF FIRST DEGREE.] Every person guilty of robbery in the first degree is punishable by imprisonment in the territorial prison not less than ten years.

§ 289. OF SECOND DEGREE.] Every person guilty of robbery in the second degree is punishable by imprisonment in the territorial prison not exceeding ten years.

§ 290. WHEN BY TWO OR MORE PERSONS.] Whenever two or more persons jointly commit a robbery, or where the whole number of persons conjointly committing a robbery, and persons present and aiding such robbery amount to two or more, each and either of such persons is punishable by imprisonment for life.

CHAPTER XXII.

ASSAULTS WITH INTENT TO COMMIT FELONY OTHER THAN ASSAULTS WITH INTENT TO KILL.

§ 291. SHOOTING AND ASSAULT—DEADLY WEAPONS.] Every person who shoots or attempts to shoot at another with any kind of fire-arms, air-gun, or other means whatever, or commits any assault or battery upon another by means of any deadly weapon or by such other means or force as was likely to produce death, with intent to commit any felony other than assault with intent to kill, or in resisting the execution of any legal process, is punishable by imprisonment in the territorial prison not exceeding ten years.

§ 292. OTHER ASSAULTS.] Every person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill, the punishment for which assault is not prescribed by the preceding section, is punishable by imprisonment in the territorial prison not exceeding five years, or in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

§ 293. ADMINISTERING DRUG.] Every person guilty of administering to another any chloroform, ether, laudanum or other intoxicating, narcotic or anesthetic agent, with intent thereby to enable or assist himself or any other person to commit any felony, is guilty of felony.

CHAPTER XXIII.

DUELS AND CHALLENGES.

§ 294. DUEL DEFINED.] A duel is any combat, with deadly weapons, fought between two persons by previous agreement or upon a previous quarrel.

§ 295. PUNISHMENT FOR FIGHTING.] Every person guilty of fighting any duel, although no death or wound ensues, is punishable by imprisonment in the territorial prison not exceeding ten years.

§ 296. INCARCERY TO HOLD OFFICE.] Every person convicted of fighting a duel is thereafter incapable of holding or being elected or appointed to any office, place or post of trust or emolument, civil or military, under this territory.

§ 297. SECONDS, ARMS AND SURGEONS.] Every person who is present at the time when any duel is fought, either as second, aid or surgeon, or who advises or gives any countenance to any duel, is punishable by imprisonment in the territorial prison not exceeding seven years.

§ 298. PUNISHMENT FOR CHALLENGES.] Every person who challenges another to fight a duel; every person who accepts any such challenge; and every person who knowingly forwards, carries or delivers any such challenge, is punishable by imprisonment in the territorial prison not exceeding seven years.

§ 299. CHALLENGE DEFINED.] Any words, spoken or written, or any signs, uttered or made to any person, expressing or implying or intended to express or imply a desire, request, invitation or demand, to fight a duel, or to meet for the purpose of fighting a duel, are deemed a challenge.

§ 300. ATTEMPTS TO INDUCE CHALLENGE.] Every person guilty of sending, uttering or making to another any words or signs whatever, with intent to provoke or induce such person to give or receive any challenge to fight a duel, is guilty of a misdemeanor.

§ 301. POSTING FOR NOT FIGHTING.] Every person who posts or publishes another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, or who uses any reproachful or contemptuous language, verbal, written or printed, to or concerning another for not sending or accepting a challenge to fight a duel, or with intent to provoke a duel, is guilty of a misdemeanor.

§ 302. LEAVING TERRITORY TO EVADE LAWS.] Every person who leaves this territory with intent to elude any of the provisions of this chapter, and to commit any act out of this territory, such as is prohibited by this chapter, and who does any act, although out of this territory, which would be punishable by said provisions, if committed within this territory, is punishable in the same manner as he would have been, in case such act had been committed within this territory.

§ 303. WHERE TRIED.] Such person may be indicted and tried in any county within this territory.

§ 304. WITNESSES' PRIVILEGE.] No person shall be excused from testifying

or answering any question upon any investigation or trial for a violation of either of the provisions of this chapter, upon the ground that his testimony might tend to convict him of a crime. But no evidence given upon any examination of a person so testifying shall be received against him in any criminal prosecution or proceeding.

CHAPTER XXIV.

ASSAULT AND BATTERY.

§ 305. ASSAULT.] An assault is any willful and unlawful attempt or offer, with force or violence, to do a corporal hurt to another.

§ 306. BATTERY.] A battery is any willful and unlawful use of force or violence upon the person of another.

§ 307. WHEN FORCE ALLOWABLE.] To use or to attempt to offer to use force or violence upon or towards the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction.
2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody.
3. When committed either by the party about to be injured or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided the force or violence used is not more than sufficient to prevent such offense.
4. When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent, or authorized agent or guardian, master or teacher, and the force or violence used is reasonable in manner and moderate in degree.
5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them, at their request, in expelling from any carriage, railroad car, vessel or other vehicle, any 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 and violence used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety.
6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for

the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

§ 308. PUNISHMENT OF ASSAULT AND BATTERY.] Assault or assault and battery is punishable by imprisonment in a county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both.

§ 309. ASSAULTS WITH DANGEROUS WEAPONS.] Every person who, with intent to do bodily harm, and without justifiable or excusable cause, commits any assault upon the person of another with any sharp or dangerous weapon, or who without such cause shoots or attempts to shoot at another with any kind of fire-arms or air-gun or other means whatever, with intent to injure any person, although without intent to kill such person or to commit any felony, is punishable by imprisonment in the territorial prison not exceeding five years, or by imprisonment in a county jail not exceeding one year.

CHAPTER XXV.

LIBEL.

§ 310. LIBEL DEFINED.] Any malicious injury to good name, other than by words orally spoken, is a libel.

§ 311. LIBEL A MISDEMEANOR.] Every person who willfully, and with a malicious intent to injure another, publishes any libel, is guilty of a misdemeanor.

§ 312. MALICE PRESUMED.] An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown.

§ 313. TRUTH GIVEN IN EVIDENCE.] In all criminal prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted.

§ 314. PUBLICATION DEFINED.] To sustain a charge of publishing a libel it is not needful that the words complained of should have been read by any person. It is enough that the accused knowingly parted with the immediate custody of the libel under circumstances which exposed it to be read by any other person than himself.

§ 315. LIABILITY OF EDITORS AND OTHERS.] Each author, editor and proprietor of any book, newspaper or serial publication, and each member of any partnership or incorporated association, by which any book, newspaper, or serial publication is issued, is chargeable with the publication of any words contained in any part of said book, or number of such newspaper or serial.

§ 316. PRIVILEGE.] No reporter, editor or proprietor of any newspaper, is liable to any prosecution for a fair and true report of any judicial, legislative, or other public official proceedings, or of any statement, speech, argument, or debate in the course of the same, except upon proof

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§ 7136. **Attempts to induce challenge.** Every person guilty of sending, uttering or making to another any words or signs whatever, with intent to provoke or induce such person to give or receive any challenge to fight a duel, is guilty of a misdemeanor.

§ 7137. **Posting for not fighting.** Every person who posts or publishes another for not fighting a duel or for not sending or accepting a challenge to fight a duel, or who uses any reproachful or contemptuous language, verbal, written or printed, to or concerning another for not sending or accepting a challenge to fight a duel or with intent to provoke a duel, is guilty of a misdemeanor.

§ 7138. **Leaving state to evade laws.** Every person who leaves this state with intent to evade any of the provisions of this chapter and to commit any act out of the state such as is prohibited by this chapter, and who does any act although out of this state which would be punishable by said provisions, if committed within this state, is punishable in the same manner as he would have been, in case such act had been committed within this state.

§ 7139. **Where may be tried.** Such person may be prosecuted, informed against or indicted and tried in any county within this state.

§ 7140. **No privilege against testifying.** No person shall be excused from testifying or answering any question upon any investigation or trial for a violation of either of the provisions of this chapter, upon the ground that his testimony might tend to convict him of a crime. But no evidence given upon any examination of a person so testifying shall be received against him in any criminal prosecution or proceeding.

CHAPTER 25.

ASSAULT AND BATTERY.

§ 7141. **Assault defined.** An assault is any willful and unlawful attempt or offer, with force or violence, to do a corporal hurt to another.

§ 7142. **Battery defined.** A battery is any willful and unlawful use of force or violence upon the person of another.

§ 7143. **When force not unlawful.** To use or to attempt or to offer to use force or violence upon or toward the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction.
2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody.
3. When committed either by the party about to be injured or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful

weapon, or by such other means or force as was likely to produce death, with intent to commit any felony other than assault with intent to kill, or in resisting the execution of any legal process, is punishable by imprisonment in the penitentiary not less than one and not exceeding ten years.

§ 7128. **Other assaults. Intent. Exception. Punishment.** Every person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill, the punishment for which assault is not prescribed by the preceding section, is punishable by imprisonment in the penitentiary not less than one and not exceeding five years, or in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

§ 7129. **Administering drugs. Intent. Felony.** Every person guilty of administering to another any chloroform, ether, laudanum or other intoxicating, narcotic or other anesthetic agent, with intent thereby to enable or assist himself or any other person to commit any felony, is guilty of felony.

CHAPTER 24.

DUELS AND CHALLENGES.

§ 7130. **Duel defined.** A duel is any combat with deadly weapons, fought between two persons by previous agreement or upon a previous quarrel.

§ 7131. **Punishment for fighting.** Every person guilty of fighting any duel, although no death or wound ensues, is punishable by imprisonment in the penitentiary not less than one and not exceeding ten years.

§ 7132. **Incapacity to hold office.** Every person convicted of fighting a duel is thereafter incapable of holding or being elected or appointed to any office, place or post of trust or emolument, civil or military, under this state.

§ 7133. **Seconds. Aids. Surgeons.** Every person who is present at the time when any duel is fought, either as second, aid or surgeon, or who advises or gives any countenance to any duel, is punishable by imprisonment in the penitentiary not less than one and not exceeding seven years.

§ 7134. **Challenges. Punishment.** Every person who challenges another to fight a duel; every person who accepts any such challenge; and every person who knowingly forwards, carries or delivers any such challenge, is punishable by imprisonment in the penitentiary not less than one and not exceeding seven years.

§ 7135. **Challenge defined.** Any words, spoken or written, or any signs uttered or made to any person, expressing or implying or intended to express or imply a desire, request, invitation or demand, to fight a duel, or to meet for the purpose of fighting a duel, are deemed a challenge.