

THE  
COMPILED AND REVISED  
LAWS  
OF THE  
TERRITORY OF IDAHO.

OF A GENERAL NATURE PASSED AT, OR CON-  
TINUED IN FORCE BY THE

EIGHTH SESSION

OF THE  
LEGISLATIVE ASSEMBLY

CONVENED ON THE SEVENTH DAY OF  
DECEMBER, A. D. 1874, AT

BOISE CITY.

TOGETHER WITH THE CONSTITUTION OF THE  
UNITED STATES, DECLARATION OF INDEPENDENCE  
AND ACTS OF CONGRESS CONCERNING THE  
TERRITORY.

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MILTON KELLY, TERRITORIAL PRINTER.  
1875.

Assaulting  
and intimid-  
ation.

SEC. 41. If any person shall assault and beat another with a cowhide, stick, or whip, having at the time in his possession a pistol or other deadly weapon, with intent to intimidate and prevent the person assaulted from defending himself, such person shall, on conviction thereof, be imprisoned in the Territorial prison not less than one nor more than four years.

Adminis-  
tering poi-  
son.

SEC. 42. Every person who shall wilfully and maliciously administer, or cause to be administered to or taken by any person, any poison or other noxious or destructive substance or liquid with the intention to cause the death of such person, and being thereof duly convicted, shall be punished by imprisonment in the Territorial prison for a term not less than ten years, and which may extend to life; and every person who shall administer or cause to be administered or taken any medicinal substance, or shall use or cause to be used any instruments whatever, with the intention to procure the miscarriage of any woman then being with child, and shall be thereof duly convicted, shall be punished by imprisonment in the Territorial prison for a term not less than two years nor more than five years; *provided*, that no physician shall be affected by the last clause of this section, who, in the discharge of his professional duties, deems it necessary to produce the miscarriage of any woman in order to save her life.

Procuring  
abortion.

Mayhem.

SEC. 43. Mayhem consists in unlawfully depriving a human being of a member of his or her body or disfiguring or rendering it useless. If any person shall cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or disable any limb or member of another, or shall voluntary or of purpose put out an eye or eyes, every such person shall be guilty of mayhem. The crime of mayhem shall be punishable by imprisonment in the Territorial prison for a term not exceeding fourteen years.

Rape.

SEC. 44. Rape is the carnal knowledge of a female forcibly and against her will, and a person duly convicted thereof shall be punished by imprisonment in the Territorial prison for a term not less than five years, and which may extend to life; and any person of the age of fourteen years and upwards who shall have carnal knowledge of any female child under the age of twelve years, either with or without her consent, shall be adjudged guilty of the crime of rape and be punished as before provided.

Crime  
against  
nature.

SEC. 45. The infamous crime against nature, either with man or beast, shall subject the offender to be pun-

ished by imprisonment in the Territorial prison for a term not less than five years, and which may extend to life.

SEC. 46. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another; and every person convicted thereof shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment, together with the costs of suit.

Assault.

SEC. 47. An assault with intent to commit murder, rape, the infamous crime against nature, mayhem, robbery or grand larceny shall subject the offender to imprisonment in the Territorial prison for a term not less than one year nor more than fourteen years. An assault with a deadly weapon, instrument or other thing with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant heart, shall subject the offender to imprisonment in the Territorial prison not less than one year nor exceeding two years, or to a fine not less than one thousand nor exceeding five thousand dollars, or to both such fine and imprisonment.

Assault with intent to commit murder, etc.

Assault with deadly weapon, etc.

SEC. 48. Assault and battery is the unlawful beating of another, and a person duly convicted thereof shall be punished by fine in any sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, together with costs of suit.

Assault and battery.

SEC. 49. False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority. Any person convicted of false imprisonment shall pay all damages sustained by the person so imprisoned, and be fined in a sum not exceeding five thousand dollars, or imprisoned in the Territorial prison for a term not exceeding one year.

False imprisonment.

SEC. 50. Kidnapping is the forcible abduction or stealing away of a man, woman or child from his or her own home, and sending or taking him or her from said home.

Kidnapping.

SEC. 51. Every person who shall forcibly steal, take or arrest any man, woman or child, whether white, black or colored, or any Indian in this Territory, and carry him or her into another county, State or Territory, or

Kidnaping, punishment for.