

THE  
STATUTES OF OKLAHOMA

1890.

Compiled under the supervision and direction of Robert Martin,  
Secretary of the Territory,

—BY—

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—FROM—

The Laws Passed by the First Legislative Assembly of the Territory.

GUTHRIE, OKLAHOMA:  
THE STATE CAPITAL PRINTING CO.,  
PUBLISHERS.  
1891.

THE  
**General Statutes of the Territory of Oklahoma.**

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CHAPTER I.—AGENTS AND AGENCIES.

Chap 1.

[Took effect December 25, 1890.]

ARTICLE.

1. Agents.
2. Factors.
3. Agency.
4. Authority of agents.
5. Mutual obligations of principals and third persons.
6. Obligations of agents of third persons.

ARTICLE.

7. Delegation of agency.
8. Termination of agency.
9. Auctioneers.
10. Factors.
11. Shipmasters and pilots.
12. Ship's manager.

ARTICLE I.—AGENTS.

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1. Exceeding authority.
2. Inform principal to acts.

SECTION.

3. Collecting agents.
4. Sub-agents.

(153) § 1. An agent must not exceed the limits of his actual authority, as defined by the article on agency. Agent must not exceed his authority.

(154) § 2. An agent must use ordinary diligence to keep his principal informed of his acts in the course of the agency. He must inform his principal.

(155) § 3. An agent employed to collect a negotiable instrument must collect it promptly, and take all measures necessary to charge the parties thereto, in case of its dishonor, and, if it is a bill of exchange, must present it for acceptance with reasonable diligence. Collecting agent.

(156) § 4. A mere agent of an agent is not responsible as such to the principal of the latter. Responsibility of sub-agent.

ARTICLE 2.—FACTORS.

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2. Must obey principal.
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SECTION.

4. Guarantee commission.
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(157) § 1. The factor is an agent who, in the pursuit of an independent calling, is employed by another to sell property for him and is vested by the latter with the possession or control of the property, or authorized to receive payment therefor from the purchaser. Factor defined.

(158) § 2. A factor must obey the instructions of his principal, to the same extent as any other employe, notwithstanding any advances he may have made to his principal upon the property consigned to him, except that if the principal forbids him to sell He must obey principal.

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## CHAPTER XXV.—CRIMES AND PUNISHMENT.

## ARTICLE.

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## ARTICLE.

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9. Jury must find degree of crime.
10. Rules of construction.
11. Punishment determined by the court.
12. Punishments.
13. Punishment of felony.
14. Punishment of misdemeanor.

Title of code. (1848) § 1. This act shall be known as the penal code of the Territory of Oklahoma.

What acts are criminal. (1849) § 2. No act or omission shall be deemed criminal or punishable except as prescribed or authorized by this code. The words "This Code" as used in the "Penal Code" shall be construed to mean "Statutes of this Territory."

Crime defined. (1850) § 3. A crime or public offense is an act or omission

(2430) § 6. Every person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in the second section of this article, is punishable in the same manner as if such money or property were actually obtained by means of such threat. Chap. 25.  
Sending threatening letter.

(2431) § 7. Every person who unsuccessfully attempts by means of any verbal threat such as is specified in the second section of this article, to extort money or other property from another is guilty of a misdemeanor. Attempting to export money.

ARTICLE 47.—CONCEALED WEAPONS.

SECTION.

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SECTION.

6. Degree of punishment.
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8. Intent of persons carrying weapons.
9. Pointing weapon at another.
10. Violation of certain sections.

(2432) § 1. It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided. Prohibited weapons enumerated.

(2433) § 2. It shall be unlawful for any person in the Territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided. Same.

(2434) § 3. It shall be unlawful for any person within this Territory, to sell or give to any minor any of the arms or weapons designated in sections one and two of this article: Minors.

(2435) § 4. Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: *Provided, however,* That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person. Public officials, when privileged.

(2436) § 5. Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while travelling or removing from one place to another, and not otherwise. Arms, when lawful to carry.

(2437) § 6. Any person violating the provisions of any one of the foregoing sections, shall on the first conviction be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not to exceed thirty days or both at the discretion of the court. On the second and every subsequent con- Degree of punishment.

**Chap. 25.** viction, the party offending shall on conviction be fined<sup>1</sup> not less than fifty dollars nor more than two hundred and fifty dollars or be imprisoned in the county jail not less than thirty days nor more than three months or both, at the discretion of the court.

Public build-  
ings and gather-  
ings.

(2438) § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

Intent of per-  
sons carrying  
weapons.

(2439) § 8. It shall be unlawful for any person in this Territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

Pointing  
weapons at an-  
other.

(2440) § 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

Violation of  
section seven.

(2441) § 10. Any person violating the provisions of section seven, eight or nine of this article; shall on conviction, be punished by a fine of not less than fifty dollars, nor more than five hundred and shall be imprisoned in the county jail for not less than three not more than twelve months.

#### ARTICLE 48.—FALSE PERSONATION AND CHEATS.

##### SECTION.

1. False impersonation, punishment for.
2. False impersonation and receiving money.
3. Personating officers and others.
4. Unlawful wearing of grand army badge.
5. Fines, how paid.
6. Obtaining property under false pretenses.

##### SECTION.

7. False representation of charitable purposes.
8. Falsely representing banking corporations.
9. Using false check.
10. Holding mock auction.

Punishment  
for false imper-  
sonation.

(2442) § 1. Every person who falsely personates another, and in such assumed character, either:

First. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or,

Second. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or,

Third. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or,

Fourth. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person.