

An act defining and providing for the punishment of certain crimes therein named

Chapter 27, Section 1 of the General Laws of the State of Kansas (1861) provides for punishment by death for any person convicted of treason against the state. The legislature enacted the law at its first session ending March 26, 1861. The following year, the Legislature enacted a death penalty for persons convicted of first degree murder. These laws demonstrate the state's initial stance on capital punishment.

Creator: Kansas Legislature.

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An act defining and providing for the punishment of certain crimes therein named

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CRIMES.

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CHAPTER XXVII.

AN ACT defining and providing for the Punishment of certain Crimes therein named.

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

Person convicted
of treason, pun-
ished.

SECTION 1. Every person who shall be convicted of treason against the State, shall suffer death.

Misprision of,
shall consist in.

SEC. 2. That misprision of treason shall consist in being a party to any treasonable purpose against this State, or in having and holding correspondence countenancing such treasonable purpose, with any person or persons who shall be engaged in setting the same upon foot against the State, or in having knowledge of the existence of a treasonable purpose, or of an act of treason against the State, and failing, speedily, to make the same known to the Governor of this State; and shall, upon conviction, be punished by confinement in the penitentiary for not less than one nor more than ten years.

Upon conviction,
how punished.

Person join any
society to produce
insurrection
against this State
or U. S. Gov't.

SEC. 3. Any citizen of this State who shall join any society or organization, the object of which shall be to produce an insurrection, or to revolutionize the government of this State or of the United States, or shall furnish arms or military stores to the enemies of this State or of the United States, knowing them to be such, shall, upon conviction, be punished by confinement in the penitentiary for not less than one nor more than ten years.

Upon conviction,
how punished.

What constitutes
misdemeanor.

SEC. 4. Any person who shall, within the limits of this State, assist in raising the flag of any nation or body of men who are at war with this State or the United States, or shall wear any cockade, badge or device, intending thereby to show his sympathy with, or his adherence to the enemies of this State or of the United States, shall be deemed guilty of a misdemeanor, and, upon conviction before a justice of the peace, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Punishment of
misdemeanor.

Persons may be
punished, though
committing the
crime outside
State.

SEC. 5. Whenever either of the crimes described in the first, second and third sections of this act shall be committed by a citizen of this State, without the limits of the same, the person charged therewith may be arrested, tried and punished in any county in this State, within the limits of which he may be found, and the offense may be charged to have been committed in the county in which he is arrested.



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ELECTIONS.

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SEC. 6. This act shall take effect and be in force from and after its publication, in some paper published at the capital of the State. When to take effect.

Approved May 21, 1861.

I hereby certify that the above bill became a law, by publication in the "Topeka State Record," June 15, 1861.

J. W. ROBINSON,
Secretary of State.

CHAPTER XXVIII.

AN ACT to regulate Elections and to prescribe the qualifications of Voters, and to prevent illegal voting.

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

SECTION 1. That all elections hereafter to be held for State district and county officers, shall be held and conducted in the manner prescribed in this act. How elections shall be held.

SEC. 2. That each township in the several counties shall compose one election district, unless such township is now or shall hereafter be divided, by law, into more districts than one; the election to be held at such place in such township or district as the trustee, and any justice of the peace in each township, shall direct, and each ward of any city that is or may be divided into wards, shall compose one election district; the elections therein to be held at such places as the members of the city council may direct, and in all elections held under this act, any three of said councilmen shall serve as judges and perform the duties required of the township trustees and justices of the peace, in like cases. Each township and ward in city shall constitute one election district.

SEC. 3. That the trustee and any two justices of the peace shall be judges of all elections in their respective townships, and shall have power to appoint two clerks for each election; and, should the said judges of such election, or either of them, fail to meet at the place of holding the election, by the hour of eight o'clock in the morning, then the electors present shall select from their number, *viva voce*, one or more judges of election, as the case may be, who shall have all the powers and authority of the judges herein mentioned; and, previous to receiving any votes, the Who shall be judges of election.