

An act regulating crimes and punishment of crimes against the persons of individuals

Section 2, Pages 31 - 60

Chapter 33, Section 3 of the General Laws of the State of Kansas (1862) provides for punishment by death for persons convicted of murder in the first degree. The legislature passed the law at its second annual session ending March 6, 1862. The previous year, the legislature passed a death penalty law for persons convicted of treason against the state. These laws demonstrates the state's initial stance on capital punishment.

Creator: Kansas Legislature.

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mission of any offence punishable only by imprisonment in the county jail, or by fine, or by such imprisonment and fine, or of any misdemeanor or violation of any statute for which any pecuniary or other penalty or forfeiture is or shall be prescribed, who shall take any money, property, gratuity or reward, or any promise, engagement or undertaking therefor, upon any agreement or understanding, express or implied, to compound or conceal any such offence or misdemeanor, or to abstain from any prosecution therefor, or to withhold any evidence thereof, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail, not exceeding one year, or by fine, not exceeding three hundred dollars, or by both such fine and imprisonment.

Compounding,
etc., misdemean-
ors, how punish-
ed.

SEC. 152. Upon the trial of any indictment for any offences specified in the two last sections, it shall not be necessary to prove the conviction of any offender for the offence, in relation to which any agreement or understanding therein prohibited shall have been made.

Conviction of
principal not
necessary in
trial of offences
specified in the
two last sections

SEC. 153. If any person or persons shall knowingly and willfully obstruct, resist or oppose any sheriff or other ministerial officer in the service or execution, or in the attempt to serve or execute any writ, warrant or process, original or judicial, or in discharge of any official duty in any case of felony, every person so offending shall, upon conviction, be punished by confinement and hard labor, for a term not exceeding five years, or by imprisonment in the county jail for a term not less than six months, or a fine, not less than five hundred dollars, or by a fine, not less than one hundred dollars, and imprisonment in the county jail, not less than three months nor more than one year.

Obstructing pro-
cess in cases of
felony, how pun-
ished.

SEC. 154. If any person or persons shall knowingly and willfully obstruct, resist or oppose any sheriff, or any other ministerial officer, in the service or execution, or in the attempt to serve or execute any writ, warrant or process, original or judicial, or in the discharge of any other duty, in any case, civil or criminal, other than felony, or in the service or attempt to serve any order or rule of court, in any case, every person so offending shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail, for a term not exceeding one year, or by fine, not exceeding three hundred dollars, or by both such fine and imprisonment.

Obstructing pro-
cess in civil cas-
es and misde-
meanors, how
punished.

SEC. 155. Every person who shall knowingly and willfully

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To assault, etc., officer in discharge of official duty, how punished.

assault, beat or wound any such officer, while engaged in the service or execution, or attempt to serve or execute any writ, warrant or process, original or judicial, or any order or rule of court, or while in the discharge of any other official duty, shall, on conviction, be adjudged guilty of a misdemeanor, and punished as in the last preceding section is declared.

Rescuing prisoner convicted of capital offence, how punished.

SEC. 156. If any person or persons shall by force set at liberty, or rescue from custody or prison, any person convicted of a capital offence, or shall set at liberty or rescue any person convicted of such crime, while going to execution, or during execution, every person so offending shall be punished by confinement and hard labor, for a term not less than ten years nor more than twenty-one years.

Rescuing prisoner charged with the same.

SEC. 157. If any person or persons shall by force set at liberty or rescue any prisoner while in custody or confinement for a capital offence, before conviction, every person so offending shall, on conviction, be punished by confinement and hard labor, not exceeding ten years.

Rescuing prisoner charged or convicted of felonies not capital.

SEC. 158. If any person or persons shall, by force, set at liberty or rescue any prisoner in custody or confinement for a felony not capital, whether before or after conviction, every person so offending shall be punished by confinement and hard labor for a term not exceeding ten years.

Rescuing prisoners charged or convicted of offences other than felony.

SEC. 159. If any person or persons shall, by force, set at liberty or rescue any person held in custody or prison for any offence other than felony, whether before or after conviction, or upon any writ or process, original or judicial, in any civil case, every person so offending shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail, for a term not exceeding one year, and by fine, not exceeding five hundred dollars.

Attempt to rescue prisoner charged or convicted of felony, how punished.

SEC. 160. Every person who shall attempt, by force, to set at liberty or rescue any prisoner in custody or confinement for a felony, whether before or after conviction, shall be punished by confinement and hard labor for a term not exceeding five years.

Attempt to rescue prisoner charged or convicted of offences not felonies, how punished.

SEC. 161. Every person who shall attempt, by force, to set at liberty or rescue any prisoner in custody for an offence other than felony, before or after conviction, or upon any writ, warrant or process, original or judicial, in a civil case, or any other lawful authority, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine, not exceeding three

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hundred dollars, or by imprisonment in the county jail, not exceeding six months.

SEC. 162. Every person who shall convey into the penitentiary, or any jail or other place of imprisonment, any disguised instrument, arms or other thing proper or useful to aid any prisoner in his escape, with intent thereby to facilitate the escape of any prisoner, lawfully committed to or detained in any such place of confinement and hard labor for any felony whatever, whether such escape be effected or attempted or not, shall, upon conviction, be punished by imprisonment in the penitentiary, for a term not exceeding ten years.

Conveying instruments into jail to aid escape of prisoners who are felons, how punished.

SEC. 163. Every person who shall convey into any jail, or place of confinement, any disguised instrument, or any thing proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in such jail or place of confinement, for any criminal offence other than a felony, or lawfully imprisoned or detained therein for any violation of any penal statute, or in any civil action, whether such escape be effected or attempted or not, shall be adjudged guilty of a misdemeanor, and punished by imprisonment in a county jail, not exceeding one year, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Conveying instruments into jail to aid escape of prisoners other than felons, punishment.

SEC. 164. Every person who shall, by any means whatever, aid or assist any prisoner, lawfully detained in any jail or place of confinement, for any felony, to escape therefrom, whether such escape be effected or not, shall, upon conviction, be punished by confinement and hard labor, for a term not exceeding five years.

Aiding felon to escape from jail, how punished.

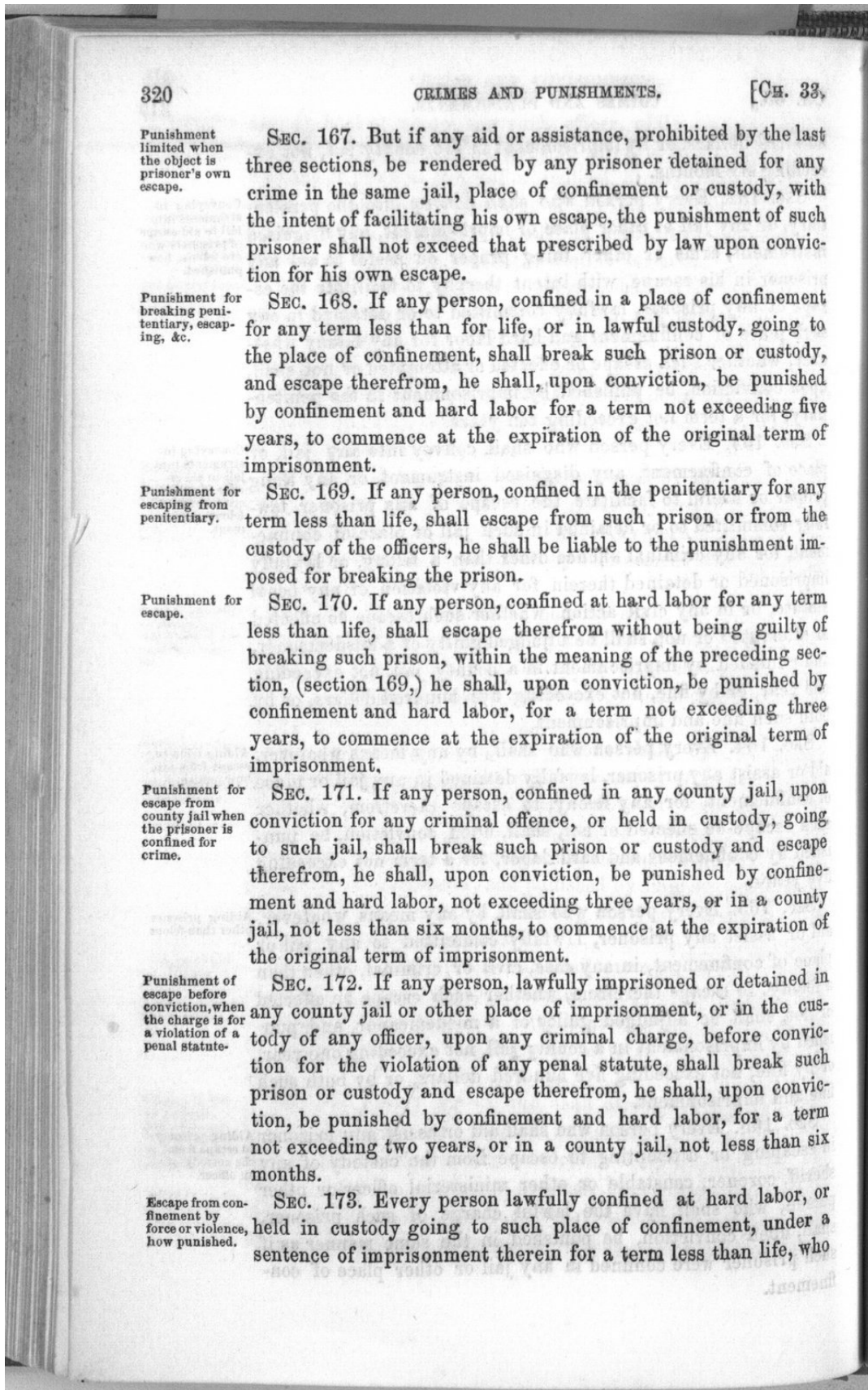
SEC. 165. Every person who shall, by any means whatever, aid or assist any prisoner, lawfully committed to any jail or place of confinement, in any case, civil or criminal, other than a felony, to escape therefrom, whether such escape be effected or not, shall be adjudged guilty of a misdemeanor, and punished by imprisonment in a county jail, not exceeding one year, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Aiding prisoner other than felons

SEC. 166. Every person who shall aid or assist any prisoner in escaping or attempting to escape from the custody of any sheriff, coroner, constable or other ministerial officer or other person, who shall have the lawful charge of such prisoner, shall, upon conviction, be punished in the same manner as if such prisoner were confined in any jail or other place of confinement.

Aiding prisoner to escape from the custody of an officer.

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Punishment
limited when
the object is
prisoner's own
escape.

SEC. 167. But if any aid or assistance, prohibited by the last three sections, be rendered by any prisoner detained for any crime in the same jail, place of confinement or custody, with the intent of facilitating his own escape, the punishment of such prisoner shall not exceed that prescribed by law upon conviction for his own escape.

Punishment for
breaking peni-
tentiary, escap-
ing, &c.

SEC. 168. If any person, confined in a place of confinement for any term less than for life, or in lawful custody, going to the place of confinement, shall break such prison or custody, and escape therefrom, he shall, upon conviction, be punished by confinement and hard labor for a term not exceeding five years, to commence at the expiration of the original term of imprisonment.

Punishment for
escaping from
penitentiary.

SEC. 169. If any person, confined in the penitentiary for any term less than life, shall escape from such prison or from the custody of the officers, he shall be liable to the punishment imposed for breaking the prison.

Punishment for
escape.

SEC. 170. If any person, confined at hard labor for any term less than life, shall escape therefrom without being guilty of breaking such prison, within the meaning of the preceding section, (section 169,) he shall, upon conviction, be punished by confinement and hard labor, for a term not exceeding three years, to commence at the expiration of the original term of imprisonment.

Punishment for
escape from
county jail when
the prisoner is
confined for
crime.

SEC. 171. If any person, confined in any county jail, upon conviction for any criminal offence, or held in custody, going to such jail, shall break such prison or custody and escape therefrom, he shall, upon conviction, be punished by confinement and hard labor, not exceeding three years, or in a county jail, not less than six months, to commence at the expiration of the original term of imprisonment.

Punishment of
escape before
conviction, when
the charge is for
a violation of a
penal statute.

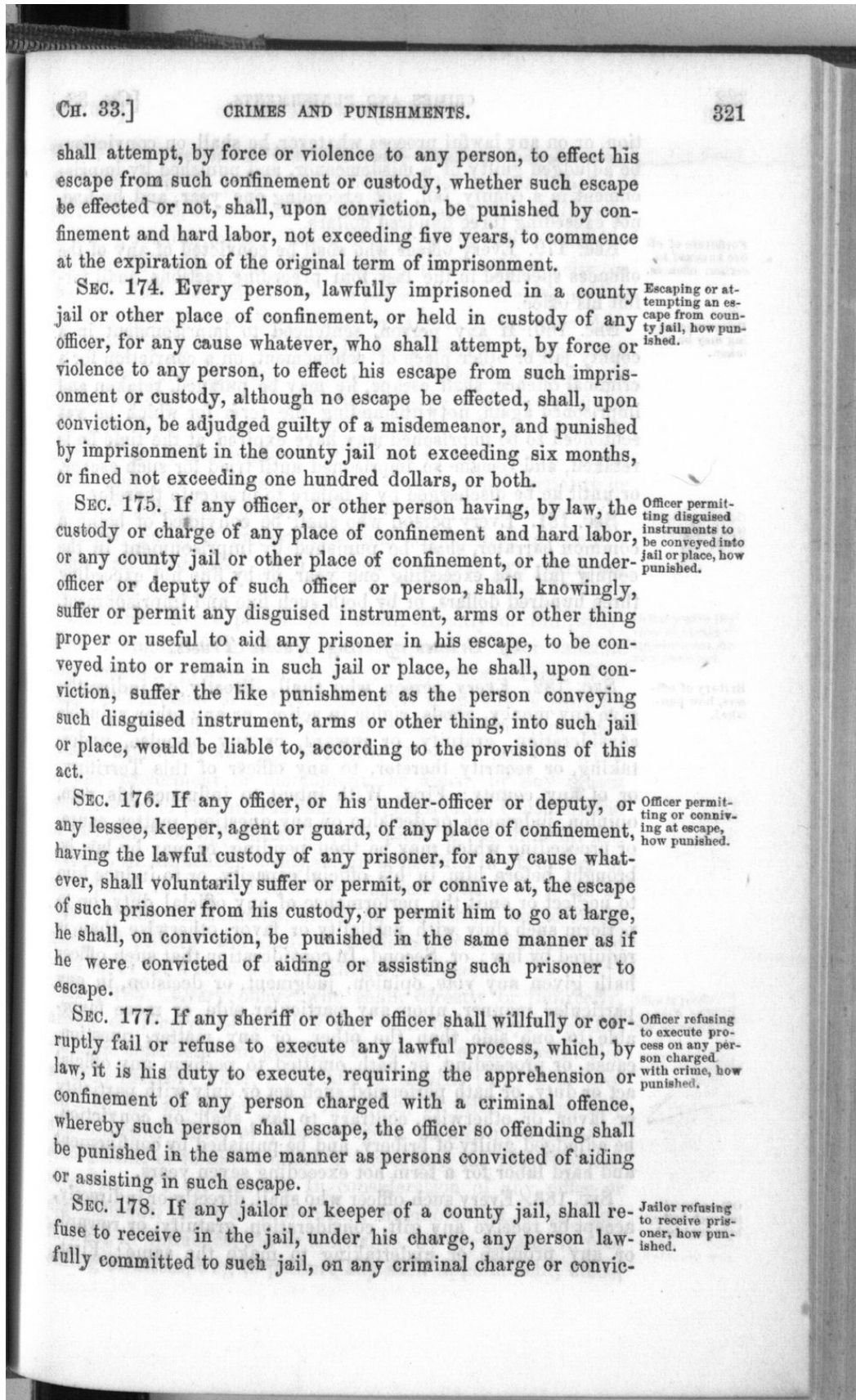
SEC. 172. If any person, lawfully imprisoned or detained in any county jail or other place of imprisonment, or in the custody of any officer, upon any criminal charge, before conviction for the violation of any penal statute, shall break such prison or custody and escape therefrom, he shall, upon conviction, be punished by confinement and hard labor, for a term not exceeding two years, or in a county jail, not less than six months.

Escape from con-
finement by
force or violence,
how punished.

SEC. 173. Every person lawfully confined at hard labor, or held in custody going to such place of confinement, under a sentence of imprisonment therein for a term less than life, who



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shall attempt, by force or violence to any person, to effect his escape from such confinement or custody, whether such escape be effected or not, shall, upon conviction, be punished by confinement and hard labor, not exceeding five years, to commence at the expiration of the original term of imprisonment.

SEC. 174. Every person, lawfully imprisoned in a county jail or other place of confinement, or held in custody of any officer, for any cause whatever, who shall attempt, by force or violence to any person, to effect his escape from such imprisonment or custody, although no escape be effected, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail not exceeding six months, or fined not exceeding one hundred dollars, or both.

Escaping or attempting an escape from county jail, how punished.

SEC. 175. If any officer, or other person having, by law, the custody or charge of any place of confinement and hard labor, or any county jail or other place of confinement, or the under-officer or deputy of such officer or person, shall, knowingly, suffer or permit any disguised instrument, arms or other thing proper or useful to aid any prisoner in his escape, to be conveyed into or remain in such jail or place, he shall, upon conviction, suffer the like punishment as the person conveying such disguised instrument, arms or other thing, into such jail or place, would be liable to, according to the provisions of this act.

Officer permitting disguised instruments to be conveyed into jail or place, how punished.

SEC. 176. If any officer, or his under-officer or deputy, or any lessee, keeper, agent or guard, of any place of confinement, having the lawful custody of any prisoner, for any cause whatever, shall voluntarily suffer or permit, or connive at, the escape of such prisoner from his custody, or permit him to go at large, he shall, on conviction, be punished in the same manner as if he were convicted of aiding or assisting such prisoner to escape.

Officer permitting or conniving at escape, how punished.

SEC. 177. If any sheriff or other officer shall willfully or corruptly fail or refuse to execute any lawful process, which, by law, it is his duty to execute, requiring the apprehension or confinement of any person charged with a criminal offence, whereby such person shall escape, the officer so offending shall be punished in the same manner as persons convicted of aiding or assisting in such escape.

Officer refusing to execute process on any person charged with crime, how punished.

SEC. 178. If any jailor or keeper of a county jail, shall refuse to receive in the jail, under his charge, any person lawfully committed to such jail, on any criminal charge or conviction,

Jailor refusing to receive prisoner, how punished.



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tion, or on any lawful process whatever, he shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in a county jail, not exceeding one year, and by fine, not exceeding three hundred dollars.

Forfeiture of office annexed to certain offences.

SEC. 179. Every officer who shall be convicted of any of the offences specified in the last four preceding sections, shall forfeit his office.

Prisoner escaping may be retaken.

SEC. 180. If any person, sentenced to imprisonment in a county jail or other place of confinement, on a conviction for a criminal offence, shall escape, he may be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time he is retaken, and remain so imprisoned until tried for such escape, or until he be discharged by a failure to prosecute therefor.

Common barratry, how punished.

SEC. 181. Every person who shall be convicted of being a common barrator, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding three hundred dollars, or by both such fine and imprisonment.

Of Crimes affecting Public Trusts.

Bribery of officers, how punished.

SEC. 182. Every person who shall, directly or indirectly, give any money, goods, rights in action, or any other valuable consideration, gratuity, or reward, or any promise, undertaking, or security therefor, to any officer of this Territory, or of any county: First, With intent to influence his vote, opinion, judgment, or decision on any question, matter, cause, or proceeding which may be then pending, or may by law be brought before him in his official capacity, or to induce him to neglect or omit the performance of any official duty, or to perform such duty with partiality or favor, otherwise than is required by law; or, Second, In consideration that such officer hath given any vote, opinion, judgment, or decision, in any particular manner, upon any particular side, or more favorable to one side than the other, or any matter, question, cause, or proceeding, or hath omitted to perform any official act or duty, or hath performed such act or duty with partiality or favor, or otherwise, contrary to law, shall, on conviction, be adjudged guilty of bribery, and be punished by confinement and hard labor for a term not exceeding seven years.

Officers receiving such bribe, how punished.

SEC. 183. Every such officer who shall, directly or indirectly, accept or receive any gift, consideration, gratuity, or reward, or any promise or undertaking to make the same: First,

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Under any agreement that his vote, opinion, judgment, or decision shall be given in any particular manner, on any particular side, or more favorable to one side than the other, in any question, matter, cause, or proceeding which may be pending or be brought before him in his official capacity, or that he shall neglect or omit to perform any official duty, or perform the same with partiality or favor, or otherwise than according to law; or, Second, In consideration that he hath given his vote, opinion, judgment, or decision, in any particular manner, on any particular side, or more favorably to one side than the other, of any question, matter, cause, or proceeding, or hath neglected or omitted to perform any official act or duty, or performed such act or duty with partiality or favor, or otherwise contrary to law, shall, on conviction, be adjudged guilty of bribery, and shall be punished by confinement and hard labor for a term not less than two years, nor more than ten years.

SEC. 184. Every person who shall, directly or indirectly, give or engage to give any sum of money, or other valuable consideration, gratuity, or reward to any officer: First, With intent to influence or induce such officer to give or procure for him, or any other, by his act, interest, influence, or other means whatever, any appointment, office, or place of trust, or any preferment or emolument, or assist, by any means whatsoever, to procure the same; or, Second, In consideration of any office or appointment, preferment or emolument, act, interest, or influence, or any aid or assistance in procuring or attempting to procure such appointment, office, or place of trust, or any emoluments, shall, on conviction, be adjudged guilty of bribery, and shall be punished by confinement and hard labor for a term not exceeding seven years.

Bribery with the view to obtain appointment, &c how punished.

SEC. 185. Every officer who shall, directly or indirectly, accept or receive of another any sum of money, or other valuable consideration, gratuity, or reward, or any promise or security thereof: First, Upon any agreement to give or procure, by his act, interest, or influence, or other means, any appointment, office, or place of trust, or any preferment or emolument, or to aid or assist in procuring the same for another person; or, Second, In consideration of any office or appointment, place or preferment, or emolument, or any act, interest, or influence, aid or assistance, by any means, in procuring or attempting to procure any such appointment, office,

Officers receiving such bribe how punished.



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place of trust, preferment, or emolument, shall, on conviction, be adjudged guilty of bribery, and punished as in the next preceding section is prescribed.

Giving and procuring office, &c., in consideration of bribes, punishment.

SEC. 186. Every person who shall, directly or indirectly, give to or procure, or aid or assist in procuring, for another, by his aid, interest, or influence, or by any other means whatsoever, any office, appointment, or place of trust, or any preferment or emolument, with the intent, or upon the consideration mentioned in the one hundred and eighty-second or one hundred and eighty-fourth sections of this act, shall, upon conviction, be adjudged guilty of bribery, and punished in the same manner as if he had paid or engaged to pay money, with the like intent, and for a like consideration.

Accepting offices procured in this way, punishment for.

SEC. 187. Every person who shall, directly or indirectly, accept, receive, or obtain any office, appointment, or place of trust, preferment or emolument, or aid or assistance in obtaining or attempting to obtain the same, for himself or another, or any promise or undertaking to procure such office, appointment, place of trust, preferment, or emolument, by the act, interest, or influence, aid or assistance of another, upon any agreement or consideration mentioned in the one hundred and eighty-third and one hundred and eighty-fifth sections of this act, shall, upon conviction, be adjudged guilty of bribery, and punished in the same manner as if he had received money upon a like agreement or consideration.

Offering or attempting to bribe in any way before specified, how punished.

SEC. 188. If any person shall, by any of the means mentioned in the preceding sections of this act, or otherwise offer or attempt to bribe any officer or other person, in any of the cases hereinbefore mentioned, he shall, on conviction, be punished by confinement and hard labor for a period not exceeding five years, or by imprisonment in the county jail for a term not exceeding one year, and a fine not less than one thousand dollars.

Giving or promising money or office in consideration of election to office, etc., bribery.

SEC. 189. If any person shall, directly or indirectly, give or procure to be given, or engage to give, any money, gift, or reward, or any office, place, or employment, upon any engagement, contract, or agreement, that the person to whom, or to whose use, or on whose behalf, such gift or promise shall be made, shall, by himself or any other, procure or endeavor to procure the election of any person to any office, at any election by the electors, or any public body, under the constitution or laws of this Territory, the person so offending shall,



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on conviction, be adjudged guilty of bribery, and punished by imprisonment and hard labor for a term not exceeding five years.

SEC. 190. Every person who shall, by himself or another, to his use or on his behalf, accept or receive any such money, gift or reward, office, place or employment, or any promise or security therefor, upon any such engagement, contract, or agreement, as specified in the preceding section, shall be adjudged guilty of bribery, and shall forfeit the full amount of such money, gift, or reward, and shall, moreover, be punished by imprisonment and hard labor for a term not exceeding five years.

Receiving money or office on such agreement, bribery.

SEC. 191. If any person who shall have or claim to have a right to vote in any election authorized to be held by the organic law or the laws of this Territory, shall ask, receive, or take any money or other reward by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or refuse or forbear to give his vote in any such election, the person so offending shall, on conviction, be adjudged guilty of bribery, and shall be punished by fine not exceeding three hundred dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment.

Any person having a right to vote receiving a bribe, how punished.

SEC. 192. If any person, by himself or any person employed by him, shall, by any gift or reward, office or employment, or by any promise, agreement, or security therefor, corrupt or procure, or attempt to corrupt or procure, any person, who shall have or claim to have a right to vote at any election, to give or forbear to give his vote at such election, the person so offending shall, on conviction, be adjudged guilty of bribery, and punished as in the next preceding section is prescribed.

Bribery of voter, how punished.

SEC. 193. Every person holding or exercising any office or public trust under the laws of this Territory, or the act of Congress organizing this Territory, who shall, for any reward or gratuity, or any valuable consideration, paid or agreed to be paid, directly or indirectly, grant, bargain, or sell such office or any deputation thereof, or grant the right or authority to discharge any of the duties thereof, to another, shall, on conviction, be punished by confinement and hard labor not exceeding five years, or by imprisonment in a county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Selling office or deputation thereof, how punished.



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Buying or agreeing to pay for such office, how punished.

SEC. 194. Every person who shall give or make any agreement to give any money, property, right in action, or other gratuity or reward, in consideration of any such bargain, grant, or deputation of an office, or any part thereof, shall, upon conviction, be punished as prescribed in the last preceding section.

Construction and qualification of two preceding sections.

SEC. 195. The two preceding sections shall not be construed to extend to the appointment of a deputy by any officer authorized by law to have a deputy, so that no gratuity or reward be paid, or agreed to be paid, for such deputation.

Such grant or deputation of office declared void, saving acts done previous to conviction.

SEC. 196. Every grant or deputation of office made contrary to the foregoing provisions, shall be void; but all official acts, done before conviction under this act, by any deputy of an officer authorized to make such appointment, shall be valid.

Oppression, partiality, etc., in public officer, how punished.

SEC. 197. Every person exercising or holding any office or public trust, who shall be guilty of willful and malicious oppression, partiality, misconduct, or abuse of authority, in his official capacity, or under color of his office, shall, on conviction, be punished by imprisonment in a county jail for a term not exceeding one year, and fine not exceeding one thousand dollars.

Fraud committed by public officer, how punished.

SEC. 198. Every officer or public agent of this Territory, or of any county, who shall commit any fraud in his official capacity, or under color of his office, shall be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both such imprisonment and fine.

Disqualifications annexed to commission of preceding offences.

SEC. 199. Every person who shall be duly convicted of any of the offences mentioned in the preceding sections of this act, shall be forever disqualified from holding any office of honor, trust, or profit under the laws of this Territory, and from voting at any election.

Punishment for exacting illegal fees.

SEC. 200. Every officer who shall, by color of his office, unlawfully and willfully exact or demand and receive any fee or reward to execute or do his duty, or for any official act done or to be done, that is not due, or more than is due, or before it is due, shall, upon conviction, be adjudged guilty of a misdemeanor, punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 201. Every collector of the revenue, who shall unlaw-

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fully collect taxes when none are due, or shall willfully and unlawfully exact or demand more than is due, shall, upon conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Collector unlawfully collecting taxes, punishment.

SEC. 202. Every officer or person, holding any trust or appointment, who shall be convicted of any willful misconduct or misdemeanor in office, or neglect to perform any duty enjoined on him by law, where no special provision is made for the punishment of such misdemeanor, misconduct, or negligence, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

General provisions touching the misconduct of public officers

SEC. 203. Every officer who shall be convicted of any official misdemeanor or misconduct in office, or who shall be convicted of any offence which, by this or any other statute, is punishable by disqualification to hold office, shall, in addition to the other punishments prescribed for such offences, forfeit his office.

Forfeiture of office declared.

SEC. 204. If any person shall take upon himself any office or public trust in this Territory, and exercise any power to do any act appertaining to such office or trust, without a lawful appointment or deputation, he shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

Usurpation of office, how punished.

SEC. 205. If any person, by menaces, threats, or force, or by any other unlawful means, either directly or indirectly, attempts to influence any qualified voter in giving his vote, or to deter him from giving the same, or disturbs or hinders him in the free exercise of his right of suffrage, at any election held under the laws of this Territory, the person so offending, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by fine, not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding one year.

Penalty for attempting unlawfully to influence voters.

SEC. 206. Every person who shall, at the same election, vote more than once, either at the same or a different place, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine, not exceeding fifty dollars, or by imprisonment in the county jail, not exceeding three months.

Penalty for voting more than once at the same election.



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Penalty for vot-
ing without be-
ing qualified.

SEC. 207. Every person, not being a qualified voter, according to the organic law and the laws of this Territory, who shall vote at any election within this Territory, knowing that he is not entitled to vote, shall be adjudged guilty of a misdemeanor, and punished by fine not exceeding fifty dollars, and imprisonment in the county jail, not exceeding six months.

Penalty for
fraudulently giv-
ing voters prin-
ted tickets, &c.

SEC. 208. Any person who designedly gives a printed or written ticket to any qualified voter of this Territory, containing the written or printed names of persons for whom said voter does not design to vote, for the purpose of causing such voter to poll his vote contrary to his own wishes, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine, not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding three months, or by both such fine and imprisonment.

Penalty for
printing or cir-
culating fraudu-
lent tickets.

SEC. 209. Any person who shall cause to be printed and circulated, or who shall circulate any false and fraudulent tickets, which, upon their face, appear to be designed as a fraud upon voters, shall, upon conviction, be punished by fine, not exceeding five hundred dollars or by imprisonment in the county jail, not exceeding three months, or by both such fine and imprisonment.

Persons holding
elections guilty
of fraud, how
punished.

SEC. 210. Any person or persons whomsoever, who may be charged with holding any election in this Territory, authorized by law, who shall willfully and knowingly receive any vote offered by any person who is not a *bona fide* resident of this Territory, at the time of offering to vote, or who shall have voted previously at the same election, or any person who shall knowingly and willfully commit any irregularity or fraud whatever, with the intent to hinder, prevent or defeat a fair expression of the popular will, shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by imprisonment and hard labor, for a term not less than one year nor more than three years.

Persons know-
ingly holding
fraudulent re-
turns, how pun-
ished.

SEC. 211. Any person who shall have in his possession any falsely made, altered, forged or counterfeit poll book, tally list or election returns of any election in this Territory, authorized by law or held under any semblance or pretence of law, knowing the same to be falsely made, altered, forged or counterfeited, with intent to hinder, prevent or defeat a fair expression of the popular will, shall be deemed guilty of felony, and,

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upon conviction thereof, shall be punished by imprisonment and hard labor, for a term not less than one year nor more than three years.

SEC. 212. Any person or persons whomsoever, who may be authorized by law or any semblance or pretense of law, to receive, canvass or count the poll books or tally lists or election returns of any election held under law or any semblance or pretense of law, who shall willfully and knowingly receive, canvass and count any poll books, tally lists or election returns, which are fraudulent, forged or counterfeited, or shall falsely and fraudulently count and cast up any poll books, tally lists, election returns or votes, with intent to hinder, prevent or defeat a fair expression of the popular will, shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by imprisonment and hard labor, for a term not less than two years nor more than five years.

Persons canvassing fraudulent returns with intent to deceive, how punished.

SEC. 213. Any person or persons authorized by law or by any semblance or pretense of law, to grant certificates of election, or to declare, by proclamation or otherwise, the result of any election, held under law or any semblance or pretense of law, who shall grant such certificates or declare the result of such election, based upon fraudulent, fictitious or illegal votes, with intent to hinder, prevent or defeat a fair expression of the popular will, shall be deemed guilty of felony, and upon conviction thereof, shall be punished by imprisonment and hard labor, for a term not less than two years nor more than five years.

Knowingly granting certificates of election, or declaring result upon false returns, how punished.

SEC. 214. Any person or persons who shall knowingly and willfully inscribe or cause to be inscribed upon any poll book, tally list or election returns of any election, held under law, or under any semblance or pretense of law, the name of any person not entitled to vote or not voting, with intent to hinder, prevent or defeat a fair expression of the popular will, shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by imprisonment and hard labor, for a term not less than one year nor more than two years.

When name falsely inscribed on poll list, how punished.

SEC. 215. Any person who shall subscribe or cause to be subscribed his own name or any other name, as judge or clerk of any election, to any falsely made, altered, fraudulent or counterfeited poll book, tally list or election returns, knowing the same to be falsely made, altered, fraudulent or counterfeited, with intent to hinder, prevent or defeat a fair expres-

Subscribing to false returns by judge or clerk, or forging names of judge or clerk to false returns, how punished.



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sion of the popular will, shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by imprisonment and hard labor, for a term not less than one year nor more than two years.

Of Crimes against Public Morals and Decency.

Bigamy defined. SEC. 216. Every person, having a husband or wife living, who shall marry any other person, whether married or single, (except in the cases specified in the next section) shall, on conviction, be adjudged guilty of bigamy, and punished by confinement and hard labor, not exceeding five years, or in a county jail, not less than six months, or by fine, not less than five hundred dollars, or by both a fine, not less than one hundred dollars, and imprisonment in the county jail, not less than three months.

Cases excepted. SEC. 217. The last section shall not, by reason of any former marriage, extend to any person again marrying, in either of the following cases: First, Where the husband and wife, by such former marriage, shall have been absent for five successive years, without being known to such person to be living: Second, Where the husband or wife, by such former marriage, shall have been absent, and continually remaining without the United States and their Territories, for five successive years: Third, Where such former marriage shall have been dissolved by legislative enactment or other competent authority, and such person is not by law prohibited from again marrying, or the time of such disability has expired: Fourth, Where such former marriage shall have been declared void by competent authority: Fifth, Where such former marriage was contracted by such persons while under the age of legal consent. The age of legal consent, as intended by this act, shall be, of males, fifteen years, and of females, twelve years: Sixth, Where the husband or wife, by such former marriage, shall have been sentenced to confinement and hard labor for life.

Second marriage without the Territory, but cohabitation with, in, adjudged bigamy. SEC. 218. Every person having a husband or wife living, who shall marry another person without this Territory, in any case where such marriage would be punishable if contracted or solemnized within this Territory, and shall afterwards cohabit with such other person within this Territory, shall be adjudged guilty of bigamy, and punished in the same manner as if such second or subsequent marriage had taken place within this Territory.

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SEC. 219. An indictment for bigamy, as defined in the preceding sections, may be found, and proceedings, trial, conviction, judgment and execution thereon had, in the county in which such second or subsequent marriage or the cohabitation shall have taken place, or in the county in which the offender may be apprehended.

Where indictment may be found, and trial had.

SEC. 220. If any unmarried person shall knowingly marry the husband or wife of another, in any case where such husband or wife would be punished according to the foregoing provisions, such person shall, upon conviction, be punished by confinement and hard labor, not exceeding five years, or in the county jail not exceeding six months, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Punishment on the party not before married.

SEC. 221. Persons within the degrees of consanguinity, within which marriages are by law declared to be incestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, or who shall lewdly and lasciviously cohabit with each other, shall, upon conviction, be punished by confinement and hard labor, not exceeding seven years.

Incest, how punished.

SEC. 222. Every person who shall be convicted of the detestable and abominable crime against nature, committed with mankind or with beast, shall be punished by confinement and hard labor, not exceeding ten years.

Crime against nature, punishment.

SEC. 223. Every person who shall live in a state of open and notorious adultery, and every man and woman (one or both of whom are married, and not to each other,) who shall lewdly and lasciviously abide and cohabit with each other, and every person, married or unmarried, who shall be guilty of open, gross lewdness or lascivious behavior, or of any open and notorious act of public indecency, grossly scandalous, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in a county jail, not exceeding six months, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Open and notorious adultery, public indecency, &c., how punished.

SEC. 224. If any guardian of any white female, under the age of eighteen years, or any other person, to whose care or protection any such female shall have been confided, shall defile her by carnally knowing her, he shall, in cases not in this act otherwise provided for, be punished by confinement and hard labor, not less than two years, nor more than twenty-one

Fornication by guardian with his ward under eighteen, &c., how punished.



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Penalty on minister, &c., solemnizing marriages in certain cases,

years, or by imprisonment in a county jail, not less than six months, and a fine, not exceeding one thousand dollars.

SEC. 225. Every person who shall solemnize any marriage, having knowledge of any fact which renders such marriage criminal in either of the parties, under the preceding provisions of this act, or where either of the parties shall be under the age of legal consent, or where, to his knowledge, any other legal impediment exists to such marriage, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by imprisonment in a county jail, not exceeding one year, or by fine, not less than five hundred dollars, or by both such fine and imprisonment.

Removing dead bodies from graves, how punished.

SEC. 226. Every person who shall remove the dead body or remains of any human being from the grave or other place of interment or sepulcher, for the purpose of selling the same, or for the purpose of dissection, or any surgical or anatomical experiment or preparation, or from mere wantonness or mischief, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in a county jail, not exceeding one year, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Receiving bodies so removed.

SEC. 227. Every person who shall receive the dead body or remains of any human being, knowing the same to have been disinterred contrary to the provisions of the preceding section, shall, on conviction, be adjudged guilty of a misdemeanor, and punished as in that section specified.

Opening graves with intent to remove, &c., punishment.

SEC. 228. Every person who shall open the grave, or other place of interment or sepulcher, with the intent to remove the dead body or remains of any human being, for any of the purposes aforesaid, or to steal the coffin, or any vestment or other article, or any part thereof, interred with such body, shall, on conviction, be adjudged guilty of a misdemeanor, and punished as in the second preceding section is specified.

Exceptions to three preceding sections.

SEC. 229. The provisions of the three last sections shall not extend to any person who shall open a grave or other place of sepulcher or interment, or remove, sell or receive the body of any deceased person, for the purpose of dissection or some surgical or anatomical experiment, examination or preparation, with the knowledge and consent of the near relations of such deceased person, nor to the disinterment or removal, for such purpose, of the body of any criminal executed for crime.

SEC. 230. Every person who shall set up or keep any table



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or gambling device, commonly called A. B. C., faro bank, E. ^{Setting up or keeping certain gambling tables or devices.} O., roulette, equality, or any kind of gambling table or gambling device, adapted, devised and designed for the purpose of playing any game of chance, for money or property, and shall induce, entice, or permit any person to bet, or play at or upon any such gaming table or gambling device, or at or upon any game played at or by means of such table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by ^{Punishment.} imprisonment in a county jail, not exceeding one year, and by fine, not exceeding one thousand dollars.

SEC. 231. Every person who shall bet any money or property ^{Betting on such gaming table or device.} upon any gaming table, bank or device, prohibited by the preceding section, or at or upon any other gambling device, or who shall bet upon any game, played at or by means of any such gaming table or other gambling device, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine, not ^{Punishment.} exceeding one hundred dollars nor less than ten dollars.

SEC. 232. Every person who shall permit any gaming table, ^{Suffering devices mentioned in 230th section to be set up in any house.} bank or device, prohibited by the two hundred and thirtieth section, to be set up or used for the purpose of gaming in any house, building, shed, booth, shelter, lot or other premises, to him belonging or by him occupied, or of which he hath, at the time, the possession or control, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine, not exceeding five hundred dollars nor less than fifty dollars, or imprisonment ^{Punishment.} in a county jail, not exceeding six months, or by both such fine and imprisonment; and no person, otherwise competent as a witness, shall be disqualified from testifying, as a witness, concerning the offences mentioned in the three preceding sections, on the ground that his testimony may criminate himself, ^{Witness not disqualified on the ground of self-crimination, but such testimony not good against himself.} but such testimony shall be reduced to writing, and no indictment or prosecution shall afterwards be brought against him for said offences concerning which he testifies as a witness.

SEC. 233. Every person who shall set up or keep a common ^{Keeping a common gaming or bawdy house.} gaming house, or a bawdy house or brothel, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine ^{Penalty.} not exceeding one thousand dollars.

SEC. 234. Every person who shall knowingly lease or let to ^{Leasing houses for purposes set forth in the four preceding sections.} another any house or other building, for the purpose of setting up or keeping therein any of the gaming tables, banks or devices prohibited by the preceding provisions, or for the purpose



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Penalty.	of being used or kept as a gaming house, brothel or bawdy house, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment in a county jail, not exceeding three months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.	
Who is deemed keeper of gaming tables, houses and brothels.	SEC. 235. Every person appearing, or acting as master or mistress, or having the care, use or management, for the time, of any prohibited gaming table, bank or device, shall be deemed a keeper thereof; and every person who shall appear or act as master or mistress, or having the care or management of any house or building, in which any gaming table, bank or device is set up or kept, or of any gaming house, brothel or bawdy house, shall be deemed the keeper thereof.	
Lease of such houses declared forfeited.	SEC. 236. Whenever any lessee of any house or building shall be convicted of suffering any prohibited gaming table, bank or device, to be set up, or kept or used therein, for the purpose of gaming, or of keeping in the same a bawdy house, brothel, or common gaming house, the lease or the agreement for letting such house or building shall become void, and the lessor may enter on the premises so let, and shall have the same remedies for the recovery thereof, as in the case of a tenant holding over his term.	
Participators in such games compelled to testify, but not against themselves.	SEC. 237. No person shall be incapacitated or excused from testifying, touching any offence committed by another, against any of the foregoing provisions relating to gaming, by reason of his having betted or played at any of the prohibited games or gaming devices; but the testimony which may be given by such person shall in no case be used against him.	
Duty of judge or justice having knowledge of gaming table within his county to issue warrant.	SEC. 238. Whenever any judge or justice of the peace shall have knowledge, or shall receive satisfactory information, that there is any prohibited gaming table or gambling device kept or used within his county, it shall be his duty forthwith to issue his warrant, directed to the sheriff or any constable, to seize and bring before said judge or justice such gaming table or other device.	
Shall issue warrant to apprehend keeper, when,	SEC. 239. If any judge or justice have knowledge, or shall be satisfactorily informed, of the name or description of the keeper of any such prohibited gaming table or device, he shall also issue his warrant to apprehend such keeper, and bring him before such judge or justice.	
Power of officer charged with execution of such warrant.	SEC. 240. The officer who shall be charged with the execution of any warrant specified in either of the two last sections,	



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shall have power, if necessary, to break open doors for the purpose of executing the same, and for that purpose may summon to his aid the power of the county.

SEC. 241. It shall be the duty of every judge or justice of the peace, before whom any such prohibited gaming table or device shall be brought, to cause the same to be publicly destroyed, by burning or otherwise. Gaming table to be destroyed, how.

SEC. 242. Every person who shall bet or wager any money or property, or other valuable thing, on the result of any election, authorized by the constitution or laws of the United States or of this Territory, or on any vote to be given at such election, or who shall knowingly become stakeholder of any such bet or wager, shall be punished by fine not exceeding fifty dollars. Wagering on elections prohibited. Penalty.

SEC. 243. Every person who shall willfully, maliciously, or contemptuously disquiet or disturb any congregation or assembly of people, met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse, within their place of worship, or so near to the same as to disturb the order or solemnity of the meeting, or menace or assault any person there being, shall be deemed guilty of a misdemeanor and punished by fine, not exceeding one hundred dollars; and, if unable to pay the fine, by confinement in the county jail, not exceeding three months. Disturbance of public worship. Penalty for.

SEC. 244. Every person who shall erect or keep a booth, tent, stall or other contrivance for the purpose of selling or otherwise disposing of any wine, or spirituous or fermented liquors, or any drink of which wine, spirituous or fermented liquors form a part, within one mile of any camp or field meeting for religious worship, during the time of holding such meeting, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by fine, not exceeding ten dollars. Keeping liquors or wines within a mile of camp meetings, how punished.

SEC. 245. Every person who shall either labor himself, or compel his apprentice, servant or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity, or other works of necessity or charity, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined, not exceeding twenty-five dollars. Laboring or compelling others to labor on Sunday. Penalty.

SEC. 246. The last section shall not extend to any person who is a member of a religious society, by whom any other than the first day of the week is observed as a Sabbath, so that Except when some other day is observed as a sabbath.



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he observes such Sabbath, nor to prohibit any ferryman from crossing passengers on any day in the week.

Horse racing,
cock fighting,
card playing on
Sunday.

SEC. 247. Every person who shall be convicted of horse-racing, cock-fighting or playing at cards, or game of any kind, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined, not exceeding fifty dollars.

Penalty.

Selling goods,
keeping open
tippling houses
on Sunday, pun-
ishment for.

SEC. 248. Every person who shall expose to sale any goods, wares or merchandise, or shall keep open any ale or porter-house, grocery or tippling-shop, or shall sell or retail any fermented or distilled liquor, on the first day of the week, commonly called Sunday, shall, on conviction, be adjudged guilty of a misdemeanor, and fined, not exceeding fifty dollars.

Selling drugs,
medicines, &c.,
excepted.

SEC. 249. The last section shall not be construed to prevent the sale of any drugs or medicines, provisions or other articles of immediate necessity.

Selling poisons
without labels,
or to minors,
without written
authority from
guardian or mas-
ter, how punish-
ed.

SEC. 250. Every person who shall sell or deliver to any other, any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison" plainly written or printed on a label attached to the vial, box, vessel or package containing the same; or who shall sell or deliver any tartar emetic, without having the true name written or printed on a label and attached to the vial, box, vessel or package containing the same, or who shall sell or deliver any such substance or liquid to any minor, without a written permission from the guardian of such minor, specifying the kind of drug that such minor is authorized to purchase, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine, not exceeding fifty dollars.

Practising phy-
sicians not re-
quired to label,
&c.

SEC. 251. So much of the preceding section as requires the word "poison," or the name of the drug sold or delivered, to be labeled on the box, vial or other package containing the same, shall not extend to any practising physician who shall deliver any of the articles therein mentioned, with a prescription for the use of the article.

Cruelty to ani-
mals punished.

SEC. 252. Every person who shall maliciously and cruelly maim, beat or torture any horse, ox or other cattle, whether belonging to himself or another, shall, on conviction, be adjudged guilty of a misdemeanor, and fined, not exceeding fifty dollars.

Willfully break-
ing open any
sealed letter,
without author-
ity, &c.

SEC. 253. If any person shall willfully open, or read, or cause to be read, any sealed letter, not addressed to himself,



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without authority to do so from the writer thereof, or from the person to whom it is addressed, he shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by fine, How punished. not exceeding two hundred and fifty dollars, or by imprisonment in a county jail, not exceeding three months.

SEC. 254. Every person who shall publish the whole or any part of the contents of such letter, without the authority of the writer thereof, or of the person to whom it is addressed, knowing the same to have been unlawfully opened, shall, on conviction, be adjudged guilty of a misdemeanor, and punished as in Punishment. the preceding section is specified. Publishing contents of letters so opened.

SEC. 255. The last two sections shall not extend to the breaking open of letters which shall be punishable by the laws of the United States. Not to extend to certain cases.

SEC. 256. If any person shall run or cause to be run, upon any public road or highway in common use in this Territory, any horse or horses, so as to interrupt travelers thereon, or put to fright the horses or other animals by them rode or driven, he shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by fine, not less than five nor more than twenty dollars. Running horse, &c., upon public highway, &c., punished for.

SEC. 257. If two or more persons shall run or cause to be run a match horse race, in any public road in common use, for the purpose of trying the speed of their horses, every person so offending shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by fine, not less than five nor more than twenty dollars. Running horse to try speed on public highway, &c., punishment for.

SEC. 258. Every person who shall be convicted of any felony, punishable under any of the provisions of this act, shall be thereafter disqualified from holding any office of honor, profit or trust, or voting at any election, within this Territory. Disqualifications, &c.

Of Offences against the Public Peace.

SEC. 259. That if three or more persons shall assemble together with the intent to do any unlawful act, with force and violence, against the person or property of another, or to do any unlawful act against the peace, or, being lawfully assembled, shall agree with each other to do any unlawful act aforesaid, shall make any movement or preparation therefor, the persons so offending, on conviction thereof, shall be fined in any sum not exceeding two hundred dollars. Unlawful assemblages, how punished.

SEC. 260. That when three or more persons shall be as-



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Duty of officers
in cases of un-
lawful assem-
bles, upon actual
view or infor-
mation.

sembled as aforesaid, and proceed to commit any of the offences in the preceding [section] mentioned, it shall be the duty of all judges, justices of the peace, sheriffs and ministerial officers, immediately upon actual view, or as soon as may be on information, to make proclamation, in the hearing of such offenders, commanding them, in the name of the Territory of Kansas, to disperse and to depart to their several homes or lawful employments; and if, upon such proclamation, such persons shall not disperse and depart as aforesaid, it shall be the duty of such judges, justices of the peace, sheriffs or any ministerial officers, respectively, to call upon persons near, and, if necessary, throughout the county, to aid and assist in dispersing and taking into custody, all persons assembled as aforesaid; and all military officers and others, called on as aforesaid, and refusing to render immediate assistance, shall each, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

Of Miscellaneous Crimes.

Of libel.

SEC. 261. A libel is the malicious defamation of a person, made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath, or expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse, or any malicious defamation, made public as aforesaid, designed to blacken and vilify the memory of one who is dead, and tending to scandalize or provoke his surviving relatives and friends.

Composing, dic-
tating, circula-
ing, publishing
a libel, how
punished.

SEC. 262. Every person who makes or composes, dictates or procures the same to be done, or who willfully publishes or circulates such libels, or in any way, knowingly and willfully, aids or assists in making, publishing or circulating the same, shall be punished by imprisonment in the county jail, not more than one year, or by a fine, not exceeding one thousand dollars.

Truth of the
matter given in
evidence.

SEC. 263. In all prosecutions or indictments for libel, the truth thereof may be given in evidence to the jury, and if it appears to them the matter as charged as libelous was true, and was published with good motives and for justifiable ends, the defendant shall be acquitted.

Publication nec-
essary to consti-
tute a libel.

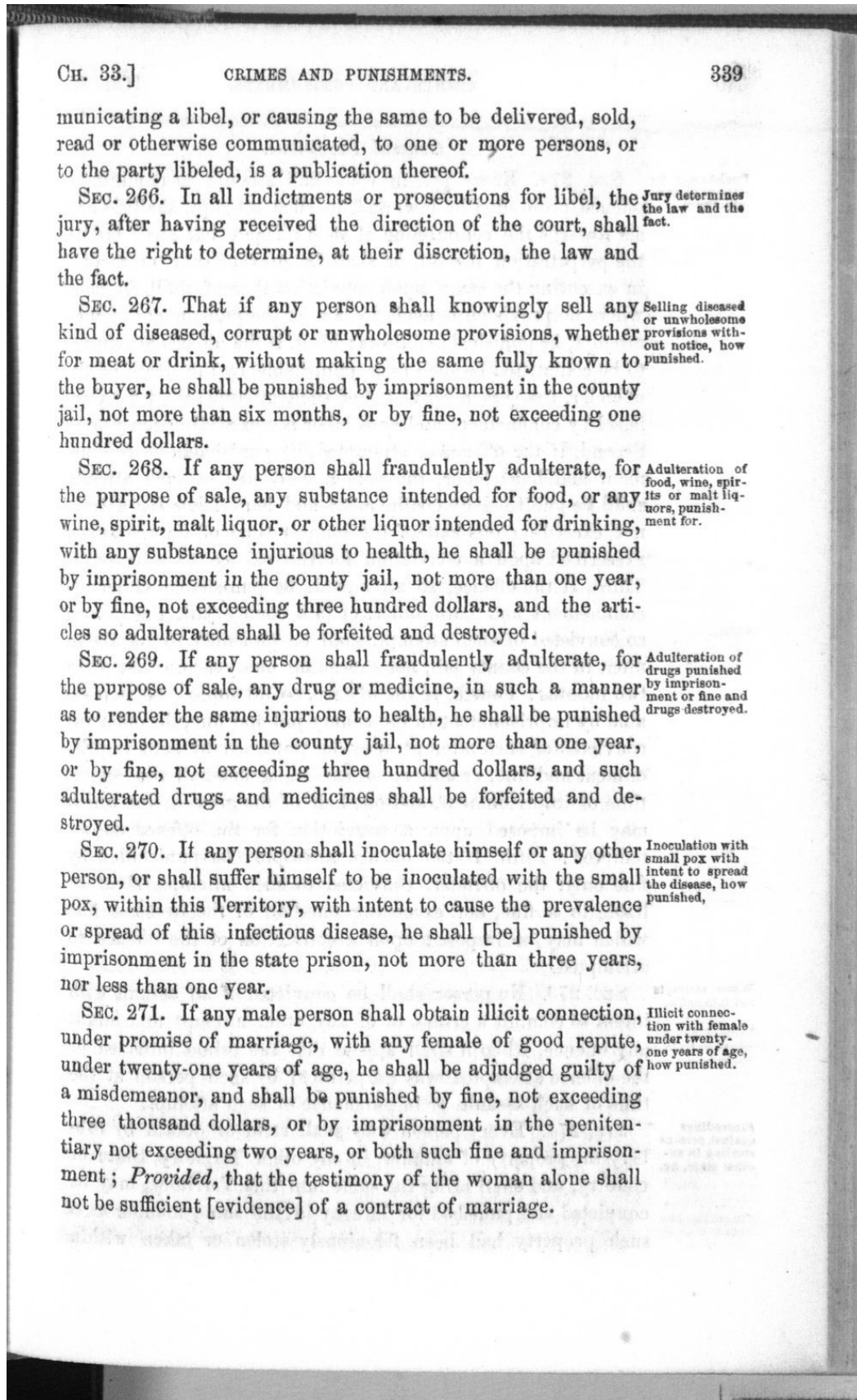
SEC. 264. No printing, writing or other thing, is a libel, unless there has been a publication thereof.

What is the pub-
lication thereof.

SEC. 265. The delivery, selling, reading or otherwise com-



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municating a libel, or causing the same to be delivered, sold, read or otherwise communicated, to one or more persons, or to the party libeled, is a publication thereof.

SEC. 266. In all indictments or prosecutions for libel, the jury, after having received the direction of the court, shall have the right to determine, at their discretion, the law and the fact.

SEC. 267. That if any person shall knowingly sell any kind of diseased, corrupt or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail, not more than six months, or by fine, not exceeding one hundred dollars.

SEC. 268. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirit, malt liquor, or other liquor intended for drinking, with any substance injurious to health, he shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding three hundred dollars, and the articles so adulterated shall be forfeited and destroyed.

SEC. 269. If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such a manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding three hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

SEC. 270. If any person shall inoculate himself or any other person, or shall suffer himself to be inoculated with the small pox, within this Territory, with intent to cause the prevalence or spread of this infectious disease, he shall [be] punished by imprisonment in the state prison, not more than three years, nor less than one year.

SEC. 271. If any male person shall obtain illicit connection, under promise of marriage, with any female of good repute, under twenty-one years of age, he shall be adjudged guilty of a misdemeanor, and shall be punished by fine, not exceeding three thousand dollars, or by imprisonment in the penitentiary not exceeding two years, or both such fine and imprisonment; *Provided*, that the testimony of the woman alone shall not be sufficient [evidence] of a contract of marriage.



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General Provisions.

Punishment for
attempt to com-
mit offence.

SEC. 272. Every person who shall attempt to commit an offence prohibited by law, and, in such attempt, shall do any act towards the commission of such offence, but shall fail in the perpetration thereof, or shall be prevented or intercepted in executing the same, upon conviction thereof, shall, in cases where no provision is made by law for the punishment of such attempt, be punished as follows: First, If the offence attempted to be committed be such as is punishable by the death of the offender, the person convicted of such attempt, shall be punished by confinement and hard labor not exceeding ten years: Second, If the offence so attempted, be punishable by confinement and hard labor, the person convicted of such attempt shall be punished by confinement and hard labor for a term not exceeding one-half of the longest time of imprisonment prescribed upon a conviction for the offence so attempted: Third, If the offence, so attempted, be punishable either by confinement and hard labor, or in a county jail, the person so convicted of such attempt, shall be punished by imprisonment in the county jail, not exceeding one year nor less than two months: Fourth, If the offence, so attempted, be punishable by imprisonment in the county jail and fine, the offender, convicted of such attempt, may be punished by both imprisonment and fine, or either, not exceeding one-half the longest time of imprisonment, and one-half of the greatest fine which may be imposed upon a conviction for the offence so attempted: Fifth, If the offence attempted be punishable by fine only, the offender, convicted of such attempt, shall be liable to a fine, not exceeding one-half of the greatest fine which may be imposed upon a conviction of the offence so attempted.

When attempt
not indictable.

SEC. 273. No person shall be convicted of an assault with intent to commit a crime, or of any other attempt to commit any offence, when it shall appear that the crime intended or the offence attempted was perpetrated by such person at the time of such assault, or in pursuance of such attempt.

Proceedings
against persons
stealing in an-
other state, &c.

SEC. 274. Every person who shall steal or obtain by robbery the property of another, in any other Territory, State or country, and shall bring the same into this Territory, may be convicted and punished for larceny in the same manner as if such property had been feloniously stolen or taken within

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this Territory; and in any such cases, the larceny may be charged to have been committed, and may be indicted and punished in any county into or through which such stolen property shall have been brought.

SEC. 275. Every person, prosecuted under the last section may plead a former conviction or acquittal for the same offence in another Territory, State or country; and if such plea be admitted or established, it shall be a bar to any other or further proceedings against such person.

What defendant may plead in his defence.

SEC. 276. Every person who shall be a principal in the second degree in the commission of any felony, or who shall be an accessory to any murder or other felony before the fact, shall, upon conviction, be adjudged guilty of the offence in the same degree, and be punished in the same manner, as herein prescribed with respect to the principal in the first degree.

Punishment of principals in the second degree, and accessories before the fact.

SEC. 277. Every person who shall be convicted of having concealed any offender after the commission of any felony, or of having given to such offender any other aid, knowing that he has committed a felony, with the intent and in order that he may escape or avoid arrest, trial, conviction or punishment, and no other, shall be deemed an accessory after the fact, and, upon conviction, shall be punished by confinement and hard labor, not exceeding five years, or in the county jail, not exceeding one year nor less than six months, or by fine, not less than four hundred dollars, or by both a fine, not less than one hundred dollars, and imprisonment in a county jail, not less than three months.

Who deemed accessories after the fact, and how punished.

SEC. 278. If any person convicted of any offence punishable by confinement and hard labor, or of petit larceny, or of any attempt to commit an offence which, if perpetrated, would be punishable by confinement and hard labor, shall be discharged either upon pardon or upon compliance with the sentence, and shall subsequently be convicted of any offence committed after such pardon or discharge, he shall be punished as follows: First, If such subsequent offence be such that, upon a first conviction, the offender would be punishable by confinement and hard labor for life, or for a term which under this act might extend to confinement for life, then such person shall be punished by confinement and hard labor for life: Second, If such subsequent offence be such that, upon a first conviction, the offender would be punishable by impris-

Punishment for second offences.



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onment, for a limited term of years, then such person shall be punished by confinement and hard labor for the longest term prescribed upon a conviction for such first offence: Third, If such subsequent conviction be for petit larceny, or for an attempt to commit an offence which, if perpetrated, would be punishable by confinement and hard labor, the person convicted of such subsequent offence shall be punished by confinement and hard labor for a term not exceeding five years.

Convicts in other States liable to punishment for second conviction.

SEC. 279. Every person who shall have been convicted in any of the United States, or in any district or Territory thereof, or in a foreign country, of an offence which, if committed in this Territory, would be punishable by the laws of this Territory, by confinement and hard labor, shall, upon conviction for any subsequent offence within this Territory, be subject to the punishment herein prescribed upon subsequent convictions, in the same manner and to the same extent as if such first conviction had taken place in a court of this Territory.

Sentences of persons convicted of two or more offences.

SEC. 280. When any person shall be convicted of two or more offences, before sentence shall have been pronounced upon him for either offence, the imprisonment to which he shall be sentenced upon the second or other subsequent conviction shall commence at the termination of the term of imprisonment to which he shall be adjudged upon prior convictions.

When imprisonment may extend to lifetime; never to be less than one year.

SEC. 281. Whenever any offender is declared by law punishable, upon conviction, by confinement and hard labor for a term not less than any specified number of years, and no limit to the duration of such imprisonment or confinement is declared, the offender may be sentenced to imprisonment during his natural life, or for any number of years not less than such as are prescribed; but no person shall, in any case be sentenced to confinement and hard labor for any term less than one year.

No fine imposed when prisoner is sent to confinement.

SEC. 282. Whenever any offender is declared by law punishable, upon conviction, by confinement and hard labor, or by imprisonment in a county jail, or by fine, or by both such fine and imprisonment, it shall not be construed to authorize the imposition of a fine where the offender is sentenced to confinement and hard labor.

Punishment limited in certain cases. New provision.

SEC. 283. Whenever any offender is declared by law punishable, upon conviction, by confinement and hard labor, or

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by imprisonment in a county jail, or by fine, or by both such fine and imprisonment, and no limit is fixed by law to the duration of imprisonment in the jail or to the fine, in such cases the convict shall, in no instance, be sentenced to a longer term of imprisonment in a county jail than twelve months, nor shall the fine, in any such case, exceed one thousand dollars.

SEC. 284. Whenever any offence is declared by statute to be a misdemeanor, and no punishment is prescribed by that or any other statute, the offender shall be punished by imprisonment in a county jail not exceeding one year, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment.

Misdemeanors, how punished when no other punishment is prescribed.

SEC. 285. Upon indictment for any offence consisting of different degrees as prescribed by this act, the jury may find the accused not guilty of the offence charged in the indictment, and may find him guilty of any degree of such offence inferior to that charged in the indictment, or of an attempt to commit such offence.

Defendant may be convicted of a less degree of the offence charged.

SEC. 286. Upon conviction for any offence punishable by imprisonment in a county jail, in relation to which no fine is by law prescribed, a fine may be imposed upon the offender not exceeding one hundred dollars.

When no fine is prescribed, fine may be imposed by court.

SEC. 287. When a defendant shall be acquitted or convicted, upon any indictment, for any offence consisting of different degrees, as specified in this act, he shall not thereafter be tried or convicted of a different degree of the same offence, nor for an attempt to commit the offence charged in the indictment, or any degree thereof, provided he could have been legally convicted of such degree of offence, or attempt to commit the same, under the first indictment.

Acquittal is a bar to a prosecution for the same offence and every inferior degree thereof.

SEC. 288. When a defendant shall have been acquitted of a criminal charge, upon trial, on the ground of variance between the indictment and the proof, or upon any exceptions to the form or substance of the indictment, or where he shall be convicted, but the judgment shall for any cause be arrested, he may be tried and convicted on a subsequent indictment for the same offence, or any degree thereof.

When defendant may be tried again, when not.

SEC. 289. When a defendant shall have been acquitted upon a trial, on the merits and facts, and not on any ground stated in the last section, he may plead such acquittal in bar to any subsequent accusation for the same offence, notwith-

Acquittal may be pleaded in bar, when.



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standing any defect, in form or substance, in the indictment upon which such acquittal was had.

Minor convicts
sentenced to
county jail.

SEC. 290. Whenever any person, under the age of sixteen years, shall be convicted of any felony, he shall be sentenced to imprisonment in a county jail not exceeding one year, instead of confinement and hard labor, as prescribed by the preceding provisions of this act.

Civil rights sus-
pended during
imprisonment.

SEC. 291. A sentence of confinement and hard labor for a term less than life, suspends all civil rights of the person so sentenced during the term thereof, and forfeits all public offices and trusts, authority and power; and a person sentenced to such confinement for life, shall thereafter be deemed civilly dead.

Persons of con-
victs protected
from injury, &c.

SEC. 292. The person of a convict, sentenced to confinement and hard labor, is under the protection of the law, and any injury to his person, not authorized by law, shall be punishable in the same manner as if he was not sentenced or convicted.

Forfeiture of es-
tates abolished.

SEC. 293. No conviction of any person, for any offence whatever, shall work corruption of blood, or any forfeiture of any estate, or any right or interest therein, and all forfeiture in cases of suicide or death by casualty, or where any person shall flee from justice, are abolished.

How disabilities
may be removed.

SEC. 294. Whenever a person shall be sentenced upon a conviction for any offence, and is thereby, according to the provisions of this act, disqualified to be sworn as a witness or juror in any cause, or to vote at any election, or to hold any office of honor, profit, or trust within this Territory, such disabilities may be removed by a pardon by the governor, and not otherwise, except in the case in the next section mentioned.

How removed
from minor con-
victs.

SEC. 295. If such convict shall have committed the offence while within the age of sixteen years, and such conviction shall be for a first offence, all civil disabilities incurred shall be removed, and his competency restored at the expiration of the term of imprisonment to which he shall have been sentenced.

Civil actions de-
clared not merg-
ed in a felony.

SEC. 296. In no case shall the right of action of any party, injured by the commission of a felony, be deemed or adjudged to be merged in such felony, but he may recover the amount of damages sustained thereby, in an action to be brought before any court or tribunal of competent jurisdiction.

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SEC. 297. Whenever a fine, penalty, or forfeiture is or may be inflicted, by any statute of this Territory, for any offence, the same may be recovered by indictment, (except as in the next section is provided,) notwithstanding another or different remedy for the recovery of the same may be specified in the act imposing the fine, penalty, or forfeiture: *Provided*, that, in all cases, the fine, penalty, or forfeiture shall go to the Territory, county, corporation, person or persons to whom the act imposing the same declares it shall accrue.

Fines, forfeitures, &c., how recovered.

SEC. 298. Assaults and batteries are not indictable, but shall be punished in a summary manner, before a justice of the peace, in conformity to the act defining the jurisdiction and regulating the proceedings of justices' courts in cases of breaches of the peace.

Assaults and batteries not indictable, &c.

SEC. 299. The district courts shall have exclusive original jurisdiction in all cases of felony, and of all offences not herein declared expressly to be cognizable before a justice of the peace, and concurrent jurisdiction with the justices in the cases specially provided for by law.

Jurisdiction of district courts and justices of the peace in criminal cases defined.

SEC. 300. The term "felony," when used in this act, or any other statute, shall be construed to mean any offence for which the offender, on conviction, shall be liable, by law, to be punished with death, or confinement and hard labor, and no other.

Definition of the term "felony."

SEC. 301. Whenever the term "infamous crime" is used in this or any other statute, it shall be construed as meaning every offence for which the offender, on conviction or sentence, is declared to be disqualified, or rendered incompetent to be a witness or juror, or to vote at any election, or to hold any office of honor, profit, or trust within this Territory.

Definition of the term "infamous crime."

SEC. 302. The term "misdemeanor," as used in this or any other statute, shall be construed as including every offence punishable only by fine, or imprisonment in a county jail, or both.

Definition of the term "misdemeanor."

SEC. 303. The terms "crime," "offence," and "criminal offence," when used in this or any other statute, shall be construed to mean any offence, as well misdemeanor as felony, for which any punishment, by imprisonment or fine, or both, may by law be inflicted.

Definitions of the terms "crime," "offence," and "criminal offence."

SEC. 304. The term "personal property," as used in this act, shall be construed to mean goods, chattels, effects, evi-

Construction of the term "personal property."



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dences of right in action, and all written instruments, by which any pecuniary obligation, or any right or title to property, real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or diminished.

What the term
"real property"
includes.

SEC. 305. The terms "real property" or "real estate," as used in this act, include every estate, interest, and right in lands, tenements and hereditaments.

What the term
"property" in-
cludes.

SEC. 306. The term "property," as used in this act, includes "personal property" and "real property," or "real estate," as defined in the two last sections.

What the term
"person" is con-
strued to mean

SEC. 307. When the term "person" is used in this act to designate the party whose property may be the subject of any offence, such term shall be construed to include the United States, this Territory, or any other Territorial government, State, or country, or county, or any other municipal, public, or private corporation, which may lawfully own any property within this Territory, as well as individuals.

Persons with re-
spect to whom
intent to defraud
may be charged.

SEC. 308. Where any intent to injure, defraud, or cheat is required by law to be shown in order to constitute an offence, it shall be sufficient if such intent be to injure, defraud, or cheat the United States, this Territory, or any State or country, or the government, or any public office thereof, or any county, city, town, or village, or any corporation, body politic, or private individual.

SEC. 309. This act to take effect and be in force from and after the first day of June next.

Approved February 3, 1859.

CHAPTER XXXIV.

(Acts of 1861, 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
punished.

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

Misprison of
shall consist in.

SEC. 2. That misprison of treason shall consist in being a party to any treasonable purpose against this State, or in hav-