

390
Tennessee. Laws, statutes, etc. (Collections)
" A COMPILATION

OF THE

STATUTE LAWS

OF THE

STATE OF TENNESSEE.

OF A GENERAL AND PERMANENT NATURE, COMPILED ON THE BASIS OF THE
CODE OF TENNESSEE, WITH NOTES AND REFERENCES, INCLUDING
ACTS OF SESSION OF 1870-'71.

BY

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AND

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CONTAINING §§ 2746—5604 OF THE CODE.

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1873.

and Attorney General deem it proper to permit the defendant to plead guilty to a simple assault, it would be proper to have him plead "not guilty" to the felony charged, and "guilty" to the misdemeanor as charged. Then the Attorney General, with the approval of the court, may accept the plea.

The defendant on an indictment under this section may be acquitted of the felony and found guilty of an assault, or an assault and battery. § 5223.

Self defence. See §§ 4928, 4929, 4930, and notes.

To commit robbery.

4627. Whoever shall assault another, with intent feloniously and wilfully to commit a robbery, shall, on conviction, be imprisoned in the penitentiary not less than two nor more than six years. [Ib., § 54.] *6 Bay 579*

The assault must be an actual personal assault. The besetting the house of another is but a constructive assault. *State v. Fields*, 3 Humph. 228; *Evans v. State*, 1 Humph. 394.

With deadly weapon.

4628. If any person assaults and beats another with a cow-hide, stick, or whip, having at the time in his possession a pistol or other deadly weapon, with intent to intimidate the person assaulted, and prevent him from defending himself, he shall, on conviction, be imprisoned in the penitentiary not less than two nor more than ten years.

[Ala. Code of 1852, § 3107.]

On wife.

4629. If any person commits an assault and battery upon his wife, for any cause whatsoever, he is guilty of a misdemeanor, and punishable accordingly.

[Act 1849-50, ch. 109, § 1.]

With intent to commit felony.

4630. If any person assault another with intent to commit, or otherwise attempt to commit, any felony or crime punishable by imprisonment in the penitentiary, where the punishment is not otherwise prescribed, he shall, on conviction, be punished by imprisonment in the penitentiary not exceeding five years, or by imprisonment in the county jail not more than one year, and by fine not exceeding five hundred dollars, at the discretion of the jury. *1 Bay 87*
5 " 65-5-660
2 Lea 616
6 " 422
7 Bay 160

ARTICLE VI.

ROBBERY, AND EXTORTION BY THREATS.

SECTION

4631, 4632. Definition and punishment of robbery.

4633. Punishment of threatening to charge another with crime, or to do him injury.

SECTION

4633 a. Robbery and stealing from person made capital; but jury may commute.

4633 b. Prior laws in force, and govern offenses previously committed.