



A
D I G E S T

OF THE

STATUTE LAWS OF KENTUCKY,

OF

A PUBLIC AND PERMANENT NATURE,

FROM THE COMMENCEMENT OF THE GOVERNMENT TO THE SESSION OF THE LEGISLATURE
ENDING ON THE 26TH FEBRUARY, 1834.

WITH REFERENCES TO JUDICIAL DECISIONS.

IN TWO VOLUMES.

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VOL. I.

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1834.

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CRIMINAL PROCEEDINGS.

No advantage to be taken of irregularity before indictment.

Repealing clause.

SEC. 8. *And be it further enacted*, That any person prosecuted for felony, shall not be permitted to take advantage of any error or irregularity therein, before the indictment, unless the same is of substance, nor in that case unless the party so prosecuted shall appear in person in the circuit court having cognizance of the offence.

SEC. 9. All acts contravening the provisions of this act, shall be and the same are hereby repealed.

1809.

IN FORCE FROM FIRST OF MARCH.

AN ACT to amend the penal laws of this Commonwealth: Approved Feb. 11, 1809.

4 Litt. 78.

Justice may issue his warrant to apprehend a person charged with stabbing, shooting or wounding.

SEC. 4. *Be it further enacted*, Whenever any person may be charged of wilfully and maliciously stabbing, shooting or otherwise wounding any person, and death may not have ensued in consequence thereof, it shall be lawful for some justice of the peace for the Commonwealth to issue his warrant to apprehend such person, and either commit him or her to the jail of the county where such offence may be committed, or recognize the offender with sufficient bail to appear at the next circuit court for such county.

If the person stabbed, &c. be not dead, offender to be recognized to appear at the next circuit court.

If 12 months have not elapsed after the time the offence was committed, to be again recognized.

Proviso.

SEC. 5. *Be it further enacted*, That the court, upon the appearance of the offender, and in case the person stabbed, shot or wounded may not have died, shall recognize the offender with sufficient bail to appear at the next circuit court, and in default of such bail being given, commit such offender to the jail of the county; and upon the appearance of the offender at the next succeeding court after the term to which such offender may be recognized by the justice as aforesaid, and in case twelve months should not have elapsed from the time the offence was committed, the court shall again recognize such offender with sufficient bail to appear at the next succeeding court for said circuit: *Provided, however*, it should appear to the satisfaction of the court to which such offender may be recognized at any time, that the person stabbed, shot or wounded as aforesaid, has recovered, or that the wound is not mortal, such offender may be indicted and tried at any time for wilfully and maliciously stabbing, shooting or wounding as the case may be.

Indictment to be preferred at the first court succeeding 12 months after offence was committed.

SEC. 6. *Be it further enacted*, That an indictment shall be preferred against such offender at the first circuit court succeeding twelve months from the time such offence was committed, and in case the person stabbed, shot or wounded as aforesaid, should die within the term of twelve months aforesaid, an indictment shall be preferred against such offender for murder; but should death not have ensued within the period aforesaid, an indictment shall be preferred for stabbing, shooting or wounding, and the offender shall be

CRIMINAL PROCEEDINGS.

tried for such stabbing, shooting or wounding, and not for murder, although death may afterwards ensue.

SEC. 7. *Be it further enacted*, That in case of the offender failing to appear agreeable to any recognizance taken under this act, such process shall issue subject to the same rules and regulations as are to be observed in other criminal cases.

[SEC. 8. Requires all recognizances to be taken to, and in the name of the Commonwealth, and will be found under the title BAIL, page 199, ante.]

SEC. 9. *Be it further enacted*, That whenever judgment may be pronounced against any offender in this Commonwealth, under the laws of the United States, subjecting such offender to imprisonment or confinement in the penitentiary, that the keeper of the penitentiary shall and is hereby directed to receive and receipt for such offender, subject to the same rules and regulations as other convicts under the laws of this Commonwealth.

In case the offender do not appear, process to issue as in other cases of recognizances.

Criminals convicted under the laws of the United States, may be imprisoned in the penitentiary.

1814.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend the penal laws of this Commonwealth: Approved Feb. 1, 1814.

5 Litt. 136.

SEC. 4. *Be it further enacted*, That in empanneling grand juries in the several courts in this Commonwealth, the court shall appoint a foreman, who shall take the oath now prescribed by law for grand jurors to take, with the alteration "you as foreman of this grand jury;" and all presentments and indictments shall be returned by the grand jury by their foreman; if a presentment, signed by him, and if an indictment, endorsed on the same "a true bill," and signed also by the foreman.

Oath, how administered to the foreman of a grand jury.

Presentments, &c. returned by the foreman.

1816.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend the penal laws of this Commonwealth: Approved Feb. 10, 1816.

5 Litt. 375.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, upon the conviction of any person in any court within this Commonwealth, for an offence which needs not, under the existing laws, a regular indictment, but may be prosecuted by presentment of a grand jury, or by motion, and where the intervention of a petit jury shall not be necessary, no attorney's fee shall be taxed up by the clerk, or received by the attorney for the Commonwealth, against the offender; nor shall the prosecuting attorney in the name of the Commonwealth, or other

Attorney's fee not to be taxed in certain cases