



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 24TH FEBRUARY, 1834.

WITH REFERENCES TO JUDICIAL DECISIONS.

IN TWO VOLUMES.

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VOL. II.

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1834.

1802.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend an act entitled "an act directing the mode of revising the Criminal Common Law, and providing for the appointment of Revisers, and for other purposes:" Approved December 20, 1802.—3 *Litt.* 51.

SEC. 7. And whereas certain offences which are punishable by confinement in the penitentiary, have not been declared to be felonies, and some of the provisions which have been made in the laws concerning the examination and trial of criminals, relate only to cases of treason or felony: *Be it enacted*, That all crimes which may be made punishable by confinement in the penitentiary, except gaming, shall, both as to these and all other intents and purposes, be regarded as felonies.

Punishment
by confinement
declared felo-
nies.

1802.

IN FORCE FROM ITS PASSAGE.

AN ACT in addition to an act entitled "an act to amend the act entitled an act to amend the Penal Laws of this Commonwealth: Approved December 22, 1802.
3 *Litt.* 63.

SEC. 1. *Be it enacted by the General Assembly*, That if any person be convicted of breaking into any dwelling house, or any part thereof, in the day time, or into any out-house belonging to and used with any dwelling house, and feloniously taking away any money, goods or chattels, being of the value of five shillings or upwards, although no person shall be in the said house or out-house at the time of such felony committed; or if any person be convicted of aiding, counselling, or abetting any person in committing such offence; he shall undergo a confinement in the jail and penitentiary for any period not less than one year, nor more than five years.

Punishment
of house-break-
ing in the day
time.

SEC. 2. If any person be convicted of robbing any person in any part or parcel of his dwelling house or dwelling place, or in any booth or tent in any fair or market, the owner or dweller in the same dwelling house or dwelling place, or booth or tent, his wife or children, or servants, being then within the same house or place where such robbery shall be committed, or in any other place within the precinct of such dwelling house; or if any person shall be convicted of aiding, counselling or abetting any person in committing such offence; he shall undergo a confinement in the jail and penitentiary for any period not less than one year, nor more than six years, whether the owner or dweller in such house or place, his wife, children or servants then and there being, shall be either sleeping or waking.

Of robbery
from a person
in a house, &c.

tody or possession of any person; the same may be seized and carried forthwith before some justice of the county, to be produced in evidence at the trial of the offender, and then defaced and destroyed.

SEC. 13. If any person shall wilfully and maliciously shoot at and wound without killing, any person with a gun or other instrument loaded with a leaden bullet, or other hard substance; or shall wilfully and maliciously cut or stab any person with a sword or other deadly weapon, with an intention to kill—if the person so stabbed die not thereby; or shall wilfully and maliciously administer poison—if death do not ensue in consequence thereof—to any person; such offender, his aiders, abettors and counsellors, shall undergo a confinement in the jail and penitentiary for any period not less than one year, nor more than five years.

Of wounding without killing.

Or poison.

SEC. 14. If any person shall knowingly send or deliver any letter, with or without a name signed thereto, or signed with a fictitious name, threatening to kill any person, or to burn or destroy his house or other property, or to accuse him of any felony, with a view or intent to extort or gain money, goods, wares, or merchandize, from the person or persons so threatened; he shall undergo a confinement in the jail and penitentiary, for any period not less than one year, nor more than two years.

For threats to extort money, &c.

SEC. 15. If any person or persons, with any offensive weapon or instrument, unlawfully and maliciously shall assault, or shall by menaces, or in or by any forcible or violent manner, demand any money, goods or chattels of, or from any other person or persons, with a felonious intent to rob or commit robbery upon such person or persons; such offender, his aiders, abettors and counsellors, shall undergo a confinement in the jail and penitentiary for any period not less than one year, nor more [than] two years.

For assaults, &c. with intent to rob.

SEC. 16. Any person who shall attempt to corrupt, or influence or instruct any juror or jurors, to incline him or them to be more favorable to the one side than to the other, by money, promises, letters or threats, shall be deemed guilty of embracery, and shall be fined and imprisoned at the discretion of a jury.

Of embracery.

SEC. 17. And whereas doubts have been entertained, whether such killing as may happen in the perpetration, or attempt to perpetrate any unlawful act, be murder, within the meaning of the act to amend the penal laws, passed at the last session of the general assembly, unless it be in the case of arson, rape, robbery or burglary: *Be it enacted*, That the said act shall not be so construed as any way to alter or change the idea of murder, as it stands at common law.

Murder committed in attempting to perpetrate an unlawful act, explained.

SEC. 18. In all felonies, accessories before the fact, shall be liable to the same punishment as their principals, respectively, and may be prosecuted, though their principals be not taken.

Accessories before the fact, punishable.