



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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1834.

aforesaid: and it shall be the duty of the sheriff, or under-sheriff, or constable, to summon twelve qualified jurors to attend at the time and place directed by the justice aforesaid, who, after being sworn by any justice of the peace for said county, shall proceed to punish each offender by a fine not exceeding thirty dollars; and in default of the payment thereof, the person or persons so offending shall be imprisoned not exceeding fifteen days. And if the offender or offenders depart before the coming of such justice and sheriff, or under-sheriff, or constable, the justice as aforesaid shall diligently inquire after such offender or offenders, by a precept to the said sheriff, or under-sheriff, or constable, directed; and for this purpose, the sheriff, or under-sheriff, or constable, having a precept to him directed by said justice, shall summon the offender or offenders, and return twelve proper persons for jurors, who, having been sworn as aforesaid, or in case of their non-attendance, the deficiency being supplied by by-standers, shall inquire into such disturbance or interruption, and shall award against him or them whom they shall find guilty thereof, due pains by imprisonment or amercement, as is before directed. And if any of the jury should fail to attend as aforesaid, he or they may be fined at the discretion of the said justice, not exceeding five dollars each; and should the sheriff, under-sheriff, or constable, fail to do the duty assigned him by this act, he shall forfeit to the commonwealth twenty pounds, to be recovered by action of debt in any court having cognizance thereof, to be applied towards lessening the county levy; and moreover the justices of the peace in every county, where such disturbance or interruption shall not be made in their presence, having information upon oath or affidavit, together with the sheriff, under-sheriff, or constable, of the same county, shall execute this act by summoning a jury, and proceeding as before directed; and on default thereof, shall forfeit to the commonwealth thirty pounds, to be recovered by action of debt in any court having cognizance of the like sums, [to go towards lessening the county levy.]

SEC. 4. *Be it further enacted*, That if any person shall hereafter be convicted of a rape upon the body of an infant under the age of twelve years, he shall suffer death.

Duty of the officer attending such justice.

Penalty on such offender.

Duty of the justice in case the offender departs.

Jury to be summoned.

Penalty on jurors failing to attend.

Penalty on the officer failing to do his duty.

How collected and applied.

Penalty on the justice.

[Repealed, see p. 720, ante.]

Person committing rape to suffer death in certain cases.

1813.

IN FORCE FROM FIRST OF JUNE.

AN ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases: Approved February 3, 1813.—5 *Litt.* 63.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any person in this commonwealth who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane,

concealed as a weapon, unless when travelling on a journey, shall be fined in any sum not less than one hundred dollars; which may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury; and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of this commonwealth.*

1814.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend the Penal Laws of this Commonwealth: Approved February 1, 1814.—5 Litt. 135.

Forgery, how punished.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person or persons who shall hereafter forge or counterfeit, or procure to be forged or counterfeited, any writing whatever, whereby fraudulently to obtain the possession of, or to cause any person or persons to be deprived of any property whatever, he, she or they, his, her or their aiders and abettors, shall, upon conviction thereof, be confined in the jail and penitentiary house of this state, for a period not less than two years, nor more than six years.

Period of confinement.

For publishing any forged writing knowingly, how punished.

SEC. 2. *And be it further enacted*, That if any person or persons shall hereafter utter and publish as true, any false, forged or counterfeited writing, made for the purpose of fraudulently obtaining the possession of, or depriving any person or persons of any kind of property whatever, knowing the same to be forged and counterfeited at the time of uttering and publishing the same, he, she or they, his, her and their aiders and abettors, shall, upon conviction thereof, be confined in the jail and penitentiary house of this state, for a period not more than six years, nor less than two years.

Period of confinement.

False swearing, how punished.

SEC. 3. *And be it further enacted*, That hereafter if any person or persons, in any matter which is or may be judicially depending, or in any subject in which they can be legally called on to be sworn, when sworn by a person authorized by law to administer an oath, shall wilfully and knowingly have sworn, deposed and given in evidence that which is untrue and false, he, she or they shall, upon conviction thereof, be confined in the jail and penitentiary house of this state, for a period of not more than six years, nor less than two years.

Confinement.

* The above act has been declared unconstitutional and void. See CONSTITUTION, page 74, ante, and the case of Bliss v. Commonwealth, 2 Litt. 90.