



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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1834.

of other felonies, and shall be kept therein agreeably to the provisions of law in other cases.

Provisions as to prosecutions under certain acts of congress

SEC. 15. And whereas it is provided by certain acts of the congress of the United States, that persons offending against the same shall suffer imprisonment, and be kept at hard labor during such imprisonment; *Be it enacted*, That it shall be lawful for any court within this state, before whom such offenders may be convicted, to sentence them to confinement in the jail and penitentiary, subject to the same government and regulations as are or may be established with respect to other convicts; and the keeper of the said jail and penitentiary is hereby authorized to receive them accordingly: *Provided, however*, that charges shall be raised against them similar to those which are raised against other convicts; and should such charges exceed the proceeds of their labor, at the expiration of the period of their imprisonment, the surplus shall be placed to the account of the United States.

1804.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend the Penal Laws: Approved Dec. 19, 1804.—3 Litt. 240.

Convict escaping, to suffer additional imprisonment.

SEC. 1. *Be it enacted by the General Assembly*, That any convict who shall escape from the penitentiary, contrary to law, and shall be re-taken and conveyed back to it, shall undergo a further confinement therein, of two years, after he or she shall have actually served out the whole time for which such offender was before sentenced to confinement, and under the same rules and regulations; and the expenses of re-taking and conveying any such offender, shall be charged to him or her, as in other cases.

Chargeable with the expenses.

Punishment for wounding, if death does not ensue.

SEC. 2. *Be it further enacted*, That if any person shall wilfully and maliciously, with an intent to kill any person, shoot with a gun, or other instrument loaded with a leaden bullet, or other hard substance, and thereby wound any person whatever, without killing; or shall cut or stab any person with a sword or other deadly weapon, who dies not thereof, in attempting wilfully and maliciously to kill another, every such offender, his or her aiders, abettors and counsellors, shall undergo a confinement in the jail and penitentiary for a period not less than one, nor more than five years.

Acts of limitation not to apply to criminal cases.

SEC. 6. *Be it further enacted*, That no act of limitations shall apply to any felony or other crime punishable by confinement in the penitentiary, hereafter committed; and no appeal or writ of error shall be had in any case prosecuted under the act respecting riots, routs, and unlawful assemblies of the people, or under the act respecting the disturbance of religious societies.

Liquor not to be sold near

SEC. 7. *Be it enacted*, That every person or persons who shall sell any spiritous or fermented liquors within one half mile of any

assembly of people assembled for the purpose of religious worship, (the distance to be judged of by the justice) shall be fined in the sum of ten dollars, on conviction, before a justice of the peace; [which fines shall be applied to lessening the county levy:] *Provided*, that nothing contained in this section shall be so construed as to affect those who may be legally authorized to vend liquors in taverns or stillhouses.

places of worship.

[Repealed; see p. 720, ante] Proviso.

1805.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend an act entitled "an act amending certain Penal Laws, and making further provisions for the regulation of the Penitentiary:" Approved December 24, 1805.—3 Litt. 299.

SEC. 5. *Be it further enacted*, That if any person or persons who shall hereafter be guilty of stealing a hog, shoat, or pig, or any goods or chattels, under the value of four dollars, and being thereof convicted, shall be punished by stripes, not exceeding thirty-nine, on his or her bare back, at the public whipping post, the number of stripes to be ascertained by the jury; and such person shall also pay the costs of the prosecution, and shall be committed to the jail of the county, there to remain until the same are paid: *Provided, however*, That if the said prisoner shall remain in jail ten days, and will then make oath before a justice of the peace, that he or she is unable to pay the costs, he or she shall be discharged; nevertheless an execution may from time to time issue for such costs against the estate of such prisoner.*

Punishment for hog stealing, and petty larceny under \$4.

SEC. 6. *And be it further enacted*, That if any person or persons who shall be guilty of stealing a hog or hogs, above the value of four dollars, and being thereof convicted, shall undergo a confinement in the jail and penitentiary house, any number of years not more than four nor less than two years.

For hog stealing above \$4.

1806.

IN FORCE THREE MONTHS FROM ITS PASSAGE.

AN ACT concerning Arson: Approved December 27, 1806.—3 Litt. 402.

Be it enacted by the General Assembly, That if any person or persons shall wilfully and maliciously burn the penitentiary house, or shall be accessory before the fact, he, she or they being thereof duly convicted, shall be deemed guilty of felony, and shall suffer death by hanging; any law to the contrary notwithstanding.

Arson of penitentiary; punishment.

* By the second section of an act of 1820, the above section was virtually repealed, except that part giving an execution for costs. The punishment, however, has been again prescribed by an act of 1822, post.