

tain and declare, the time within their respective periods prescribed, during which any offender shall undergo confinement in the said penitentiary, according to the directions of this act.

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By 1817, ch. 72, no coloured person to be sentenced for less than one year; and by 1818, ch. 197, no negro or mulatto slave to be sentenced to undergo a confinement in the penitentiary.

17. AND BE IT ENACTED, That if a person be feloniously stricken or poisoned in one county, and die of the same stroke or poison in another county within one year thereafter, the offender shall be tried in the court within whose jurisdiction such county lies, where the stroke or poison was given; and in like manner an accessory to murder or felony committed, shall be tried by the court within whose jurisdiction such person became accessory.

Offenders to be tried in the court where the mortal stroke or poison has been given.

18. AND BE IT ENACTED, That if a person be feloniously stricken or poisoned on the waters of the Chesapeake Bay, and not within the body of any county, and within one year thereafter die of the same stroke or poison within any county of this state, or if a person be feloniously stricken or poisoned in any county of this state, and within one year thereafter die of the same stroke or poison on the waters of the Chesapeake Bay, and not within the body of any county, the offender, his or her aiders, abettors and comforters, or any person accessory thereto, shall be tried in the court within whose jurisdiction such county lies, where the death happened or the stroke or poison was given.

Where trial is to be had, when the mortal stroke or poison was given on Chesapeake Bay, and the death takes place in some county, and vice versa.

19. AND BE IT ENACTED, That any person who shall commit any crime, offence or misdemeanor, upon the waters of the Chesapeake Bay, within the limits of this state, and without the body of any county thereof, and all aiders, abettors, comforters and accessories thereof and thereto, may be indicted and tried in any court of this state having jurisdiction of similar crimes, offences and misdemeanors, of the county in which he or she may be arrested, or into which he or she may be first brought.

Persons committing other offences on the Chesapeake Bay, where to be tried.

See 1807, ch. 165.

20. AND BE IT ENACTED, That if any person against whom an indictment has been found, shall suggest, in writing, supported by affidavit or other proper evidence, that a fair and impartial trial cannot be had in the court where such indictment is found, such court shall order the record of the proceedings in the said prosecution to be transmitted to the court having criminal jurisdiction in any adjoining county, either within the same or any adjoining district, in which the same shall be heard and determined, in the same manner as if such prosecution had been originally instituted therein; provided, that all costs incident on the trial and final determination of the same, and all costs and charges incurred by removing the offender, if convicted, to the penitentiary, as herein directed, shall be paid, borne and defrayed, by the county in which the indictment was found, and the clerk of the court in which such trial and determination was had, shall make out a true and full bill of all such costs and charges, and certify the same to the levy court of the county in which such indictment was found, and the same shall be levied, collected, and paid over to the persons entitled thereto, in like manner as other county dues are levied, collected and paid.

On suggestion, supported by affidavit, that an impartial trial cannot be had in the county where the indictment is found, the record may be transmitted to an adjoining county.

See 1804, ch. 55, and 1805, ch. 65, s. 49.