

thority which they may now exercise by law relative to free negroes and mulattoes, or negro and mulatto slaves.

By 1818, ch. 197, no slave to be sentenced to undergo a confinement in the penitentiary.

By 1825, ch. 93, the legislature prohibited free negroes, to be sentenced to confinement in the penitentiary. The policy was abandoned by 1826, ch. 229, sec. 8, which authorizes the court, to sentence them to confinement in the penitentiary, and if the court upon inquiry are satisfied, that the convicted (free negro) has been an inmate of the penitentiary before, they may sentence him to be sold into foreign bondage, and this by 1835, ch. 200, sec. 3.

SEC. 10. *And be it enacted*, That no conviction or attainder shall work corruption of blood or forfeiture of estate; the estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death; if any person be killed by casualty there shall be no forfeiture in consequence thereof; an approver shall never be admitted in any case whatsoever, and a sentence of death shall not be executed in less than twenty days after the judgment.

No conviction or attainder to work corruption of blood or forfeiture of estate.

SEC. 11. *And be it enacted*, That all claims to dispensation from punishment, by benefit of clergy, shall be and are hereby for ever abolished; and every person convicted of any felony, heretofore deemed clergyable, shall be sentenced to undergo a confinement in the penitentiary for any time not less than one year nor more than five years, to be treated as herein directed, except in those cases where some other specific penalty is herein prescribed; and every person who shall be convicted of any felony heretofore excluded from the benefit of clergy, and not herein specified, shall be sentenced to undergo a confinement in the penitentiary for a period of time not less than five nor more than twenty years, to be treated as this act directs.

Benefit of clergy abolished. Punishment of felonies heretofore deemed clergyable and of those not clergyable, and not specified in this act.

SEC. 12. *And be it enacted*, That if any person be indicted of treason or felony, and he or she shall stand mute, or will not answer to the indictment, the court, in such case, shall notwithstanding proceed to the trial of such person so standing mute, as if he or she had pleaded not guilty, and render judgment thereon accordingly.

Persons indicted of treason or felony, though mute, to be tried.

SEC. 13. *And be it enacted*, That in all capital cases, and in all other criminal cases, the punishment whereof upon conviction is confinement in the penitentiary for five years at least, or the punishment whereof may be extended to twelve years confinement in the penitentiary, and in all cases of larceny, where the money, goods or chattels alleged to have been stolen, shall be valued in the indictment at the sum of one hundred dollars, or upwards, the person indicted shall be allowed the right of peremptory challenge, but in no case shall the accused be admitted to challenge more than twenty jurors, without assigning cause; and if any person so indicted shall peremptorily challenge above the number of twenty persons of the jury, the court, in such

Peremptory challenge, in what cases allowed, and to what extent.