

cution and conviction of such offender, which the keeper shall enter in books to be by him kept for that purpose.

SEC. 23. *And be it enacted*, That in all cases where restitution or reparation is adjudged to be made to the party injured, and immediate restitution or reparation is not fully made, the court before whom the offender is convicted shall, at the instance of the party injured, issue execution against the property of such convicted person, in the name of the person injured, for the value of the property taken, or so much thereof as is not restored, such value to be estimated by the said court; *Provided*, that nothing herein contained shall be construed to extend to deprive the party injured from having and maintaining a civil action against such offender, either before or after conviction, or against any other person, for the recovery of the money received or property taken, or the value thereof.

Where restitution is adjudged, if not made immediately, court may issue execution against offender's property.
Proviso.

SEC. 24. *And be it enacted*, That if any person or persons shall be presented or indicted for a misdemeanor, or any offence of an inferior nature, and shall, on trial thereof, be acquitted, or shall plead guilty, and submit his, her or their case, to the court, such court may, at their discretion, order that no compensation for any attendance of the prosecutor shall be allowed.

No compensation in certain cases to be allowed to prosecutor.

SEC. 25. *And be it enacted*, That the penitentiary house, situated in Baltimore county, in the vicinity of the city of Baltimore, heretofore begun, and now in great part erected and finished under the superintendence of certain commissioners appointed for that purpose by a resolution of the general assembly, passed at November session, in the year eighteen hundred and four, so soon as the same is completed or put in order, shall be and the same is hereby appropriated for the reception of criminals that have been, or may hereafter be, condemned under the laws of this state, for such terms, upon such conditions, and under such regulations, as are herein, or may hereafter be, enacted and declared.

Penitentiary house, near Baltimore, appropriated for reception of criminals.

SEC. 26. *And be it enacted*, That the cells of the penitentiary shall be appropriated to the purpose of confining such males and females as shall be convicted of the offences above enumerated, as punishable with imprisonment and labour, but the males and females are hereby required to be kept separate and apart from each other, and all the prisoners shall be subject to the visitation and superintendence of the inspectors herein after mentioned.

Males and females to be kept apart.

See 1837, ch. 320, 11th article.

SEC. 27. *And be it enacted*, That every person convicted in any court of this state, and sentenced to undergo a confinement in the penitentiary, shall, as soon as possible after conviction, be safely removed, by the sheriff of the county where such conviction took place, and at the expense of such county, to the

Persons sentenced to penitentiary, to be removed by sheriff.