

CHAP. 138.

The value of a slave, or the time of a servant, to be determined by the court, and paid to the owner.

21. AND BE IT ENACTED, That if any slave or servant be convicted of any crime, the punishment whereof may be death or a confinement in the penitentiary, the court before whom such conviction and condemnation shall take place, shall, immediately thereafter, proceed to value such slave, or the time of such servant, and enter the same in their proceedings, and such value shall be assessed and collected with the county assessment, and paid to the owner of such slave or servant; and if any slave or servant sentenced to undergo a confinement in the penitentiary, shall survive his or her time of confinement, such slave or servant shall, immediately on the expiration thereof, be sold at auction by the order of such court, or any two judges or justices thereof, and the money arising from the sale shall be applied to the use of the county in which the conviction took place(a); *Provided always*, that such servant shall not be sold for a longer time than shall remain unexpired of his or her servitude at the time of his or her being sentenced.

Proviso.

(a) By 1818, ch. 157, the keeper of the penitentiary to deposit the money arising from such sale, in some bank in the city of Baltimore, and immediately to notify the clerk of the county for the use of which the said deposit shall have been made, &c.

Estate of persons sentenced to be confined or executed, to be liable, after reparation to the party injured, for the expenses of the state.

22. AND BE IT ENACTED, That the real and personal estate of the person convicted and sentenced to undergo a confinement in the penitentiary, or to be executed, shall, after paying the retribution and reparation to the party injured, be liable to the discharge of the expenses incurred by the state in the apprehension, prosecution, conviction and removal, of such criminal; and in order to ascertain the amount thereof, the court before whom such offender is convicted, shall cause their clerk to certify to the keeper of the penitentiary the amount of reparation adjudged, and all costs and charges incurred in the prosecution and conviction of such offender, which the keeper shall enter in books to be by him kept for that purpose.

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

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.

Proviso.

No compensation in certain cases to be allowed to prosecutor.

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.

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

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 superintendance of certain commissioners appointed for that