

for the Governor of the State, to commute the same by authorizing any such sale to be made within the State, or may commute the same to confinement in the penitentiary, for such time as a white man could be confined for the same offence, such negro shall be sentenced to confinement in the jail of the county or city, as the case may be, for any time not exceeding one year, or to be sold in the State, for such time as the court may deem right, or to receive any number of lashes not exceeding forty, in the discretion of the court.

7. Upon the sale of any free negro under the preceding section, the time, place and manner of sale to be prescribed by the court, the proceeds of sale shall be first applied, after paying the expenses of the sale, of the prosecution, and of the defence, including the compensation to the counsel for the prosecution and defence, to the payment of the damages to be ascertained by the court, which the party suffered by the offence for which said free negro was convicted, and the residue shall be paid, one-half to the county or city where he committed the offence, the other half to the wife of such free negro if he has one, and if no wife, to the children of such negro, and if he has neither wife or children, then all the residue shall be paid to the county or city where he committed the offence.

8. Any justice of the peace of the county wherein the offence is committed, shall have jurisdiction concurrent with the Circuit Court, to hear and determine on warrant to be issued in the usual form, all cases of petty larceny as defined by section one hundred of said article, committed by any slave, and all misdemeanors not punished by confinement in the penitentiary or by some other specific punishment prescribed by the laws of the State, and on conviction thereof, may sentence said slave to receive not more than forty lashes, to be inflicted by the constable or other officer having him in custody, but this section shall not extend to the city of Baltimore.

9. If any slave for life, or for a term of years, be sentenced to death, to confinement in the penitentiary, or to be sold, the court before which the conviction shall take place, shall immediately