

Laws, relating to Crimes and Punishments, be amended and re-enacted so as to read as follows :

Crimes and
punishments of
Negroes.

“One hundred ninety-four.” When any Negro, whether free or slave, is convicted of any offence, the punishment for which, if he were a white man, would be confinement in the Penitentiary, such Negro shall be sentenced to be sold either in or out of the State, for such term as the court may deem right, or to be confined in the Penitentiary, for such term as a white man would be confined for the same offence, or to receive any number of lashes not exceeding forty, in the discretion of the court; and in any case which has heretofore occurred, wherein sentence has been passed for the sale of any Negro so convicted out of the State, it shall and may be lawful 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.

Sales of Ne-
groes—appli-
cation of pro-
ceeds.

“One hundred ninety-five.” 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.

Jurisdiction
of Justices of
the Peace.

“One hundred ninety-six.” Any Justice of the Peace of the county wherein the offence is committed, shall have jurisdiction concurrent with the