

county thereof, and all aiders, abettors, comforters and accessories thereof and thereto, may be indicted and tried in any court of this state having jurisdiction of similar crimes, offences and misdemeanors, of the county in which he or she may be arrested, or into which he or she may be first brought.

XX. AND BE IT ENACTED, That if any person against whom an indictment has been found, shall suggest, in writing, supported by affidavit or other proper evidence, that a fair and impartial trial cannot be had in the court where such indictment is found, such court shall order the record of the proceedings in the said prosecution to be transmitted to the court having criminal jurisdiction in any adjoining county, either within the same or any adjoining district, in which the same shall be heard and determined, in the same manner as if such prosecution had been originally instituted therein; provided, that all costs incident on the trial and final determination of the same, and all costs and charges incurred by removing the offender, if convicted, to the penitentiary, as herein directed, shall be paid, borne and defrayed, by the county in which the indictment was found, and the clerk of the court in which such trial and determination was had, shall make out a true and full bill of all such costs and charges, and certify the same to the levy court of the county in which such indictment was found, and the same shall be levied, collected and paid over to the persons entitled thereto, in like manner as other county dues are levied, collected and paid.

XXI. 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; 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.

XXII. 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.

XXIII. 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.

XXIV. 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.

XXV. 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 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.