

loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, or shall assault or beat any person, with intent to maim, disfigure or disable such person, or with intent to prevent the lawful apprehension or detainer of any party for any offense for which the said party may be legally apprehended or detained, every such offender, and every person counselling, aiding or abetting such offender shall, upon conviction thereof, be punished by confinement in the penitentiary for a period not less than eighteen months nor more than ten years.

Indictment under this section must charge the intent with which the act is done in the words of this section, else it is demurrable. Penal statutes strictly construed. *State v. Elhorn*, 27 Md. 488.

Manslaughter.

An. Code, sec. 320. 1904, sec. 295. 1888, sec. 190. 1864, ch. 39.

354. Every person convicted of the crime of manslaughter shall be sentenced to the penitentiary for not more than ten years, or in the discretion of the court may be fined not more than five hundred dollars, or be imprisoned in jail for not more than two years, or be both fined and imprisoned in jail.

Manslaughter is a different crime from murder; they do not differ merely in degree. Hence on an indictment for murder and a conviction of manslaughter, the verdict must negative murder. *Weighorst v. State*, 7 Md. 451; *State v. Flannigan*, 6 Md. 167.

Upon a reversal for an erroneous sentence under this section, formerly the court of appeals had no power to impose the proper sentence or to remand the case for that purpose—see, however, art. 5, sec. 87. *McDonald v. State*, 45 Md. 90.

Marrying Unlawfully.

An. Code, sec. 321. 1904, sec. 296. 1888, sec. 191. 1777, ch. 12, sec. 2. 1785, ch. 35.

355. If any person shall marry with any person within the three degrees of direct lineal consanguinity, or within the first degree of collateral consanguinity, each of the parties so marrying, on conviction thereof, shall forfeit and pay fifteen hundred dollars, or be banished the State forever.

As to "Marriages" and offenses in connection therewith, see art. 62.

An. Code, sec. 322. 1904, sec. 297. 1888, sec. 192. 1777, ch. 12, sec. 2. 1790, ch. 20.

356. If any person shall marry with any person related within any other of the degrees of kindred or affinity prohibited by the laws of this State, each of the parties so marrying shall on conviction thereof forfeit and pay five hundred dollars.

An. Code, sec. 323. 1904, sec. 298. 1888, sec. 193. 1777, ch. 12, sec. 4.

357. If any minister shall knowingly celebrate the rites of marriage between any persons related in the degrees of kindred and affinity prohibited by law, he shall on conviction pay five hundred dollars.

An. Code, sec. 324. 1904, sec. 299. 1888, sec. 194. 1715, ch. 44, sec. 24.

358. If any minister, pastor or other person who, according to the laws of this State do usually join people in marriage, shall upon any pretense join in marriage any negro with any white person, he shall on conviction be fined one hundred dollars.