

Id s 138
1809, c 138, s 3.
Murder in the
first degree

2. All murder which shall be committed in the perpetration of, or attempt to perpetrate any arson, shall be murder in the first degree.

Id s 139
1809, c 138, s 3.
Murder in the
first degree

3. All murder which shall be committed in the burning or attempting to burn any barn, tobacco-house, stable, warehouse or other out-house, not parcel of any dwelling-house, having therein any tobacco, hay, grain, horses, cattle, goods, wares, or merchandise, shall be murder in the first degree.

Id s 140
1809, c 138, s 3.
Murder in the
first degree

4. All murder which shall be committed in the perpetration of, or attempt to perpetrate any rape, sodomy, mayhem, robbery or burglary, shall be murder in the first degree.

Id s 142
1809, c 138, s 3
Murder in the
second degree

5. All other kinds of murder shall be deemed murder in the second degree.

Id s 143
1890, c 138 s 3
Jury to find
degree

6. And the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder in the first or second degree; but if such person be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly; and every person liable to be prosecuted for petit treason, shall in future be indicted, proceeded against and punished, as is directed in other kinds of murder, according to the degree.

6 Md 167, 7 Md
442, 12 Md 514,
14 Md 421.

Person convicted by confession, court to determine degree.

Id s 144
1809, c 138, s 4
In the first
degree, how
punished

7. Every person convicted of murder in the first degree, his or her aiders, abettors, and counsellors, shall suffer death.

Id s 145
1809, c 138, s 4
In the second
degree, how
punished

8. Every person convicted of the crime of murder in the second degree, or as accessory thereto, shall be sentenced to the penitentiary for not less than five nor more than eighteen years.

MANSLAUGHTER.

1864, c 39.
Man-slaughter.
6 Md 167,
45 Md 90

Punishment.

9. 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 both fined and imprisoned in jail.

MAIMING.

Art 30 s 120.
1809, c 138, s 4
Maiming, etc

Punishment.

10. Every person, his aiders and abettors, who shall be convicted of the crime of mayhem, or of tarring and feathering, shall be sentenced to the penitentiary for not more than ten years nor less than eighteen months.

Id s 121
1809, c 138, s 4.
Injury to
person

Punishment.

11. Every person, his aiders, abettors, and counsellors, who shall be convicted of the crime of cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting or biting off the nose, ear or lip, or cutting or biting off or disabling any limb or member of any person, of malice aforethought, with intention in so doing to mark or disfigure such person, shall be sentenced to the penitentiary for not less than two nor more than ten years.