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therein, rape, sodomy, mayhem, robbery, or burglary, to be deemed murder of the first degree—1809, ch. 138, sec. 3,	574
All other kind of murder to be deemed murder of the second degree—1809, ch. 138, sec. 3,	574
The jury, if they find the person guilty, to ascertain the degree by their verdict—1809, ch. 138, sec. 3,	574
If convicted by confession, the court to proceed by examination of witnesses to determine the degree, and to give sentence accordingly—1809, ch. 138, sec. 3,	574
Every person liable to be prosecuted for petit treason, to be indicted and punished as directed in other kinds of murder, according to the degree—1809, ch. 138, sec. 3,	574
The offences herein after mentioned, affecting the lives or the persons of individuals, to be punished in the manner following :	
1st. Murder in the first degree, and aiding, &c.—death by hanging.	
2d. Murder of the second degree, and being accessory—confinement, &c. not less than 5 nor more than 18 years. 3d. Manslaughter—confinement, &c. not more than 10 years. 4th. Mayhem, tarring and feathering, or aiding, &c.—confinement, &c. not more than 10 years. 5th. Cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting or biting off the nose, ear, or lip, cutting or biting off, or disabling any limb or member of malice aforethought, with intention to maim or disfigure, or aiding, &c.—confinement, &c. not less than 2 nor more than 10 years. 6th. Rape, or as being accessory thereto before the fact—death by hanging, or confinement, &c. not less than 1 nor more than 21 years. 7th. Carnal knowledge and abuse of any female under the age of ten years, to be deemed felony—death by hanging, or confinement, &c. not less than 1 nor more than 21 years. 8th. Sodomy—confinement, &c. not less than 1 nor more than 10 years. 9th. An assault with intent to rob, murder, or commit a rape—confinement, &c. not less than 2 nor more than 10 years. 10th. Kidnapping, and forcibly or fraudulently carrying or causing to be carried out of the state, any free person, or person entitled to freedom at or after a certain age, &c. or knowingly arresting such person with such intent, or aiding, &c.—confinement, &c. not less than 2 nor more than 10 years—1809, ch. 138, sec. 4,	574
The offences herein after mentioned, affecting the habitations, houses or vessels of individuals, to be punished in manner following :	
1st. Arson, or as being accessory—death by hanging, or confinement, &c. not less than five nor more than twenty years. 2d. Wilfully burning any mill, distillery, tobacco-house, &c. or other out-house, not being parcel of a dwelling-house, being empty, or having therein any tobacco, &c. or burning any stack of hay, &c. and aiding therein—death by hanging, or confinement, &c. not less than three nor more than twelve years. 3d. Wilfully burning any ship or vessel of seventeen feet keel or upwards—confinement, not less than two nor more than twelve years. 4th. Burglary, or as accessory before the fact—restoration or payment of the value, and confine-	