

office or building belonging to this State, or to any county, city or town of this State; and whoever shall wilfully and maliciously burn, or attempt or conspire to burn, any church, college, university, academy, home, hospital or infirmary, whether the same be public or private property, every such person, his aiders, abettors or counsellors, and each of them, shall be deemed felons, and, upon conviction, shall, in the discretion of the court, suffer death, or be confined in the penitentiary for not more than twenty years.

1904, art. 27, sec. 10. 1888, art. 27, sec. 10. 1860, art. 30, sec. 6.
1809, ch. 138, sec. 8.

10. Every person convicted of the crime of wilfully and maliciously burning or destroying, or attempting or conspiring to burn or destroy, any public arsenal or magazine of provisions, or of military or of naval stores, belonging to this State, or subject to the jurisdiction of this State, or of wilfully or maliciously burning or destroying, or attempting or conspiring to burn or destroy, any military or naval stores, ship or vessel belonging to this State, the United States, or any one of them, shall suffer death by hanging, or be sentenced to the penitentiary for a period not less than three nor more than ten years.

Ibid. sec. 11. 1888, art. 27, sec. 11. 1860, art. 30, sec. 7. 1751, ch. 7.
1845, ch. 381.

11. If any person shall maliciously set on fire any fence or fencing, or any straw, stack or stacks of straw, or any hay or mowed grass, or other grass, or any tobacco, he shall on conviction thereof be sentenced to the penitentiary for not less than two nor more than four years.

The act of burning a stack of hay is not a felony either at common law, under this section or under the act of 1809, ch. 138; an indictment for a felony can not be sustained as an indictment for a misdemeanor. Where the indictment charged that the traverser had "feloniously," etc., and the jury found him guilty of having "feloniously," etc., burned the stack of hay, no judgment can be pronounced under this section. *Black v. State*, 2 Md. 379.

Ibid. sec. 12. 1888, art. 27, sec. 12. 1860, art. 30, sec. 8. 1744, ch. 5.
1809, ch. 138, sec. 5. 1904, ch. 267.

12. Every person, his aiders, abettors and counsellors, who shall be convicted of the crime of wilfully and maliciously burning any mill, distillery, manufactory, barn, meat house, tobacco house, stable, warehouse, storehouse, granary, barracks, distillery or other outhouse not parcel of any dwelling house, whether the same shall be the property of the offender or of any other person, with intent thereby to injure or defraud any person, shall be deemed a felon, and shall, in the discretion of the court, be sentenced to the penitentiary for not less than two nor more than twenty years.

Under this section, a party may be indicted for wilfully burning a school house not parcel of a dwelling house; the "wilful" burning being the offense provided against. *Jones v. Hungerford*, 4 G. & J. 402 (decided prior to the act of 1904, ch. 267).