

1904, art. 27, sec. 336. 1888, art. 27, sec. 217. 1860, art. 30, sec. 145.
1809, ch. 138, sec. 4.

369. 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.

See notes to section 362.

Negroes—Fornication With.

Ibid. sec. 337. 1888, art. 27, sec. 218. 1860, art. 30, sec. 151.
1715, ch. 44, sec. 25.

370. Any white woman who shall suffer or permit herself to be got with child by a negro or mulatto, upon conviction thereof in the court having criminal jurisdiction, either in the city or county where such child was begotten or where the same was born, shall be sentenced to the penitentiary for not less than eighteen months nor more than five years.

This section referred to in a slander suit. *Hemming v. Elliott*, 66 Md. 200.

Obscene Publications.

Ibid. sec. 338. 1888, art. 27, sec. 219. 1860, art. 30, sec. 78. 1853, ch. 183.

371. Whenever any newspaper or other periodical publication, printed, issued or published in this State shall contain any obscene or licentious matter, whether the same be contained in any professional or other advertisements or in any other article, whether original, communicated or copied from any other publication, every proprietor and publisher shall be held to be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty nor more than two hundred dollars and imprisoned for not less than ten days nor more than one year, in the discretion of the court in which the conviction shall be had; and each successive number of any newspaper or periodical containing any such obscene or licentious matter shall be deemed a new publication thereof and shall subject every proprietor and publisher to indictment and punishment as for a distinct offense.

In an indictment under this section where the character of the publication is only disclosed by explanatory words and innuendoes, it is necessary to aver that it was so known and understood by the publisher. Extrinsic facts and circumstances must be set out in the indictment where the true character and meaning of the publication is gathered from them. *Nicholson v. State*, 36 Md. x.

Ibid. sec. 339. 1888, art. 27, sec. 220. 1886, ch. 490. 1894, ch. 271.

372. If any person shall bring or cause to be brought into this State for sale or exhibition, or shall sell, lend, give away or offer to give away, or show or have in his or her possession with intent to sell or give away, or to exhibit, show, advertise or otherwise offer for loan, gift, sale or distribution any lewd, obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing or photograph, or any article or instrument of indecent or immoral