

offense, or be subject to imprisonment for not more than one year in the county or city jail or the House of Correction, in the discretion of such justice of the peace or court, or if such person be a minor under sixteen years of age, he may, in the discretion of such justice of the peace or court, be committed for not more than two years to any reformatory institution provided by law and authorized to receive minors so convicted.

1912, ch. 97.

**419.** Whoever shall throw from any window, door or transom of any passenger car, including dining, cafe, smoking, sleeping and private cars, while the same is in motion, any bottle or other article of glass, wood, metal or stone, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars before any justice of the peace or any court of competent jurisdiction, nor more than one hundred dollars for each such offense, or be subject to imprisonment for not more than six months in the city or county jail or the House of Correction, in the discretion of such justice of the peace or Court.

#### Rape.

1904, art. 27, sec. 368. 1888, art. 27, sec. 232. 1860, art. 30, sec. 161.  
1809, ch. 138, sec. 4.

**420.** Every person convicted of the crime of rape or as being accessory thereto before the fact shall, at the discretion of the court, suffer death or undergo a confinement in the penitentiary for not less than eighteen months nor more than twenty-one years; and penetration shall be evidence of rape, without proof of emission.

Where there are two counts in an indictment, the first charging rape and the second an assault with intent to rape, and the jury finds the traverser guilty of the charge in the first count without passing upon the second count, the verdict is sufficient, the minor offense being merged. *Stevens v. State*, 66 Md. 202. *Cf. State v. Sutton*, 4 Gill, 494. And see *Burk v. State*, 2 H. & J. 426.

*Ibid.* sec. 369. 1888, art. 27, sec. 233. 1860, art. 30, sec. 162. 1809, ch. 138, sec. 4. 1890, ch. 410. 1892, ch. 204.

**421.** If any person shall carnally know and abuse any woman child under the age of fourteen years, or knowingly carnally know and abuse any woman who is an imbecile, *non compos mentis* or insane, of any age whatever, every such carnal knowledge shall be deemed felony, and the offender being convicted thereof shall at the discretion of the court suffer death or imprisonment for life in the penitentiary, or for a definite period, not less than eighteen months nor more than twenty-one years.

Cited but not construed in *Baum v. Warden of Jail*, 110 Md. 581.

*Ibid.* sec. 370. 1898, ch. 218, sec. 233A.

**422.** If any person shall carnally know any female not his wife, between the ages of fourteen and sixteen years, such carnal knowledge