

If an indictment does not charge that the burning was done "maliciously," it is defective. *Kellenbeck v. State*, 10 Md. 437 (decided prior to act of 1904, ch. 267). Cf. *Gibson v. State*, 54 Md. 452.

An indictment for arson must charge that the house was burned. Act of 1809, ch. 138, only provided for punishment of arson without defining it. *Cochrane v. State*, 6 Md. 405 (decided prior to act of 1904, ch. 267).

Cited but not construed in *Hammond v. State*, 14 Md. 148.

As to indictments for arson, see sec. 560.

See notes to sec. 12.

An. Code, sec. 7. 1904, sec. 7. 1888, sec. 7. 1831, ch. 208, sec. 4. 1904, ch. 267.

7. If any person shall wilfully and maliciously set fire to and burn any untenanted or unfinished dwelling house, whether the same be his own or the property of another, with intent thereby to injure or defraud any person, he shall, upon conviction thereof, be confined in the penitentiary for a term of not less than one nor more than ten years.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1809, ch. 138, sec. 5.

8. Every person, his aiders or abettors, who shall be convicted of the crime of wilfully and maliciously burning any ship or other vessel of seventeen feet keel or upwards, whether laden or empty, shall be sentenced to the penitentiary for not less than two nor more than twelve years.

See notes to sec. 6.

An. Code, sec. 9. 1904, sec. 9. 1888, sec. 9. 1720, ch. 25. 1809, ch. 138, sec. 8. 1904, ch. 267

9. Whoever shall wilfully and maliciously burn, or attempt or conspire to burn, the State house of this State, or any part thereof, or any office contained therein, or the building of the commissioner of the land office, or any part thereof, or of the penitentiary, or any court house, or any part thereof, or any office contained therein, or any jail, poor house, magazine or lazaretto, or any public warehouse, or any other public 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.

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 10. 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.