

any tobacco, hay, grain, horses, cattle, goods, wares or merchandise, shall be murder in the first degree.

Weighorst v. State, 7 Md 451. Davis v State, 39 Md, 375.

P. G. L., (1860,) art. 30, sec. 140. 1809, ch. 138, sec. 3.

213. All murder which shall be committed in the perpetration of, or attempt to perpetrate any rape, sodomy, mayhem, robbery or burglary, shall be murder in the first degree.

Ibid.

Ibid sec 142. 1809, ch. 138, sec. 3.

214. All other kinds of murder shall be deemed murder in the second degree.

Ibid. sec. 143. 1809, ch. 138, sec. 3.

215. And the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder in the first or second degree; but if such person be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly; and every person liable to be prosecuted for petit treason, shall in future be indicted, proceeded against and punished, as is directed in other kinds of murder, according to the degree.

State v. Flanagan, 6 Md. 167. Ford v. State, 12 Md 514. Weighorst v. State, 7 Md. 451. Davis v. State, 39 Md. 375. Williams v. State, 60 Md. 402.

Ibid sec. 144. 1809, ch. 138, sec. 4.

216. Every person convicted of murder in the first degree, his or her aiders, abettors and counsellors, shall suffer death.

Ibid. sec 145. 1809, ch. 138, sec. 4.

217. 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.

Negroes—Fornication with.

P. G. L., (1860,) art. 30, sec. 151. 1715, ch. 44, sec 25.

218. Any white woman who shall suffer or permit herself to be got with child by a negro or mulatto, upon conviction thereof