

lic seal of this state, and of making use of the same, or of stealing any of the said true seals, or of unlawfully, falsely and corruptly, or with evil intent, affixing any of them to any deed, warrant or writing, or who shall be convicted of having in his or her possession or custody such counterfeit instrument, and shall wilfully conceal the same, knowing it to be falsely made or counterfeited, shall be sentenced to undergo a confinement in the said penitentiary for a period of time not less than five nor more than ten years, to be treated as herein after directed. 4th. Every person who shall be convicted of having forged and counterfeited any gold or silver coin, which now is or hereafter shall be passing or in circulation within this state, or of having falsely uttered, paid, or tendered in payment, any such counterfeit and forged coin, knowing the same to be forged and counterfeited, or of having aided, abetted or commanded, the perpetration of either of the said crimes, shall be sentenced to undergo a confinement in the said penitentiary-house not less than four nor more than ten years, to be treated as herein after directed.

III. AND, whereas the several offences which are included under the general denomination of murder, differ so greatly from each other in the degree of their atrociousness, that it is unjust to involve them in the same punishment, therefore, **BE IT ENACTED**, That all murder which shall be perpetrated by means of poison, or by lying in wait, or by any kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration of, or attempt to perpetrate, any arson, or to burn any barn, tobacco-house, stable, warehouse, or other out-house, not parcel of any dwelling-house, having therein any tobacco, grain, hay, horses, cattle, or goods, wares and merchandise, rape, sodomy, mayhem, robbery or burglary, shall be deemed murder of the first degree; and all other kind of murder shall be deemed murder of the second degree; 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.

IV. AND **BE IT ENACTED**, That the offences herein after mentioned, affecting the lives or the persons of individuals, shall be punished in manner following; that is to say, 1st. Every person convicted of murder of the first degree, his or her aiders, abettors and counsellors, shall suffer death, by hanging by the neck. 2d. Every person duly convicted of the crime of murder in the second degree, or as accessory thereto, shall be sentenced to undergo a confinement in the penitentiary-house herein after mentioned for a period not less than five nor more than eighteen years, under the same conditions as are herein after directed. 3d. Every person duly convicted of the crime of manslaughter, shall be sentenced to undergo a confinement in the said penitentiary for a period not more than ten years, to be dealt with as herein after directed. 4th. Every person, his or her aiders and abettors, who shall be duly convicted of the crime of mayhem, or of tarring and feathering, shall be sentenced to undergo a confinement in the said penitentiary-house for a space of time not more than ten years, to be treated as herein directed. 5th. Every person, his or her aiders, abettors and counsellors, who shall be duly convicted of the crime of cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting or biting off the nose, ear or lip, or cutting or biting off or disabling any limb or member of any person, of malice aforethought, with intention in so doing to maim or disfigure such person, shall be sentenced to undergo a confinement in the said penitentiary for a period of time not less than two nor more than ten years, to be treated as this act directs. 6th. Every person duly convicted of the crime of rape, or as being accessory thereto before the fact, shall, at the discretion of the court, suffer death by hanging by the neck, or undergo a confinement in the said penitentiary for a period of time not less than one year nor more than twenty-one years, under the same conditions as are herein after prescribed. 7th. If any person shall carnally know and abuse any woman-child under the age of ten years, every such carnal knowledge shall be deemed felony, and the offender, being convicted thereof, shall, at the discretion of the court, suffer death by hanging by the neck, or undergo a confinement in the penitentiary for a period not less than one year nor more than twenty-one years, to be dealt with according to law. 8th. Every person duly convicted of the crime of sodomy, shall be sentenced to undergo a similar confinement for a period not less than one year nor more than ten years, under the same conditions as are herein after directed. 9th. Every person duly convicted of the crime of an assault, with an intent to rob, murder, or commit a rape, shall be sentenced to undergo a confinement in the said penitentiary-house for a time not less than two nor more than ten years, under the conditions herein after prescribed. 10th. Every person, his or her counsellors, aiders or abettors, who shall be duly convicted of the crime of kidnapping, and forcibly or fraudulently carrying, or causing to be carried out of this state, any free person,