

12.

Every person convicted of the crime of an assault with intent to have carnal knowledge of a female child under the age of 14 years, or with intent to rob shall be guilty of a felony and shall be sentenced to [confinement in the Maryland Penitentiary] IMPRISONMENT for not less than two years or more than ten years; every person convicted of the crime of an assault with intent to murder shall be guilty of a felony and shall be sentenced to [confinement in the Maryland Penitentiary] IMPRISONMENT for not less than two years nor more than fifteen years; and every person convicted of the crime of an assault with intent to commit a rape shall be guilty of a felony and shall be [punished with death, or, in the discretion of the court, he shall be] sentenced to [confinement in the penitentiary] IMPRISONMENT for [the period of his natural life, or he shall be sentenced to confinement in the penitentiary for] not less than two years not more than twenty years[; provided, however, that the jury before whom any person indicted for the crime of an assault with intent to commit a rape shall be tried, if they find such person guilty thereof, may add to their verdict the words "without capital punishment", in which case the sentence of the court shall not exceed twenty years in the penitentiary, and in no case where a jury shall have rendered a verdict in manner and form as hereinbefore prescribed, "without capital punishment", shall the court in imposing the sentence, sentence the convicted party to pay the death penalty or to be confined for more than twenty years in the penitentiary]. Nothing in this section is hereby amended shall be construed or held to [effect]AFFECT or control any violation of this section occurring prior to [June] JULY 1, [1949] 1975, or the prosecution thereof, but each such violation and prosecution thereof shall be governed by the provisions of the section as it read and was in effect at the time such violation occurred.

337.

Every person, his counsellors, aiders or abettors, who shall be convicted of the crime of kidnapping and forcibly or fraudulently carrying or causing to be carried out of or within this State any person, except in the case of a person under eighteen years of age, by a parent thereof, with intent to have such person carried out of or within this State, or with the intent to have such person concealed within the State or without the State, shall be guilty of a felony and shall be sentenced to [death or to] the penitentiary for not more than thirty years[, in the discretion of the court].

338.