

By the House of Delegates,

DECEMBER 29th, 1801.

ORDERED, That the printer to the state be and he is hereby authorized and directed to print, with the Votes and Proceedings of the present session, a Bill, entitled, "An act to reform the penal laws of this state, and to abolish the punishment of death in certain cases."

By order,

W. HARWOOD, clk.

An ACT to reform the penal laws of this state, and to abolish the punishment of death in certain cases.

WHEREAS the design of punishment is to prevent the commission of crimes, and to repair the injury that hath been thereby done to society or the individual, and it hath been found by experience that these objects are better obtained by moderate but certain penalties than by severe and excessive punishments: And whereas it is the duty of every government to endeavour to reform, rather than exterminate offenders, and the punishment of death ought never to be inflicted where it is not absolutely necessary to the public safety; therefore,

II. **Be it enacted**, by the General Assembly of Maryland, That no crime whatsoever, hereafter committed, shall be punished with death in this state, except murder of the first degree, rape, and arson.

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, **Be it enacted**, That all murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate, any arson, rape, robbery or burglary, shall be deemed murder of the first degree, and all other kinds of murder shall be deemed murder in the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find