

such person guilty thereof, ascertain in their verdict whether it be murder of 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.

IV. **And be it enacted,** That every person liable to be prosecuted for petit treason, shall in future be indicted, proceeded against and punished, as is directed by this act in cases of murder.

V. **And be it enacted,** That every person duly convicted of the crime of high treason, shall be sentenced to undergo a confinement, at the discretion of the court passing the sentence, for a period not less than ten, nor more than twenty-five years, in the gaol and penitentiary-house herein after directed to be built at the city of Baltimore, (for carrying into effect and operation the provisions of this law,) and shall be kept therein at hard labour, or in solitude, or both, and fed, clothed, treated and dealt with, in such manner as is herein after prescribed; that every person duly convicted of the crime of arson, or as being an accessory thereto, shall be sentenced to undergo a similar confinement, for a period not less than —, nor more than — years, under the same conditions as are herein expressed in the first clause of this section, or the court before whom the conviction shall be had may, in lieu thereof, sentence such offender to death; that every person duly convicted of the crime of rape, or as being an accessory thereto before the fact, shall be sentenced to undergo a similar confinement, for a period not less than —, nor more than — years, under the same conditions as are herein expressed in the first clause of this section, or the court before whom the conviction shall be had may, in lieu thereof, sentence such offender to death; that every person duly convicted of the crime of murder of the second degree, shall be sentenced to undergo a similar confinement, for a period not less than —, nor more than — years, under the same conditions as are herein expressed in the first clause of this section.

VI. **And be it enacted,** That every person who shall be convicted of having, after the passing of this act, falsely 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 counterfeit, or having aided, abetted or committed, the perpetration of either of the said crimes, or shall be concerned in printing, signing or passing, any counterfeit notes of the banks of this state or of the United States, or of any or either of the states, knowing them to be such, or altering any genuine notes of any of the said banks, shall be sentenced to undergo a confinement in the gaol or penitentiary-house aforesaid, for any time not less than — nor more than — years, and