

Murder of
the first
degree.

Of the
second
degree.

Petit
treason.

II. Punish-
ments of
offences
affecting
life or per-
son.

1. Of mur-
der of the
first degree.
2. Of mur-
der of the
second
degree.

3. Of man-
slaughter.

4. Of may-
hem, and
tarring and
feathering.

5. Of cut-
ting out the
tongue, put-
ting out an
eye, &c.

SEC. 3. *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 persons 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.

SEC. 4. *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 hereinafter 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