

Murder.

1904, art. 27, sec. 335. 1888, art. 27, sec. 216. 1860, art. 30, sec. 144.
1809, ch. 138, sec. 4. 1908, ch. 115. 1916, ch. 214.

368. Every person convicted of murder in the first degree, his or her aiders, abettors and counsellors, shall suffer death, or undergo a confinement in the penitentiary of the State for the period of their natural life, in the discretion of the Court before whom such person may be tried; provided, however, that the jury in a murder case who render a verdict of murder in the first degree, may add thereto the words "without capital punishment," in which case the sentence of the court shall be imprisonment for life, 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.

Passengers—White and Colored—Transportation of.**387.**

To the first note to this section on page 433 of volume 3 of the Annotated Code, add *State v. Jenkins*, 124 Md. 379.

398.

The act of 1908, chapter 248, will be construed to apply to intrastate passengers only; hence it is constitutional. When an exception in a statute and in the constitution need not be negatived in the indictment. Generally an indictment describing an offence in the language of the statute is sufficient. *State v. Jenkins*, 124 Md. 378.

Poison—Attempting to.

1917, ch. 8.

409A. Every person, his aiders and abettors, who knowingly and wilfully poisons, defiles or in any way corrupts or contaminates the waters of any well, spring, brook, lake, pond, stream, river, reservoir or other source of water supply, or any tributary thereof, used or usable for drinking or domestic purposes, by means of disease germs or bacteria or the insertion of any other poison or poisonous matter therein, or attempts so to do, or conspires or connives thereat, and every person, his aiders and abettors, who, by like means, knowingly and wilfully poisons, defiles or in any way corrupts or contaminates any drink, food or food products or supply, or attempts so to do, or conspires or connives thereat, shall be guilty of a felony, and upon conviction thereof shall be subject to imprisonment in the Penitentiary for not more than twenty years, in the discretion of the Court.

Receiving Stolen Goods, Money or Securities.

1904, art. 27, sec. 371. 1888, art. 27, sec. 234. 1860, art. 30, sec. 163. 1809, ch. 138, sec. 6. 1892, ch. 546. 1902, ch. 18. 1918, ch. 424.

423. Every person who shall be convicted of the crime of receiving any stolen money, goods or chattels, knowing the same to be stolen, or