

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF THE

LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1869.

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1869.

FORTY-EIGHTH LEGISLATURE.

HOUSE.

No. 92.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

AN ACT to amend chapter one hundred and thirty-five of the revised statutes, relating to the execution of sentence in capital cases.

[As amended by the Senate.]

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. In case of trial of an indictment for any
2 capital offence, the judge presiding shall, at the
3 expense of the county, employ suitable means to pre-
4 serve an accurate and full copy of the evidence; and
5 in case of conviction, he shall correct and certify such
6 evidence to be a true copy of all the evidence in the
7 case. And in case of sentence of death awarded upon
8 such conviction, it shall be the duty of the clerk forth-
9 with to transmit to the governor a true and attested

10 copy of such evidence ; and in all cases of sentence of
11 death, the clerk shall forthwith transmit to the gov-
12 ernor a copy of the whole record.

SECT. 2. Upon receiving such record and evidence
2 it shall be the duty of the governor and council
3 carefully to review the whole case, and unless they
4 think proper to pardon the convict, or commute his
5 sentence, the governor shall, within a reasonable time,
6 not exceeding one year after the day of the sentence,
7 except cases in review, issue his warrant, as provided
8 in sections seven and eight of chapter one hundred
9 and thirty-five of the revised statutes as herein
10 amended.

SECT. 3. When a petition is presented for review
2 and granted, the judge granting the same shall forth-
3 with notify the governor of the fact, and that there is
4 cause for further inquiry, and the governor shall stay
5 execution until such inquiry has been made upon a
6 new trial. In case of conviction for a capital offence,
7 upon new trial, the like proceedings on the part of the
8 court, the clerk, and the governor and council, shall
9 be had, as are hereinbefore provided in case of convic-
10 tion upon original process.

SECT. 4. Section seven of said chapter, is hereby
2 amended, so as to read as follows :

3 Sect. 7. When any person is convicted of a crime

CAPITAL PUNISHMENT.

3

4 punishable with death and sentenced therefor, he shall
5 at the same time be sentenced to solitary confinement
6 in the state prison till such punishment is inflicted ;
7 but he shall not be executed until the whole record of
8 such proceedings or case is certified by the clerk of said
9 court, under the seal thereof, to the supreme executive
10 authority of the state, and a warrant is issued by said
11 executive authority, under the great seal of the state,
12 directed to the sheriff or one of his deputies, of the
13 county wherein the state prison is situated, command-
14 ing him to carry said sentence of death into execution.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 10, 1869. }

On motion of Mr. DICKEY, laid on the table, and ordered to be printed, as amended by the Senate.

S. J. CHADBOURNE, *Clerk.*