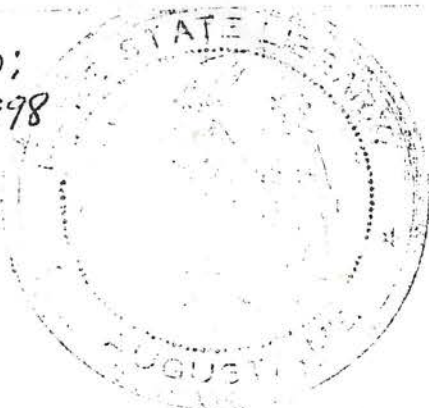


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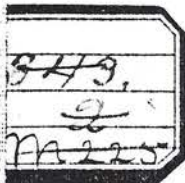
CAPITAL PUNISHMENT IN MAINE.

In the Code of Statutes enacted by the Legislature of Maine in 1821, the crimes of treason, murder, arson, rape, burglary and robbery were punishable with death. In 1829 the penalty for rape, burglary and robbery was reduced to imprisonment for life. In 1837 the Statutes were so amended that one convicted of a capital crime and sentenced to be hanged, should be confined in the State Prison a year and a day, before execution, and until a full record of the proceedings in the trial of his case had been submitted to the executive and until such further time as the executive should see fit to issue his warrant ordering the execution of the condemned criminal.

In 1844 the law was further modified to meet the apparent unwillingness of the executive to order executions of criminals under sentence of death. It provided that all persons under sentence of death, should suffer solitary confinement and hard labor until warrant of execution was issued.

It will be seen that by the law of 1837, the execution of the death penalty was, in a measure, left to the discretion of the executive, since there was no limit of time within which he was, by law, compelled to issue his warrant of execution. The responsibility thus created, was so great and the sentiment against the death penalty so active and aggressive, that there was no execution in this State for nearly thirty years.

In 1867, the Governor called the attention of the Legislature to the fact that there were ten persons under sentence of death,



confined in the State Prison, one of whom had been there over twenty years. He suggested that the penalty be abolished, or the law so changed as to require the Governor to issue his warrant of execution within a time certain and fixed. In 1869 a law was enacted requiring the Governor and Council to review the findings of the Court in cases of conviction and sentence of death, and commute, pardon, or cause the prisoner to be executed within a certain length of time after the date of the original sentence.

In 1870 and again in 1874 the Governor entered his protest against the law of 1869, declaring his belief that it was unconstitutional, since it imposed judicial functions upon the executive department.

In 1875 the Legislature amended the law of 1869, so that the Governor was required to issue a warrant of execution within fifteen months of the date of sentence. In 1876 the death penalty was abolished altogether. In 1883 the death penalty for murder alone was re-established. In 1885 the Governor, referring to the death penalty remarked that there had been an unusual number of cold-blooded murders within the State during the two years last past, and that the change in the law relating to murder had not afforded the protection anticipated. In 1887 the death penalty was again abolished. The strong minority opposed to the death penalty had much to do with its non-enforcement from 1837 to 1867, and the enforcement of the law from the latter date until 1876 had more to do with its abolition: since the executions during this period awakened discussion and debate upon the subject, and brought the people face to face with their responsibility and duty in the matter. Prof. Upham of Bowdoin College and Rev. Sylvester Judd of Augusta, Me., by their speeches and written arguments against capital punishment, created a deep seated and wide spread sentiment in the minds of the people against this mode of punishment. The Society of Friends within our State, were ever urging in their petitions to the Legislature, for the abolition of the death penalty. The sentiment of our people is now so strongly against capital punishment, that it may be safely assumed that the law will never again be enacted in Maine.

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Capital Punishment.

Questions and References.

Is it right to take human life?

Is it right for anyone to offer up his life for any purpose?

Can government demand that its citizens shall die in its de-
fence?

See Declaration of Independence, wherein the signers of that
document pledged their fortunes and their lives in defence of their
country. It seems to be a fundamental principle of every civilized
country that the lives of all its citizens are pledged to the protec-
tion and support of its government against its enemies, both within
and from without its borders. See Declaration of Rights; Constitu-
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Sect. 1.

Whether this right to life may be forfeited by the commission
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Penalty for rape, burglary and robbery reduced to imprisonment
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155. Arson, death or imprisonment for life. Indictment for
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proceedings in the trial for murder by Governor and Council, and
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Governor required to issue his warrant of execution at time
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Presiding justice may grant new trial, Me. Pub. Laws, Ch. 207,
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Death penalty abolished, Me. Pub. Laws, Ch. 114, 1876; Ch.
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Death penalty abolished, Me. Pub. Laws, Ch. 133, 1887.

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Homicides in Maine.

	No. of Homicides.	No. of Convictions for Murder.
1860.....	10	0
1861.....	14	2
1862.....	18	2
1863.....	24	3
1864.....	22	3
1865.....	11	0
1866.....	14	1
1867.....	14	4
1868.....	7	1
1869.....	7	4
1870.....	11	1
1871.....	17	7
1872.....	10	1
1873.....	10	1
1874.....	19	2
1875.....	11	3
1876.....	8	0

Statement of the Attorney General from 1877 to 1898.

	No. of prosecutions for homicide instituted.	No. of cases in which sentence for homicide was imposed.
1877.....	10	5
1878.....	7	3
1879.....	9	3
1880.....	4	5
1881.....	10	5
1882.....	4	4
1883.....	4	4
1884.....	13	11
1885.....	8	7
1886.....	5	3
1887*.....	—	—
1888*.....	—	—
1889.....	7	2
1890.....	5	7
1891.....	6	1
1892.....	3	4
1893.....	8	4
1894.....	10	5
1895.....	11	5
1896.....	8	6
1897.....	7	3
1898.....	3	4

*No report of Attorney General.

Homicides in Maine.

1860.....	10
1861-.....	14
1862.....	18
1863.....	24
1864.....	22
1865.....	11
1866.....	14
1867.....	14
1868.....	7
1869.....	7
1870.....	11
1871.....	17
1872.....	10
1873.....	10
1874.....	19
1875.....	11
1876.....	8
1877.....	10
1878.....	7
1879.....	9
1880.....	4
1881.....	10
1882.....	4
1883.....	4
1884.....	13
1885.....	8
1886.....	5
1887.....	-
1888.....	-
1889.....	7
1890.....	5
1891.....	6
1892.....	3
1893.....	8
1894.....	10
1895.....	11
1896.....	8
1897.....	7
1898.....	3
1899.....	10
1900.....	7
1901.....	5
1902.....	4
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1910.....	18
1911.....	15
1912.....	12
1913.....	19
1914.....	7