

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

HOUSE.

No. 11.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-SIX.

AN ACT to abolish the death penalty and to regulate the
manner of applying for pardons in certain cases.

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

SECTION 1. The penalty of death as a punishment
2 for crime is hereby abolished.

SECT. 2. All crimes now punishable with death
2 shall hereafter be punished by imprisonment at hard
3 labor for life.

SECT. 3. Whenever any person who has been sen-
2 tenced under the second section of this act, shall
3 desire to obtain a pardon, or a commutation of such
4 sentence, he may present a written request to the
5 justices of the supreme judicial court in term time or
6 vacation, asking that application therefor be made to

7 the governor in his behalf, and shall therein set forth
8 specifically the grounds on which such application for
9 pardon or commutation of sentence is requested and
10 the facts which he expects to prove in support of the
11 same, together with the names and residences of the
12 witnesses by whom he expects to prove such facts ;
13 and with such request he shall present the affidavits
14 of such witnesses, and a copy of all the evidence
15 taken at the trial in which he was convicted, which
16 evidence shall be taken and preserved as provided in
17 section seven, chapter one hundred and thirty-five of
18 the revised statutes.

SECT. 4. If upon examination of said request and
2 the affidavits therewith presented, said justices shall
3 be of the opinion that new and material evidence has
4 been discovered which was not known, and could not,
5 by the use of due diligence, have been obtained at the
6 time of the trial, and which would tend conclusively
7 to show his innocence, notwithstanding the evidence
8 taken at the trial, they shall appoint a time and place
9 for a hearing thereon, and order notice to be given to
10 the attorney general and to the county attorney of the
11 county in which such person was convicted, that they
12 may appear in behalf of the state.

SECT. 5. At such hearing no evidence shall be
2 deemed pertinent except such as has been discovered

3 since the trial, and such as relates to material facts
4 tending to show that such person was wrongfully or
5 erroneously convicted, or that he is innocent.

SECT. 6. If upon all the evidence said justices shall
2 be of the opinion that such person was wrongfully con-
3 victed, or that he is innocent of the crime of which he
4 was convicted, and that an application should be made
5 for his pardon or for a commutation of his sentence,
6 they shall so order, and thereupon the clerk of said
7 court for the district in which such hearing is had shall
8 make up a record of the proceedings had on such re-
9 quest, and transmit a copy thereof, and of all the
10 papers in the case, to the governor, together with an
11 application to the governor made by him in behalf of
12 such person under the order and direction of said jus-
13 tice, for such pardon or commutation of sentence.

SECT. 7. On receipt of such application the gov-
2 ernor may, with the advice and consent of the council,
3 grant a pardon or a commutation of sentence upon such
4 conditions and with such restrictions and limitations as
5 may be deemed proper, and to carry the same into
6 effect may issue his warrant directed to all proper
7 officers, who shall serve and obey it.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 20, 1876. }

Presented by Mr. FRANK of Portland, and on his motion laid
on the table, ordered printed and referred to the Committee on
the Judiciary.

ORAMANDAL SMITH, *Clerk.*