

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 76.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-THREE.

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AN ACT to restore the death penalty for murder in  
the first degree.

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

SECTION 1. When murder is committed with  
2 express malice aforethought, or in perpetrating or  
3 attempting to perpetrate a crime punishable by  
4 death, imprisonment for life, or for an unlimited  
5 term of years, it shall be deemed murder of the  
6 first degree and punished with death.

SECT. 2. When any person is convicted of a  
2 crime punishable with death, and sentenced there-  
3 for, the time for the execution of such sentence  
4 shall be fixed by the court, which time shall be not  
5 less than six months nor more than one year from

6 the day on which such sentence is passed, and the  
7 convict shall at the same time be sentenced to con-  
8 finement in the state prison until such punishment  
9 is inflicted.

SECT. 3. The governor shall seasonably issue  
2 his warrant under the great seal of the state,  
3 directed to the sheriff of the county wherein the  
4 state prison is situated, or one of his deputies,  
5 commanding him to carry such sentence into exe-  
6 cution at the time fixed by the court, unless the  
7 governor with advice of council, shall pardon or  
8 relieve the convict, or commute his sentence.

SECT. 4. Chapter one hundred and fourteen of  
2 the public acts of eighteen hundred and seventy-  
3 six, sections eight and nine of chapter one hun-  
4 dred and thirty-five of the revised statutes, chapter  
5 ninety of the public laws of eighteen hundred and  
6 seventy-nine, as amended by chapter one hundred  
7 and seventy-eight of the public laws of eighteen  
8 hundred and eighty, and chapter two hundred and  
9 seven of the public laws of eighteen hundred and  
10 eighty, and all other acts and parts of acts incon-  
11 sistent with this act, are repealed.

SECT. 5. Section seven, ten and eleven of chap-  
2 ter one hundred and thirty-five of the revised  
3 statutes are revived.

SECT. 6. Section twelve of chapter one hundred  
2 and thirty-four of the revised statutes is amended  
3 by inserting after the word "ten" in line eleven the  
4 words "nor the state more than five;" also by sub-  
5 stituting for the word "he" in line twelve the  
6 words "such person," so that said section as  
7 amended shall read as follows:

8 *Sect. 12.* When a person indicted for an offence  
9 punishable with death, is put upon his trial, the  
10 clerk under the direction of the court, shall place  
11 the names of all the traverse jurors summoned  
12 and in attendance, in a box, upon separate tickets,  
13 and the names, after being mixed, shall be drawn  
14 from the box by the clerk, one at a time, for the  
15 purpose of constituting a jury of trial. All per-  
16 emptory challenges, except as herein provided, and  
17 all other challenges and objections to the juror  
18 drawn, shall be made and determined, and the  
19 juror sworn or set aside, before another name is  
20 drawn, and so on until the panel is completed.  
21 The person indicted shall not challenge per-  
22 emptorily, more than ten nor the state more than  
23 five, of the jurors while the panel is being formed;  
24 but such person may, before the trial commences,  
25 challenge peremptorily, one of the jurors from the

26 panel. The supreme judicial court, may, by gen-  
27 eral rules, prescribe the mode of exercising the  
28 latter right of challenge, and said section as  
29 amended is revived.

SECT. 7. Chapter two hundred and thirty-seven  
2 of the public laws of eighteen hundred and  
3 seven-four is amended by substituting the word  
4 "county" for "state" in line eleven, so that said  
5 section as amended shall read as follows: "The  
6 clerk shall, without charge, furnish to any person  
7 indicted for a crime punishable by imprisonment  
8 in the state prison, a copy of the indictment;  
9 if he is indicted for a crime punishable  
10 by death or imprisonment in the state  
11 prison for life, he shall furnish a copy of  
12 the indictment; a list of the jurors returned and  
13 process to obtain witnesses, to be summoned and  
14 paid at the expense of the state. Competent coun-  
15 sel shall be assigned by the court in capital cases'  
16 and when it appears that the accused has not suffi-  
17 cient means to employ counsel, and reasonable  
18 compensation, not exceeding one hundred and fifty  
19 dollars in all at any one trial, shall be allowed by  
20 the court, to be paid out of the county treasury.

STATE OF MAINE.

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In HOUSE OF REPRESENTATIVES, }  
February 9, 1883. }

Reported by Mr. HALL, from Committee on the Judiciary, ordered  
printed and next Thursday assigned for its further consideration.

ORAMANDAL SMITH, *Clerk.*