

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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PUBLIC LAWS
OF THE
STATE OF MAINE.
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mortgagee may agree upon a less time, not less than one year, in which the mortgage shall be forever foreclosed, which agreement shall be inserted in the mortgage and be binding on the parties, their heirs and assigns, and shall apply to each and all the modes prescribed by statute for the foreclosure of mortgages on real estate.'

CHAP. 114.

Parties may agree upon a less time.

Approved February 21, 1876.

Chapter 114.

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 :

SECT. 1. The penalty of death, as a punishment for crime, is hereby abolished.

Penalty of death abolished.

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

—crimes, how punished.

SECT. 3. Whenever any person who has been sentenced under the second section of this act shall desire to obtain a pardon, or a commutation of such sentence, he may present a written request to the justices of the supreme judicial court, in term time or vacation, asking that application therefor be made to the governor in his behalf, and shall therein set forth, specifically, the grounds on which such application for pardon or commutation of sentence is requested, and the facts which he expects to prove in support of the same, together with the names and residences of the witnesses by whom he expects to prove such facts; and with such request he shall present the affidavits of such witnesses, and a copy of all the evidence taken at the trial in which he was convicted, which evidence shall be taken and preserved, as provided in section seven, chapter one hundred and thirty-five, of the revised statutes.

Pardons, how obtained.

—application for, how made.

Request and statement of facts

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

Court may appoint a hearing.

Order of notice to be given.

CHAP. 115.

Evidence deemed pertinent.

Order of court for pardon or commutation of sentence.

Governor may grant a pardon or commutation of sentence.

SECT. 5. At such hearing no evidence shall be deemed pertinent except such as has been discovered since the trial, and such as relates to material facts, tending to show that such person was wrongfully or erroneously convicted, or that he is innocent.

SECT. 6. If, upon all the evidence, said justices shall be of the opinion that such person was wrongfully convicted, or that he is innocent of the crime of which he was convicted, and that an application should be made for his pardon or for a commutation of his sentence, they shall so order, and thereupon the clerk of said court for the district in which such hearing is had shall make up a record of the proceedings had on such request, and transmit a copy thereof, and of all the papers in the case, to the governor, together with an application to the governor made by him in behalf of such person under the order and direction of said justices, for such pardon or commutation of sentence.

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

Approved February 21, 1876.

Chapter 115.

An act to provide further remedies for the collection of State Taxes upon Corporations.

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

State taxes on corporations, how collected.

SECT. 1. In addition to any remedies now provided by law for the collection of state taxes upon any corporation, such taxes may be recovered by an action of debt, or an action on the case, in the name of the state, which action may be brought in any county where such corporation has its place of business, or where the action is against a railroad corporation in any county, where such railroad corporation owns or operates any railroad line or track.

Applicable to taxes heretofore assessed.

SECT. 2. The remedies provided by this act may be used for the collection of any such tax heretofore assessed.

SECT. 3. This act shall take effect when approved.

Approved February 22, 1876.