

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

SENATE.

No. 44.

STATE OF MAINE.

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

AN ACT concerning proceedings in capital cases.

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

SECTION 1. When an indictment for a crime punish-
2 able with death is found at any term of the supreme
3 judicial court, the presiding justice shall fix a day for
4 the trial of the same, and shall forthwith notify the
5 chief justice, who shall designate five justices of the
6 court, one of whom shall be the justice presiding at
7 that term, to attend at the trial ; on the day appointed,
8 said justices shall attend at the trial, and the chief
9 justice, or in his absence, the senior associate justice,
10 shall preside. The court as thus constituted shall
11 finally determine all questions of law as they may
12 arise in the trial, and shall finally decide all motions

13 for new trial and in arrest of judgment, if all the said
14 five justices are agreed thereon, but in case of any
15 disagreement between said justices, the question shall
16 be determined by the full court upon exceptions or
17 motion.

SECT. 2. When an indictment for an offence pun-
2 ishable with death is found at any term of the superior
3 court within and for the county of Cumberland, the
4 justice of said court shall fix a day for the trial, and
5 forthwith notify the chief justice of the supreme judi-
6 cial court, who shall designate five justices of the
7 court to attend at the trial ; on the day appointed, the
8 justices so designated shall attend at the trial, and the
9 same proceedings shall be had as is provided in the
10 first section of this act.

SECT. 3. When any person is convicted of a crime
2 punishable with death, he shall be sentenced by the
3 presiding judge, and the day of the execution shall be
4 named in the sentence, and shall be not less than six
5 nor more than twelve months from the day of the
6 sentence, and the said convict shall, at the same time,
7 be sentenced to confinement in the state prison until
8 the death penalty is inflicted. The clerk of the court
9 shall issue under his hand and the seal of the court, a
10 warrant, countersigned by the justice imposing the
11 sentence, directed to the sheriff of the county in

12 which the state prison is situated, or his deputy, com-
13 manding him to carry the sentence of death into exe-
14 cution.

SECT. 4. Section eleven of chapter one hundred and
2 thirty-five of the revised statutes, is hereby amended,
3 so as to read as follows :

4 *Sect. 11.* When a sheriff inflicts the sentence of
5 death as aforesaid, he shall immediately make return
6 of the warrant therefor, under his hand, with his
7 doings thereon, to the office of the clerk of the courts
8 whence it issued, and the clerk shall file the same with
9 the indictment, and subjoin to the record an abstract
10 of such return. The sheriff shall also file an attested
11 copy of said warrant and return in the office of the
12 secretary of state.

SECT. 5. Section thirteen of chapter one hundred
2 and thirty-four, and sections eight and nine of chapter
3 one hundred and thirty-five of the revised statutes,
4 are hereby repealed.

STATE OF MAINE.

IN SENATE, February 18, 1874.

Reported from the Committee on Judiciary, by Mr. EMERY
of Hancock, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*