

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

SENATE.

No. 59.

STATE OF MAINE.

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

AN ACT to more particularly define the offence of murder.

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

SECTION 1. The second section of the one hundred
2 and eighteenth chapter of the revised statutes, is hereby
3 amended, by inserting after the word "aforethought,"
4 the words, 'and without the provocation of a great
5 wrong,' so that said section, as amended, shall read
6 as follows : When murder is committed with express
7 malice aforethought, and without the provocation of a
8 great wrong, or in perpetrating or attempting to perpe-
9 trate a crime punishable by death, imprisonment for
10 life, or for an unlimited term of years, it shall be
11 deemed murder of the first degree, and punished with
12 death.

SECT. 2. The third section of said chapter is hereby
2 amended, so as to read as follows :

3 “ *Sect. 3.* When murder is committed without ex-
4 press malice aforethought, and is not committed in
5 perpetrating or attempting to perpetrate a crime
6 punishable by death, imprisonment for life, or for an
7 unlimited term of years, and without the provocation
8 of a great wrong, it shall be deemed murder of the
9 second degree, and punished by imprisonment for life.
10 And when murder is committed under the provocation
11 of a great wrong, it shall be deemed murder of the
12 third degree, and punished by imprisonment for life,
13 or for any term of years, at the discretion of the court.
14 But the great wrong, the provocation of which shall
15 be deemed to affect the degree of murder, shall be
16 proved by the prisoner to the full satisfaction of the
17 jury to have been actually done by the person
18 murdered, and not merely to have been threatened or
19 apprehended ; and furthermore, it must be a crime,
20 and that, too, one for which no adequate legal redress
21 exists. And it shall be the duty of the court instruct-
22 ing any grand jury or traverse jury by whom an
23 accusation of murder is to be examined or tried, care-
24 fully to explain the distinction between the different
25 degrees of murder, and between murder and man-
26 slaughter.”

STATE OF MAINE.

IN SENATE, February 27, 1874.

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

SAMUEL W. LANE, *Secretary.*