

MAINE STATE LEGISLATURE

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FIFTY-FOURTH LEGISLATURE.

HOUSE.

No. 85.

AMENDMENT TO BILL "AN ACT IN RELATION TO
EXECUTION OF SENTENCE IN CAPITAL CASES."

Amend by striking out all after the first section and inserting the following :

SECT. 2. Section two of chapter one hundred and 2 eighteen, is hereby amended by adding at the close 3 of said section the following words: "or imprison- 4 ment for life as the jury or court shall determine ;" 5 so that said section as amended shall read as follows : 6 When murder is committed with express malice 7 aforethought, or in perpetrating or attempting to per- 8 petrate a crime punishable by death, imprisonment for 9 life, or for an unlimited term of years, it shall be 10 deemed murder in the first degree and punished with 11 death or imprisonment for life, as the jury or court 12 shall determine.

SECT. 3. Section one of chapter one hundred and 2 nineteen, is hereby amended by inserting after the 3 word "death" in the fifth line, the following words : 4 "or imprisonment for life, as the jury or court shall

5 determine," so that said section as amended shall read
6 as follows :

7 Whoever wilfully and maliciously sets fire to the
8 dwelling-house of another, or to any building adjoining
9 thereto, or to any building owned by himself or an-
10 other, with intent to burn such dwelling-house, and it
11 is thereby burnt, in the night time, shall be punished
12 with death or imprisonment for life, as the jury or
13 court shall determine. If he proves and the jury find
14 that there was no person lawfully in such dwelling-
15 house at the time, or if the offence was committed in
16 the day time, he shall be punished by imprisonment
17 for life.

SECT. 4. When any person is hereafter convicted
2 of a crime for which the law authorizes the punishment
3 of death, it shall be competent for the jury convicting
4 to determine whether the penalty of death or impris-
5 onment for life shall be inflicted, and when the jury
6 have so found it shall be the duty of the court to sen-
7 tence in accordance with such finding of the jury.
8 And in case the jury are unable to agree as to such
9 sentence or for any cause fail to so determine, it shall
10 be the duty of the court to determine whether the
11 punishment shall be death or imprisonment for life,
12 and to sentence accordingly.

SECT. 5. When any person is hereafter convicted of

2 a crime punishable with death and sentenced therefor,
3 the time for the execution of said sentence shall be
4 fixed by the court, which time shall be not less than
5 six months nor more than one year from the day on
6 which said sentence is passed, and the convict shall at
7 the same time be sentenced to solitary confinement in
8 the state prison till such punishment is inflicted.

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

SECT. 7. All acts and parts of acts inconsistent with
2 this act are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 16, 1875. }

Offered by Mr. PILLSBURY of Farmington, as amendment to bill "an act in relation to the execution of sentence in capital cases," and on his motion ordered printed.

S. J. CHADBOURNE, *Clerk.*