

HOUSE . . . . . No. 47

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Accompanying the eleventh recommendation of the Commissioner of Correction (House, No. 36). Public Welfare.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Fifty-One.

AN ACT AUTHORIZING THE GOVERNOR TO RESPITE THE EXECUTION OF SENTENCES OF CONVICTS UNDER SENTENCE OF DEATH AND TO ORDER THEIR EXAMINATION AND REMOVAL TO THE BRIDGEWATER STATE HOSPITAL.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 279 of the General Laws is hereby amended  
2 by striking out section 48, as appearing in the Ter-  
3 centenary Edition, and inserting in place thereof the  
4 following:—  
5 *Section 48.* If it appears to the satisfaction of the  
6 governor and council, after examination by two ex-  
7 perts on insanity designated by the commissioner of  
8 mental health, that a convict under sentence of death  
9 has become insane, the governor, with the advice and  
10 consent of the council, may, from time to time for  
11 stated periods, respite the execution of said sentence  
12 until it appears to their satisfaction that the convict  
13 is no longer insane. After such respite, the governor  
14 may order the removal of such convict to the Bridge-

15 water state hospital for his proper care, and, when in  
16 the opinion of the medical director of said hospital  
17 the mental condition of the convict so removed is  
18 such that he should be returned to the institution  
19 from whence removed, he shall so certify to the  
20 warden of the state prison, accompanied by a written  
21 statement regarding the mental condition of the con-  
22 vict, and the warden shall thereupon cause the convict  
23 to be reconveyed to the state prison and remain there  
24 pursuant to the sentence of the court or the respite of  
25 such sentence, at which time the governor shall be  
26 informed of the convict's return to the state prison  
27 and as to his mental condition. If ten days before  
28 the termination date of the stated period of respite  
29 the convict is still insane, said medical director shall  
30 so certify and report as to the mental condition of  
31 the convict, and the governor, with the advice and  
32 consent of the council, may further respite the execu-  
33 tion of the sentence for a stated period until it appears  
34 to their satisfaction that the convict is no longer  
35 insane.

36 If it appears to the satisfaction of the governor and  
37 council that a female convict under sentence of death  
38 is quick with child, the governor, with the advice and  
39 consent of the council, shall from time to time respite  
40 execution of said sentence for stated periods until it  
41 appears to their satisfaction that she is no longer  
42 quick with child.