

SENATE....No. 44.

Commonwealth of Massachusetts.

IN SENATE, March 13, 1840.

The joint special committee, to whom was referred sundry memorials and petitions purporting to be signed by eleven hundred and ninety citizens from various towns throughout the State, all asking that the infliction of death as a punishment of crime may be totally abolished in this State, to whom also was referred an order of 25th January, in relation "to so much of the Governor's Address as relates to Capital Punishment," have had the subject under consideration, and ask leave respectfully to report the accompanying bill.

For the Committee,

GEO. B. UPTON.

Commonwealth of Massachusetts.

In the Year One Thousand Eight hundred and Forty.

AN ACT

For the Punishment of Treason, Arson and Rape.

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

1 SEC. 1. If any person shall be convicted of either
2 of the offences described in the one hundred and
3 twenty-fourth chapter, in the eighteenth section of
4 the one hundred and twenty-fifth chapter, or in the
5 first section of the one hundred and twenty-sixth
6 chapter of the Revised Statutes, which said offences
7 are now punished with death, he shall be punished
8 by solitary imprisonment in the state prison for life.

1 SEC. 2. When any person shall hereafter be con-
2 victed of the crime of treason, arson and rape, all
3 contracts of whatever nature to which the person
4 so convicted shall be a party, shall be affected,
5 changed or annulled, in the same manner as they
6 severally would have been by the death of the per-
7 son so convicted. The bonds of matrimony between

8 the husband or the wife, as the case may be, and the
9 person so convicted, shall be dissolved ; the person
10 so convicted shall cease to have any title to, or inter-
11 est in his own estate, real and personal, and the
12 same shall be treated, disposed of, and descend, in
13 all respects, as if his actual death had taken place
14 on the day when he was convicted as aforesaid ; and
15 all power and authority of whatever nature which he
16 might lawfully have or exercise over any other per-
17 son or persons, shall, from and after his conviction
18 as aforesaid, cease and determine as if he were dead.

1 SEC. 3. This act shall not affect any case in which
2 an indictment is now pending for either of said of-
3 fences, and all acts or parts of acts inconsistent with
4 the provisions of this act, except as is herein pro-
5 vided, shall be, and the same hereby are repealed.

