

HOUSE.....No. 3.

Commonwealth of Massachusetts.

IN HOUSE OF REPRESENTATIVES, JUNE 21, 1831.

The Committee to whom was referred a "Report on the Punishment of Death," have carefully examined and considered the same, and being deeply impressed with the great importance of the subject to the well being of society, and of the propriety of the greatest deliberation and caution in changing a mode of punishment, which has been so long and so generally in use, they regret that the shortness of the time allotted to the continuance of the present Session of the General Court, forbids the attempt to accomplish that change, which they are unanimously of opinion ought to be made in the criminal laws of this Commonwealth at this time. They therefore

REPORT,

That the further consideration of this subject be referred to the next General Court, and that the Hon.

William Sullivan, of Boston, be authorized to prepare such Bills as he may deem to be necessary to carry into effect the principles contained in said Report, and lay the same before the House of Representatives at an early day of the first Session of the next General Court.

Which is respectfully submitted.

Per order of the Committee.

ROBERT RANTOUL, *Chairman.*

HOUSE OF REPRESENTATIVES, JUNE 21, 1831.

Read and accepted.

Attest.

P. W. WARREN, *Clerk.*

A true copy.

Attest.

P. W. WARREN, *Clerk H. Rep's.*

BOSTON, JANUARY 9th, 1832.

*To the Honorable WILLIAM B. CALHOUN,
Speaker of the House of Representatives.*

SIR,

I have the honor to submit herewith, to the House of Representatives, pursuant to the order annexed, three Bills.

The first, marked A, is drawn on the supposition, that the House may be disposed to abolish the punishment of death, and substitute solitary imprisonment, and confinement for life. The case of treason is excepted, because such a crime may possibly be committed, the adoption of the federal constitution notwithstanding.

The second Bill, marked B, proposes to substitute solitary imprisonment, and confinement for life, for the punishment of death, in arson, burglary, robbery, and rape. If the commission of either of these crimes should be attended with the destruction of life, the way is left open for an indictment for murder.

The third Bill, marked C, is intended to regulate executions pursuant to sentence of death. This Bill is presented separately, that the manner of execution may be changed, if the House should see fit to reject the first Bill, and retain the second with, or without modification; or should reject both the first, and the second Bill.

I have the honor to be, Sir,
With the highest respect,
Your obedient servant,
WM. SULLIVAN.

Commonwealth of Massachusetts.

In the Year of our Lord, One Thousand Eight Hundred
and Thirty-Two.

AN ACT

To Abolish the Punishment of Death.

1 SECT. 1. **BE** *it enacted by the Senate and House*
2 *of Representatives, in General Court assembled, and*
3 *by the authority of the same,* That the punishment of
4 death be, and the same hereby is abolished in all
5 cases, except in that of treason.

1 SEC. 2. *Be it further enacted,* That all persons
2 hereafter convicted of any crime, treason excepted,
3 which is now punishable by death, according to any
4 law of this Commonwealth, shall be punished by
5 solitary confinement not exceeding one year; and by
6 confinement afterwards to hard labor for life.

1 SEC. 3. *Be it further enacted,* That all acts and
2 parts of acts, inconsistent with the provisions of
3 this act, be, and the same hereby are, repealed.

035

Commonwealth of Massachusetts.

In the Year of our Lord, One Thousand Eight Hundred
and Thirty-Two.

AN ACT

To Abolish the Punishment of Death in certain cases.

1 SECT. 1. *BE it enacted by the Senate and House*
2 *of Representatives, in General Court assembled, and*
3 *by the authority of the same, That the crimes of ar-*
4 *son, burglary, robbery, and rape, shall not hereafter*
5 *be punished by death ; but, that all persons convic-*
6 *ted of these crimes, respectively, shall be punished*
7 *by solitary confinement, not exceeding one year, and*
8 *by confinement, afterwards, to hard labor for life.*

1 SEC. 2. *Be it further enacted, That all acts, and*
2 *parts of acts, inconsistent with the provisions of this*
3 *act, be, and the same hereby are, repealed.*

036

Commonwealth of Massachusetts.

In the Year of our Lord, One Thousand Eight Hundred
and Thirty-Two.

AN ACT

To Regulate the Punishment of Death.

1 SECT. 1. BE it enacted by the Senate and House
2 of Representatives, in General Court assembled, and
3 by the authority of the same, That every warrant
4 which shall be directed to any Sheriff of this Com-
5 monwealth, requiring the punishment of death to be
6 executed upon any convict, pursuant to the sentence
7 of the Supreme Judicial Court, shall be executed in
8 manner following :—

9 *First.*—Such Sheriff shall cause a place to be
10 prepared, within the precincts of a prison, and at
11 the expense of the county, *wherein* the convict shall
12 be executed *unseen* by any spectators, except such
13 as are hereinafter mentioned.

14 *Secondly.*—The Sheriff shall address his warrant,
15 to the proper officers in any city, and in any towns,

16 within his county, requiring of such officers to draw
17 from the jury boxes in such city and towns, the
18 names of such a number of persons qualified to
19 serve on the Grand Jury, as to make, in the whole,
20 the number of fifty persons to witness the execution
21 of the convict; and such officers shall cause the
22 persons whose names shall be so drawn, to be duly
23 notified of the purpose for which they are drawn,
24 and of the time and place of the execution, and
25 shall request such persons to attend accordingly;
26 and all persons so drawn, and attending, shall be
27 paid out of the county treasury, on the Sheriff's
28 certificate, of travel and attendance, as Grand Ju-
29 rors are paid. And the said Sheriff shall request
30 such Magistrates of the county, and such other per-
31 sons, as he may think proper, to attend and witness
32 such execution.

33 *Third.*—When such execution shall have taken
34 place, the Sheriff shall cause a black flag to be
35 raised over the place of execution, and shall cause
36 the same to be suspended for a space of time, not
37 less than one hour.