

## HOUSE....No. 56.

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[Mr. SPAULDING, of Methuen, offers the following as a substitute for Bill to repeal certain Acts concerning Persons under Sentence of Death :] (House, No. 43.)

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### Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Seven.

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### AN ACT

Concerning Persons under Sentence of Death.

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

1    SECT. 1. When any person shall be convicted of  
2 any crime punishable with death, and sentenced to  
3 suffer such punishment, he shall, at the same time, be

4 sentenced to imprisonment, or to hard labor and im-  
5 prisonment, in the State prison, county jail, or house  
6 of correction of the county where such conviction is  
7 had, until such punishment of death shall be inflicted,  
8 as the court passing such sentence may determine.

1     SECT. 2. And no person so imprisoned shall be  
2 executed in pursuance of such sentence, within one  
3 year from the day such sentence of death was passed,  
4 nor until the whole record of such proceedings, or  
5 case, shall be certified by the clerk of the court which  
6 passed the sentence, under the seal thereof, to the  
7 governor; who shall forthwith issue a warrant under  
8 the great seal, with a copy of the record thereunto  
9 annexed, commanding the sheriff of the county in  
10 which the trial was had, to cause execution to be  
11 done.

1     SECT. 3. The clerk of the court which passed the  
2 sentence, shall certify the record of the proceedings,  
3 or case, under the seal of said court, to the governor,  
4 within one month after such sentence is passed; and  
5 if said clerk shall neglect so to certify such record, he  
6 shall be liable to a penalty of one thousand dollars,  
7 to be recovered by indictment in any court compe-  
8 tent to try the same.

1     SECT. 4. Sentence of death shall be executed  
2 within the walls or inclosed yard of any house of cor-  
3 rection or county jail of the county in which the con-  
4 viction was had.

1     SECT. 5. Chapter two hundred and seventy-four of

2 acts of eighteen hundred and fifty-two, being an act  
3 entitled "An Act concerning persons under Sentence  
4 of Death," and also chapter two hundred and eighty-  
5 six of the acts of eighteen hundred and fifty-three,  
6 entitled "An Act to amend an Act concerning persons  
7 under Sentence of Death," are hereby repealed.

