

From Essex Institute

HOUSE.....No. 16.

Reported by Committee on Judiciary.

Commonwealth of Massachusetts.

In the year of our Lord One Thousand Eight Hundred
and Thirty-One.

AN ACT

Mitigating the Penalties in certain cases for the crimes
of Arson, Burglary, and Larceny.

1 SECT. 1. **BE** it enacted by the Senate and House
2 of Representatives in General Court assembled, and by
3 the authority of the same, That whenever any person
4 shall be indicted for committing any offence describ-

5 ed in the first section of the Act of 1804, chap. 131,
 6 entitled "An Act providing for the Punishment of
 7 Incendiaries, and the Perpetrators of other Mali-
 8 cious Mischiefs," passed on the sixteenth day of
 9 March in the year of our Lord one thousand eight
 10 hundred and five, and such indicted person shall
 11 prove to the satisfaction of the jury before whom a
 12 trial may be had, that at the time of the commission
 13 of said offence there was no person lawfully within
 14 the dwelling house which shall have been burnt, and
 15 the Jury shall so find, the Court shall, on convic-
 16 tion, instead of the punishment of death now by law
 17 provided sentence the offender to solitary confine-
 18 ment for a term not exceeding thirty days, and to
 19 hard labor for the residue of said convict's life.

1 SECT. 2. *Be it further enacted,* That whenever any
 2 person shall be lawfully convicted of either of the
 3 offences described in the second section of the Act
 4 of 1805, chap. 101, entitled, "An Act providing for
 5 the Punishment of the crimes of Burglary and other
 6 breaking and entering of buildings," passed on the
 7 thirteenth day of March, in the year of our Lord
 8 one thousand eight hundred and six, the Court, in-
 9 stead of the punishment now provided by law, shall
 10 sentence said convict to solitary confinement, for a
 11 time not exceeding thirty days, and to hard labor af-
 12 terwards for a period not exceeding twenty years.

1 SECT. 3. *And be it further enacted,* That whenever
 2 any person shall be lawfully convicted of either of
 3 the offences described in the sixth section of the
 4 Act of 1804, chap. 143, entitled "An Act provid-
 5 ing for the punishment of the crime of Robbery and
 6 other Larcenies, and for the prevention thereof,"

7 passed on the sixteenth day of March, in the year of
8 our Lord one thousand eight hundred and five, the
9 Court before which such conviction may be had
10 shall order the punishment in said section provided,
11 or in their discretion shall sentence the convict to
12 confinement in the County Jail, for such time as to
13 them may seem meet, or to the payment of a fine,
14 according to the nature and aggravation of the
15 offence.

