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AN ANALYSIS OF CONVICTIONS OF MURDER
IN THE FIRST DEGREE IN MASSACHUSETTS

FROM

JANUARY 1, 1900

TO

DECEMBER 31, 1962

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The research and statistics division of the Massachusetts Department of Correction receives numerous requests for information relative to capital punishment and convictions of murder in the first degree from students, professors, reporters and others interested in the retention or abolition of capital punishment.

The material in this report presented in questionnaire form represents questions that are most frequently asked. It is hoped that the information will be helpful to individuals who are interested in the topics of capital punishment and convictions of murder in the first degree.

1. What is murder in the first degree and murder in the second degree?

Murder committed with deliberately premeditated malice aforethought, or with extreme atrocity or cruelty, or in the commission or attempted

commission of a crime punishable with death or imprisonment for life, is murder in the first degree. Murder which does not appear to be in

the first degree is murder in the second degree. The degree of murder shall be found by the jury (G. L., c. 265, s. 1)

2. What is the punishment for the crime of murder?

Whoever is guilty of murder in the first degree shall suffer the punishment of death, unless the jury shall by their verdict, and as a part

thereof, upon and after consideration of all the evidence, recommend that the sentence of death be not imposed, in which case he shall be

punished by imprisonment in the state prison for life. No such recommendation shall be made by a jury or recorded by the court if the

murder was committed in connection with the commission of rape or an attempt to commit rape. Whoever is guilty of murder in the second

degree shall be punished by imprisonment in the state prison for life. (G. L., c. 265, s. 2)

3. When was execution in the death chair first authorized in Massachusetts?

Chapter 326 of the Acts of 1898 provided for the death penalty to be carried out by execution in the electric chair. The first execution

took place on December 17, 1901.

4. What appeal procedures are available to those sentenced to death?

A. The case is reviewed by the Supreme Judicial Court
(G. L., c. 278, s. 33E as amended by c. 453 Acts of 1962)

B. An individual sentenced to death may request a commutation from the Governor. To grant a commutation the Governor must have the consent of the Governor's Council.

5. What officials have the power to reprieve, commute or pardon a sentence of death?

The Governor with the consent of the Governor's Council.

6. Is a person sentenced to life imprisonment for the crime of murder in the first degree eligible for parole?

A person sentenced to life imprisonment for the crime of murder in the first degree is not eligible for parole unless his sentence

is commuted by the Governor and Council. If he receives a commutation he is then subject to the provisions of law governing

parole for persons sentenced for lesser offenses.

7. When is a person serving a life sentence, other than a life sentence for murder in the first degree, eligible for parole?

Such a person is eligible for a parole hearing within 60 days before the expiration of 20 years of his sentence. If denied release at this

time, he must be seen again by the State Parole Board at least once in each ensuing three-year period. This privilege is not extended

to men confined in the State Hospital at M. C. I. Bridgewater.

8. What is the legal authorization permitting a jury to recommend life imprisonment for a first degree murder conviction?

G. L., c. 265, s. 2 as amended by c. 731 Acts of 1956.

9. How many persons were convicted of murder in the first degree in Massachusetts from January 1, 1900 to December 31, 1952?

One hundred and seventeen men and one woman.

10. What is the date of the last execution in Massachusetts?

May 9, 1947.

11. How many persons were convicted of murder in the first degree in Massachusetts from January 1, 1900 to May 9, 1947?

Eighty-seven men and one woman were convicted of murder in the first degree during this period.

12. What was the final disposition relative to the men convicted of murder in the first degree during the period January 1, 1900 to May 9, 1947?

Number of Men

Final Disposition

55

Electrocution

1

Died in jail after having been found guilty of murder in the first degree death.

2

Convictions revoked and in subsequent trials the men were found not guilty.

19

Commutation from death sentence; of the 19 commutations:

12 Eventually released under parole conditions.

Two of the 12 later had their paroles revoked; one of the

two men was returned because he could not adjust to his home

life and he died in prison after his recommitment; the

second man was returned because he could not adjust to

community living.

4 Died in prison without having been released from prison

after their conviction of murder.

3 Currently serving their sentence

Total 87

13. What was the final disposition of the woman convicted of murder in the first degree during the period January 1, 1900 to May 9, 1947?

The woman was found guilty of murder in the first degree and sentenced on March 5, 1912 to be executed. On June 5, 1912 Governor Foss and

Council commuted her sentence from death to life imprisonment. On November 26, 1930 Governor Allen and Council commuted her sentence

from life to 25 years to life and she was released on parole on that date.

14. How many persons were convicted of murder in the first degree in Massachusetts from May 9, 1947 to December 31, 1962?

Thirty men were convicted of murder in the first degree during this period.

15. What was the final disposition relative to the men convicted of murder in the first degree during the period May 9, 1947 to December 31, 1962?

Number of Men	Final Disposition
10	Jury recommended that the sentence of death be not imposed in returning a finding of guilty of murder in the first degree and the men received first degree murder life sentences. The 10 men are currently serving their life sentence.
1	Conviction of murder first degree death was revoked and the man was found not guilty by reason of insanity and committed to Bridgewater State Hospital.
1	Committed suicide prior to electrocution.
1	Confined in death row awaiting an appeal of his conviction.
17	Commutation from death sentence and the men are currently serving their sentence.
Total	30

Summary of the Final Dispositions of Men Convicted of Murder in the First Degree in Massachusetts from January 1, 1900 to December 31, 1962

Number of Men	Final Disposition
65	Electrocution
1	Died in jail after conviction of murder in the first degree death
1	Committed suicide prior to electrocution.
1	Confined in death row awaiting an appeal of his conviction.
2	Convictions revoked and in subsequent trials the men were found not guilty.
1	Conviction revoked and the man was found not guilty by reason of insanity and committed to Bridgewater State Hospital.
10	Jury recommended that the sentence of death be not imposed in returning a finding of guilty of murder in the first degree and the 10 men are currently serving their life sentence.
36	Commutation from death sentence; of the 36 commutations: <ul style="list-style-type: none"> 12 Eventually released under parole conditions. Two of the 12 later had their paroles revoked; one of the two men was returned because he could not adjust to his home life and he died in prison after his re-commitment; the second man was returned because he could not adjust to community living and is now in prison. 4 Died in prison without having been released from prison after their conviction of murder. 20 Currently serving their sentence.
Total	117