

**ILLINOIS – METHOD OF  
EXECUTION (ELECTRIC CHAIR)**

**1927 ILL. LAWS 400**

ate present so armed, to aid or abet him, he shall be imprisoned in the penitentiary for any term of years not less than one year or for life.

#### DIVISION XV.

§ 1½. In any prosecution for a capital offense, where the sentence is death, the trial court, if satisfied that the person convicted is a poor person and unable to prosecute his writ of error and pay the costs and expenses thereof, shall enter an order that such person be allowed to prosecute his writ of error as a poor person and thereupon all necessary costs and expenses incident to such writ of error, including all court costs, stenographic services and printing, but not including fees or compensation for legal services, shall be paid by the county in which the conviction was had, upon the approval of the judge of such court.

APPROVED July 6, 1927.

(Smith-Hurd, p. 877)

#### DEATH PENALTY—WRIT OF ERROR, ETC.

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| <p>§ 1. Amends sections 1, 2, 3 and 4 of Division XIV and sections 1 and 2 of Division XV, Act of 1874, and to add section 3a thereto.</p> <p style="text-align: center;">Division XIV.</p> <p>§ 1. Death penalty—Manner of inflicting.</p> <p>§ 2. Place of inflicting.</p> <p>§ 3. Duty of sheriff at execution.</p> <p>§ 3a. Duty of sheriff at execution.</p> <p>§ 4. Certificate of execution.</p> | <p>§ 2. Act not to apply to crimes committed before July 1, 1927.</p> <p style="text-align: center;">Division XV.</p> <p>§ 1. Writs of error in capital cases.</p> <p>§ 2. When affirmed—sentenced.</p> |
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(SENATE BILL NO. 281. APPROVED JULY 6, 1927.)

AN ACT to amend sections 1, 2, 3 and 4 of Division XIV and sections 1 and 2 of Division XV of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, as amended, and to add section 3a of Division XIV thereto.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. Sections 1, 2, 3 and 4 of Division XIV and sections 1 and 2 of Division XV of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, as amended, are amended, and section 3a of Division XIV is added thereto, the amended and additional sections to read as follows:

#### DIVISION XIV.

§ 1. The manner of inflicting the punishment of death shall be by electrocution, that is, causing to pass through the body of the person convicted a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of the person convicted until such person is dead, at such time as the court shall direct, not less than fifteen nor more than twenty-five days from the time the sentence is pronounced: *Provided*, the day set shall not occur before the tenth day of the term of the Supreme Court occurring (in either of the grand divisions) next after the pronouncing of the judgment: *And, provided*, that for good cause the court or

governor may prolong the time. At the expiration of the time so prolonged, the judgment shall be executed the same as if that were the time fixed by the judgment for the execution thereof.

§ 2. In counties under 1,000,000 population whenever any person shall be condemned to suffer death by electrocution, for any crime of which such person shall have been convicted in any court of such counties, such punishment shall be inflicted within the walls of the Illinois State Penitentiary at Joliet or the Southern Illinois Penitentiary. The warden of the penitentiary wherein the execution is to occur shall supervise such execution and may, in writing, with the approval of the Governor, specially designate and appoint a suitable and competent person to act under his direction, as executioner in any particular case.

§ 3. In counties under 1,000,000 population when a person is sentenced to suffer death by electrocution, it shall be the duty of the clerk of the court to deliver forthwith to the sheriff, a warrant for the execution of the condemned person and the sheriff shall thereupon convey him to the Illinois State Penitentiary at Joliet or the Southern Illinois Penitentiary, depending upon which penitentiary the county involved sends its prisoners, and deliver him, together with the warrant, to the warden. The expenses of transportation to the particular penitentiary shall be defrayed by the county from which the person convicted is sent. It shall be the duty of the warden of the penitentiary, the deputy warden, executioner, and the sheriff or the deputy sheriff of the county from which the person convicted was sent to be present at such execution, and, in addition to the above designated persons the warden of the penitentiary or the deputy warden, by at least three days previous notice, shall invite the presence of two physicians and may invite the presence of the judges, prosecuting attorney, clerks of the court of the county, from which the person convicted came, and twelve reputable citizens, to be selected by the warden or his deputy. And the said warden of the penitentiary or the deputy warden shall, at the request of the criminal, permit such ministers of the gospel, not exceeding three, as said criminal shall name, and any of the immediate relatives of said criminal, to be present at said execution, and also such officers, guards and employees of the penitentiary as shall by him be deemed expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution. nor shall any person, not a relative of the criminal, under the age of twenty-one years, be allowed to witness the same.

§ 3a. In counties over 1,000,000 population whenever any person is condemned to suffer death by electrocution, for any crime of which such person has been convicted in any court of such counties such punishment shall be inflicted within the walls of the prison of the county in which such conviction occurred. It shall be the duty of the sheriff, or the deputy sheriff of the county, to be present at such execution, and such sheriff or deputy sheriff, by at least three days previous notice, shall invite the presence of two physicians and may invite the presence of the judges, prosecuting attorney, clerks of the courts of the county and twelve reputable citizens, to be selected by such sheriff or deputy sheriff. And the said sheriff or deputy sheriff shall, at the

request of the criminal, permit such ministers of the gospel, not exceeding three, as said criminal shall name, and any of the immediate relatives of said criminal, to be present at said execution, and also such officers, guards and employees of the prison as shall by him be deemed expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution, nor shall any person, not a relative of the criminal, under the age of twenty-one years, be allowed to witness the same.

§ 4. The warden of the penitentiary, the deputy warden, the sheriff or the deputy sheriff of the county, as the case may be, or the judges attending such execution, shall prepare and sign, officially, a certificate setting forth the time and place thereof, and that such criminal was then and there executed, in conformity to the sentence of the court and the provisions of this Act; and shall procure to said certificate the signatures of the other public officers and persons, not relatives of the criminal who witnessed such execution; which certificate shall be filed with the clerk of the court where the conviction of such criminal was had, and the clerk shall subjoin the certificate to the record of conviction and sentence.

#### DIVISION XV.

§ 1. In any prosecution by indictment for a capital offense, when the sentence is death, the party aggrieved by manifest and material error, appearing of record, may be relieved by writ of error, in the following manner, to-wit:

1. He shall obtain a certified copy of the record from the clerk, and a certificate from the judge who tried the cause, or from the prosecuting officer on the trial, that he is of opinion that such record contains a full and true history of the proceedings on the trial.

2. He shall present such transcript and certificate, with an assignment of the errors relied upon, to the Supreme Court if in session, or to one of the judges thereof in vacation.

3. If, after inspecting such transcript, the court or judge is of opinion that there is reasonable cause for allowing a writ of error, and shall also be of the opinion that there is a reasonable doubt as to the guilt of the defendant, it shall be granted by indorsement on the back of such transcript, with the direction that the same shall be a supersedeas.

4. Upon the filing of such transcript and order the clerk of the Supreme Court shall issue a supersedeas to stay the execution of the sentence of death until the further order of the court, but the prisoner shall not be discharged from custody.

§ 2. If the judgment is affirmed, the Supreme Court shall, by order, fix the time when the original sentence of death shall be executed, a copy of which order shall be sufficient authority to the warden or sheriff, as the case may be, for the execution of the prisoner at the time therein specified.

§ 2. Nothing contained in this Act shall be construed to apply to any offense committed previous to July 1, 1927, A. D.

APPROVED July 6, 1927.

(Smith-Hurd, p. 964)