

# HOUSE . . . . . No. 1246.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, May 8, 1905.

The committees on Prisons and Public Charitable Institutions, sitting jointly, to whom was referred the message from the Governor relative to the crowded condition of the State Prison and recommending the acquisition of Nashawena island as a site for a new prison and a leper hospital (House, No. 1178), report the accompanying bill.

For the committee,

MATTHEW McCANN.

## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Five.

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### AN ACT

To provide for the Establishment of a Branch State Prison and a Hospital for Lepers on Nashawena Island.

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

1 SECTION 1. The governor and council are  
2 hereby authorized to purchase or otherwise take  
3 in fee for the purposes described in this act all  
4 the land comprised in the island of Nashawena,  
5 situated in Buzzard's Bay and within the pre-  
6 cincts of the town of Gosnold; and in their dis-  
7 cretion they may expend from the industries fund  
8 hereinafter named such sums as may be needed  
9 to make special tests and investigations as to  
10 water supply and other features of the island  
11 preliminary to said taking.

1 SECTION 2. When the island has been so  
2 taken, the governor and council shall cause to be

3 filed in the registry of deeds for the county of  
4 Dukes County, a description of all the land com-  
5 prised in said island as certain as is required in  
6 an ordinary conveyance of land, with a statement  
7 signed by the governor that the island is taken  
8 on behalf of the Commonwealth for public use  
9 as described in this act. The filing of such de-  
10 scription and statement shall be sufficient notice  
11 to all persons that the said island is so taken;  
12 and the title to said island shall then vest in the  
13 Commonwealth.

1 SECTION 3. The governor and council shall  
2 have full power to settle by agreement or arbitra-  
3 tion the amount to be paid to any person on ac-  
4 count of said taking, and if the amount is not  
5 settled in the manner aforesaid the governor and  
6 council shall, within sixty days from the date of  
7 such taking, appraise the value of every unsettled  
8 interest in said island, as far as can be ascer-  
9 tained, and shall file a statement of their findings  
10 with the auditor of the Commonwealth. The  
11 auditor shall then, upon the application of the  
12 person whose interest is so appraised, certify the  
13 amount awarded to said person by said findings,  
14 and a warrant shall be drawn for the payment of  
15 such amount from the treasury of the Common-  
16 wealth. The acceptance of such payment shall  
17 be deemed an acknowledgment of full satisfac-  
18 tion. Any person dissatisfied with said findings  
19 may, upon application within one year from the  
20 date of said taking, have his damages assessed by

21 a jury in the manner provided by law in case of  
22 taking land for highways; but no such applica-  
23 tion shall be made after the expiration of one year.

1 SECTION 4. When the said island has been  
2 acquired as herein provided, the prison commis-  
3 sioners with the approval of the governor and  
4 council, shall cause to be erected thereon suitable  
5 buildings for the imprisonment of not less than  
6 one hundred prisoners and for the accommodation  
7 of the officers needed to guard said prisoners.  
8 When said buildings are ready for occupancy the  
9 governor shall issue his proclamation establishing  
10 on said island a branch state prison. The prison  
11 commissioners shall then appoint a superintendent  
12 of said branch prison who shall have the custody  
13 of all prisoners removed thereto, and he shall ap-  
14 point such assistants as are needed. All persons  
15 employed in said branch prison shall receive such  
16 compensation as the prison commissioners may  
17 establish with the approval of the governor and  
18 council.

1 SECTION 5. The prison commissioners may  
2 remove prisoners from the state prison to the said  
3 branch prison, and every prisoner so removed  
4 shall be subject to all the laws that now apply to  
5 prisoners in the state prison in Boston and shall  
6 serve in the said branch prison according to the  
7 original terms of his sentence.

1 SECTION 6. Every order for the removal of a

2 prisoner under this act shall be signed by the sec-  
3 retary of the board of prison commissioners and  
4 may be served by any officer of the state prison  
5 or by any officer authorized to serve criminal proc-  
6 ess. A prisoner who makes an escape while  
7 being conveyed to said branch prison may be sen-  
8 tenced as for an escape from the state prison.

1 SECTION 7. The expense of purchasing the  
2 island as herein authorized, and of providing the  
3 buildings named in section three, shall be paid out  
4 of what is known as the "prison industries fund;"  
5 that is to say, the fund accumulated from the in-  
6 dustries maintained in the state prison, the Massa-  
7 chusetts reformatory, the reformatory prison for  
8 women, and the state farm.

1 SECTION 8. Under the direction of the board  
2 of charity, and with the approval of the governor  
3 and council, as soon as may be after the said  
4 island of Nashawena is acquired by the Common-  
5 wealth there may be established on a secluded  
6 part of said island a hospital for the confinement  
7 and treatment of persons afflicted with leprosy.  
8 The premises occupied by said hospital shall be  
9 separated from the other parts of the island by a  
10 sufficient barrier, and no building to be occupied  
11 by prisoners shall be erected within one mile of  
12 said hospital.

1 SECTION 9. The governor and council are  
2 hereby authorized to negotiate a sale of the prem-

3 ises now occupied by the state prison in Boston,  
4 and to make all needed agreements to that end.  
5 In making such sale it shall be stipulated that the  
6 state prison may continue to occupy such parts of  
7 the premises as are needed for the safe-keeping of  
8 prisoners until sufficient accommodations are pro-  
9 vided for them in the new buildings herein author-  
10 ized. When an agreement for such sale is con-  
11 cluded and a satisfactory guarantee is provided  
12 that the state shall receive the specified price upon  
13 delivery of the premises, the treasurer and receiver  
14 general may borrow such sums of money as are  
15 needed for the purposes of this act not exceeding  
16 in the aggregate the amount of said price, and  
17 may issue certificates therefor to be redeemed with  
18 the proceeds of such sale. The money so obtained  
19 shall be used to defray the expense of providing  
20 the buildings and furnishings for a new state  
21 prison.

1 SECTION 10. When the proceeds from the sale  
2 of the old state prison have been secured as herein  
3 provided, the prison commissioners shall cause to  
4 be erected on said island buildings for the secure  
5 imprisonment of all prisoners in the state prison,  
6 together with suitable offices and departments  
7 an proper houses for the accommodation of the  
8 officers and their families. Subject to the ap-  
9 proval of the governor and council, the prison  
10 commissioners shall have authority to appoint all  
11 needed agents to carry out the purposes of this  
12 section. All plans for said buildings shall be ap-

13 proved by the governor and council. No expense  
14 shall be incurred at any time beyond the amount  
15 that may be available from the proceeds of the  
16 sale of the old prison and from the accumulation  
17 from the prison industries fund herein named.  
18 The total expenditure on account of providing all  
19 the buildings herein named shall not exceed the  
20 sum of eight hundred thousand dollars.

1 SECTION 11. From time to time as the build-  
2 ings are ready for occupancy the prison commis-  
3 sioners may remove prisoners thereto as provided  
4 in section five, and when all the prisoners are so  
5 removed, the state prison at Boston shall cease to  
6 exist, and the warden of the state prison shall  
7 assume charge of the new state prison at Gos-  
8 nold. The prison commissioners shall give  
9 reasonable notice to the justices of the superior  
10 court of the final removal of prisoners as herein  
11 provided; and after such notice all sentences to  
12 the state prison shall be to the state prison in  
13 Gosnold.

1 SECTION 12. As far as the authority of the  
2 governor and council in relation to the taking of  
3 the island is concerned, this act shall take effect  
4 upon its passage, and all the other provisions  
5 shall take effect when the conditions herein sev-  
6 erally prescribed have been secured.

