

SENATE.....No. 15.

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Commonwealth of Massachusetts.

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SECRETARY'S OFFICE, Boston, Jan. 18th, 1844.

SIR: In compliance with an order of the Honorable House of Representatives of the 16th instant, I have the honor herewith to transmit a copy (to be laid before the House) of the proceedings of the Executive Council of last year, relating to the exclusion of religious books of certain denominations of christians from the prisoners in the Massachusetts State Prison, by the Chaplain thereof.

Very respectfully I have

The honor to be your

Obedient servant,

JOHN G. PALFREY,

*Secretary of the Commonwealth.*

*To the Honorable*

*Speaker of the House of Representatives.*

*December 29th, 1843.*

The Committee on the concerns of the State Prison, to whom was referred the following order, to wit :

“ COUNCIL CHAMBER, *Dec. 21, 1843.*

*Ordered,* That the Committee on the State Prison be directed to inquire and report at the next meeting of the Council, whether there are any distinctions as to the distribution of religious books, between sects or denominations in the State prison, under the direction of the chaplain or any other officer,”

## REPORT:

That previous to the adoption of the above order, representations had been made that religious books sent to convicts by their friends were excluded from the prison yard, solely on the ground of their distinctive religious character, and they had also ascertained the views of the Reverend Chaplain in relation to the classes of religious books which were excluded from admission to the prisoners. These views he has frankly stated in a communication which accompanies this report, and from which it will appear, that so far as the Reverend Chaplain is concerned, his views of duty impel him to exclude all religious books which in his judgment are subversive of the great and leading truths and doctrines of the gospel, and among those thus excluded, he classifies “in particular those which advocate and maintain the peculiar view and tenets of the Roman Catholic, the Universalists and the Unitarians.”

The committee found that several religious books designed for the use of the convicts by their friends and desired by them, were retained by the Reverend Chaplain, and among these are the Douay edition of the Bible, (or the Catholic Bible as it is commonly called,) and a large number of Unitarian tracts and discourses by eminent divines of that order, such as Channing, Dewey, Putnam, Peabody, Ware, Simmons, Fox and others.

There is no specific regulation upon the admission of religious books into the prison, nor has any order ever been adopted on this subject by the officers of the prison; but as by common consent the duty has devolved upon the chaplain by whom it is now wholly discharged; and the committee are clearly of the opinion that it ought to be discharged in a more liberal spirit and more in conformity with the principles of the Constitution, which recognizes no disqualifications or distinctions founded upon religious sects and creeds, and secures in all respects and under all circumstances, the same protection and enjoyment of the rights of conscience to the Catholic as to the Protestant, and to the Universalist and the Unitarian, as to any or all other sects.

It appears, however, that the practice of which the committee disapprove, is not the result of the operation of any rule established as a part of "the general discipline of the prison," and may be corrected by the inspectors and warden, without the direct intervention of the Governor and Council.

The committee therefore, being satisfied that the practice in question, has grown up without the sanction or approval of the inspectors and warden, and believing that it will be rectified when brought to their notice, report that no order of Council is now necessary thereon, and that the secretary communicate a copy of this report to the inspectors, warden and chaplain of the State Prison.

B. F. HALLETT,  
C. HOWARD,  
BENJAMIN V. FRENCH,  
CHARLES THOMPSON,

*Committee of the Council.*

January 2, 1844, }  
Report accepted. }

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*Massachusetts State Prison, Dec. 20, 1843.*

HON. B. F. HALLETT, ESQ,

DEAR SIR,—That there may be no misapprehension in regard to my views and the general course I have pursued in the ad-

mission of religious books within the prison-yard for the use of the convicts—so far as this responsibility has rested on myself, I beg leave to state that I have declined admitting such books as, in my deliberate judgment, militate with, and are subversive of, the great and leading truths and doctrines of the Gospel of Christ, and, as such, exerting a direct influence to mislead the mind, and to put at hazard the salvation of the soul.

Among these, I named to you and to the committee those, in particular, which advocate and maintain the peculiar views and tenets of the Roman Catholics, the Universalists and the Unitarians.

The publications of all those denominations of Christians usually styled Evangelical; though differing in some minor points of faith and doctrine, yet harmonizing essentially in their views in regard to the great and permanent truths of the Word of God, I have freely and readily admitted. I refer to the Baptists, the Episcopalians and the Methodists.

In the station which I occupy, I have considered myself not merely the servant of the State—placed here to improve the morals and correct the vicious habits of the prisoners—but I have felt that I was a minister of Jesus Christ, and, as such, solemnly bound “to watch for souls as one who must give account;” and it is this consideration principally which has dictated the course which I have pursued.

I make the foregoing statement, which is the substance of what I have designed to say in the various conversations had on the subject; and in reply to the various inquiries made by yourself and others of the committee of the Honorable Council. I feel no disposition to conceal any part of my views or conduct. I think it will be conceded that I have used the utmost frankness. It has always been my practice to be frank, and I trust will continue to be so.

With the great Head of the Church, whose unworthy servant I am, I cheerfully leave the whole matter.

Respectfully, your obedient servant,

JARED CURTIS.