

HOUSE...No. 186.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT.

COUNCIL CHAMBER, May 14th, 1853.

To the House of Representatives :

The accompanying communication from the Agent of the State to aid discharged convicts, which I herewith transmit for the information of the legislature, suggests the necessity of some additional legislation to meet a class of cases for which no adequate provision now exists by law.

The statute already provides that persons becoming insane while under sentence in the State Prison, shall be sent to the State Lunatic Hospital, and prescribes the mode in which it is to be done. But it makes no provision for the relief of those, who, upon the expiration of their term of imprisonment, are incapacitated by bodily infirmity to provide for themselves. They are either paupers having a settlement in some town or city of the Commonwealth, or they come within the class of State paupers, having no such settlement. If the former, it is not made the duty of the agent, or any officer of the prison, to investigate the question of such settlement—often a very difficult task—nor are they provided with the means of doing

it. If the convict in the State Prison is a State pauper, it would be manifestly unjust to throw him upon the city of Charlestown, or if confined in any jail or house of correction, upon the city or town within the limits of which such prison happens to be situated.

There is absolutely no provision whatever for this class of persons. When the State Almshouses shall be ready for occupancy there may be a proper receptacle for such. But even in that event, some further legislation would seem to be desirable.

I would respectfully suggest that such provisions of law as the exigency may seem to require with respect to convicts in the State Prison at Charlestown, be extended also to jails and houses of correction in the several counties of the Commonwealth.

JOHN H. CLIFFORD.

BOSTON, May 10, 1853.

To His Excellency, JOHN H. CLIFFORD, Governor, &c. :

SIR :—I beg leave to ask instruction of the executive relative to my official duty as Agent of the State to aid discharged convicts, in a certain class of cases which occasionally arise, and are always perplexing.

Sometimes persons are relieved from their imprisonment in the State Prison by expiration of sentence, or otherwise, who are so far insane, idiotic, or prostrated by disease, as to be unable to engage in any employment whatever, and are only fit for an asylum for the insane, or a hospital for invalids : and who have no friends to receive them, nor any legal settlement, known to me, where they can be carried as paupers.

It seems to me that I have no office to perform in regard to such persons ; and that I have no right to expend the limited means placed at my disposal, and needed for the legitimate disbursements of the agency in the disposition of such persons, though I am quite willing, whether as a matter of official duty, or of humanity, to act in any way for their comfort and good, beyond any strict construction of my duty, so far as my personal services are concerned, but in the matter of the expenditure of money, I am bound to be cautious.

My first question is :—Have I any duty to perform, officially, touching such cases ?

But, assuming that I have, I respectfully desire to be instructed what I am to do.

Suppose the condition of the person about to be discharged is such, by reason of physical infirmity or disease, that—being poor and friendless—he is necessarily a pauper somewhere ; and his place of settlement is *known* to me ; then, what must I do ? Carry him and deliver him to the overseers of the poor, or notify them to come after him ? And if the latter, what

must be done with the person, in the meantime ; or if they refuse to take him ?

Or supposing he is a State pauper ? Or suppose his legal settlement is doubtful and uncertain ? What course must I pursue, if any ?

A case occurred a few months ago, of a colored man who was pardoned in the last stages of consumption. I was called upon by the Warden, (by whom I was informed that the Inspectors considered me bound to take care of the man,) to attend to his wants and dispose of him. I was surrounded by difficulties.

1. He was so sick I felt afraid to remove him, though he had a strong desire to go to Springfield, in, or near which, he said he had a relative ; and at best, he could only be carried on a bed, all the way, which would be expensive.

2. I could get no clue to any friend who would receive him.

3. The authorities of Springfield disclaimed him, and refused to consider him as their pauper.

4. The Warden was anxious to get him out of the prison. It was full already, and he was anxious, himself, to leave it.

In the midst of my perplexity, the man *died*. But that only settled the *case*, without settling a rule or principle.

What would have been my duty had the man lived longer ? Or, what was it proper to do in regard to him—if not by me—by any one ? Throw him upon the overseers of the poor in Charlestown, or how otherwise ?

I have another case, now approaching, of a person so *insane* as to be confined in a cell in the prison hospital. He is understood to be homeless, friendless, and poor.

In his case, the act of 13th April, 1836, being chapter 233 of the acts of 1836, may apply—does it not ? But, should the steps to put it into operation be taken by myself, or by some other officer ? This man's sentence expires on the 17th of the present month.

I can think of nothing to be done by me (if anything,) in such cases as that of the sick colored man, but to apply to the overseers of the poor in Charlestown. The Warden, however, has informed me that they peremptorily refuse to have anything to do with discharged convicts.

I hope this application may not be considered improper. I knew of no better course than to resort to the governor for a rule of action, under the circumstances ; and I have the honor to be,

Very respectfully,

Your Excellency's ob't servant,

AUGUSTINE C. TAFT.

