

SENATE No. 37.

Commonwealth of Massachusetts.

IN SENATE, January 29, 1872.

The Committee on Prisons, to whom was referred the Order relative to returns from jails and houses of correction, submit the following

REPORT:

That part of the 9th section of chapter 370 of the Acts of 1670, entitled an "An Act for the appointment of commissioners of prisons, and for the classification and better discipline of prisoners," which relates to reports and returns from the officers of county prisons, was intended to refer to chapter 307 of the Acts of 1864, which prescribes that certain returns shall be made periodically from county prisons, besides other institutions specified therein, to the secretary of the board of state charities. These returns are of two classes: *first*, returns concerning the prisoners, giving various particulars, and to be made weekly, monthly and semi-annually, according as the usual number of commitments is greater or less; *secondly*, a return giving several items as to the expenditures and administration of the prison, to be made once a year. Both returns were to be made upon blanks furnished by the secretary of the board of state charities. These returns have ever since been made to that officer, and transmitted and tabulated in his office, and the results published in his annual reports.

The Act of 1870, constituting the "commissioners of prisons," provides that the returns shall be made to them, but does not in terms repeal the provisions of law requiring them to be made to the secretary of the board of state charities. As the provisions requiring the last-named officer to furnish the blanks and to initiate the enforcement of penalties for non-compliance with the law still remain in force, it is left in doubt whether or not the statute of 1870 was intended to require duplicate returns, or merely to transfer the duty of receiving them from one department to another.

It does not seem necessary that duplicate returns should be required. If they are accessible in one central office they can be consulted by another. If they are to be made to one office or department only, it appears advisable to have them made to the one which for several years has had charge of arranging, revising and tabulating them. These reports which are annually published in a substantial volume, have for the past seven years been sent to every board of overseers in the State, and have occupied a prominent place in all the public libraries of the Commonwealth, and in many other States and foreign countries, and the public have become accustomed to consult them for the valuable information embraced in these returns. To omit them in this series now and publish them in another which would be circulated in a pamphlet form, in different and more limited channels, would certainly result in confusion and inconvenience to those who have frequent occasion to refer to them.

The Committee therefore report the accompanying Bill.

J. S. POTTER,
Chairman.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-
Two.

AN ACT

In relation to Reports and Returns in respect to Jails and
Houses of Correction.

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

1 SECT. 1. That so much of section nine, chapter
2 three hundred and seventy, of the acts of eighteen
3 hundred and seventy, as provides that the reports
4 and returns therein referred to shall be made to the
5 commissioners of prisons is hereby repealed, and the
6 same shall continue to be made as provided in chap-
7 ter three hundred and seven of the acts of eighteen
8 hundred and sixty-four; but the commissioners of
9 prisons and their secretary shall have free access to
10 said reports and returns.

1 SECT. 2. This act shall take effect upon its passage.

