

# HOUSE . . . . No. 1059

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Bill accompanying the petition of John C. Gordon for regulation of the business of private detectives. Legal Affairs. January 16.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

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### AN ACT

To regulate the Business of Private Detectives and Investigators.

*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. No person or partnership shall engage in  
2 the business of private detective for hire or reward, or  
3 advertise such business to be that of detective or as con-  
4 ducting a detective agency, without having first obtained  
5 a license so to do, as hereinafter provided from the auditor  
6 of the commonwealth of Massachusetts, and no person  
7 or partnership or corporation shall engage in the business  
8 for hire and reward of furnishing or supplying informa-  
9 tion, as to the personal character of any person or firm  
10 as to the character or kind of the business and occupa-  
11 tion of any person, firm or corporation, or own or con-  
12 duct a bureau or agency for the above mentioned pur-

13 poses, except as to the financial rating of persons, firms  
14 or corporations, without having first obtained a license  
15 so to do, as hereinafter provided, from the auditor of the  
16 commonwealth of Massachusetts.

1 SECTION 2. *Application for Licenses.* Any person,  
2 partnership or corporation intending to conduct the busi-  
3 ness of detective or detective agency and any person,  
4 partnership or corporation intending to conduct the busi-  
5 ness of furnishing or supplying information as to the  
6 personal character of any person or firm, or as to the  
7 character or kind of the business and occupation of any  
8 person, firm or corporation, or intending to own or man-  
9 age a bureau or agency for the above mentioned pur-  
10 poses, except as to the financial rating of persons, firms or  
11 corporations, shall present to the auditor of the common-  
12 wealth of Massachusetts and file in his office a written  
13 application, duly signed and verified, as follows:—

14 1. If the applicant is a person, such application shall  
15 be signed and verified by such person, and if the applicant  
16 is a partnership such application shall be signed and veri-  
17 fied by each individual composing or intending to com-  
18 pose such partnership. The application shall state the  
19 age, residence, present and previous occupation of each  
20 person or individual so signing the name, that he is a  
21 citizen of the United States and shall also specify the  
22 name of the city, town or village where the principal  
23 place of business is to be located, as such further facts as  
24 will tend to show the good character, competency and  
25 integrity of each person or individual so signing such  
26 application. Said application shall be approved, as to each  
27 person or individual so signing the same, by not less than  
28 five reputable citizens, freeholders of the county where  
29 such person or individual resides or where it is proposed

30 to conduct such business, who shall certify that they  
31 have personally known the said person or individual for  
32 a period of at least five years prior to the filing of such  
33 application, and the said approval shall be signed by  
34 such freeholders and duly verified and acknowledged by  
35 them before an officer authorized to take oaths and ack-  
36 nowldgment of deeds.

37 2. If the application is a corporation such application  
38 shall be signed and verified by the president and secre-  
39 tary or treasurer thereof, and shall specify the name of  
40 the corporation, the date of its incorporation, the loca-  
41 tion of its principal place of business, the amount of its  
42 outstanding paid up capital stock and whether paid in  
43 cash or property, and shall be accompanied by a duly  
44 certified copy of its certificate of incorporation. Each  
45 and every requirement of subdivision one of this section  
46 as to a person or individual member of a partnership  
47 shall apply to the president, secretary, treasurer and  
48 other executive officers of such corporation, and each such  
49 officer, his successor and successors shall prior to entering  
50 upon the discharge of his duties sign and verify a like  
51 statement, approved in like manner, as is by said sub-  
52 division one prescribed in the case of a person or individ-  
53 ual member of a firm; and in the event of the death,  
54 resignation or removal of such officer due notice of that  
55 fact shall forthwith be given in writing to the said  
56 auditor.

1 SECTION 3. For the purpose of investigating the char-  
2 acter, competency and integrity of the applicants or li-  
3 censes hereunder, or of the officers or agents thereof, the  
4 state auditor shall have the power to issue subpoenas and  
5 compel the attendance of witnesses. All such subpoenas  
6 shall be issued under the hand and seal of the said

7 auditor, and upon service thereof, the witness shall be  
8 tendered the fees to which he would be entitled were he  
9 subpoenaed in a court of record. If a person, duly sub-  
10 poenaed, shall fail to obey such subpoena without reason-  
11 able cause or shall without such cause refuse to be exam-  
12 ined or to answer any legal or pertinent question as to  
13 the character or qualification of such applicant or license,  
14 he shall be guilty of a misdemeanor. The testimony of  
15 witnesses in any such proceeding shall be under oath,  
16 which the auditor or his deputy may administer, and  
17 wilful false swearing in any such proceeding shall be  
18 perjury.

1 SECTION 4. The auditor of the commonwealth, when  
2 satisfied from an examination of such application and  
3 such further inquiry and investigation as he shall deem  
4 proper, of the good character, competency and integrity  
5 of such applicant, or, if the applicant be a partnership or  
6 corporation, of the individual members or officers thereof,  
7 shall issue and deliver to such applicant a certificate of  
8 license to conduct such business upon the applicant's  
9 paying to the auditor of the commonwealth for the use  
10 of the state, a license fee of one hundred dollars or if a  
11 person, or of two hundred dollars if a partnership or cor-  
12 poration, and upon his executing, delivering and filing in  
13 the office of said auditor of the commonwealth, a bond  
14 to be executed by such applicant with one or more sure-  
15 ties, in the sum of three thousand dollars if a person, or of  
16 five thousand dollars if a partnership or corporation, con-  
17 ditioned for the faithful and honest conduct of such busi-  
18 ness by such applicant, which bond as to its form, man-  
19 ner of execution and sufficiency of the security, must be  
20 approved by the said auditor of the commonwealth. The

21 license granted pursuant to this act shall last for the  
22 period of five years, but shall be revocable at all times  
23 by the auditor of the commonwealth for cause shown;  
24 and in the event of such revocation or of a surrender of  
25 such license no refund shall be made in respect of any  
26 license fee paid under the provisions hereof. Such bond  
27 shall be taken in the name of the people of the common-  
28 wealth of Massachusetts, and any person injured by the  
29 wilful, malicious and wrongful act of the principal may  
30 bring an action on said bond in his own name to recover  
31 damages suffered by reason of such wilful, malicious and  
32 wrongful act. The license certificate shall specify the  
33 business address of the applicant to whom it is issued  
34 and the names and residences of the person or persons  
35 filing the statement required by section seventy-one upon  
36 which the license is issued and in the event of a change  
37 of any such address or residence the auditor of the com-  
38 monwealth shall be duly notified in writing of such change  
39 within five days thereafter, and failure to give such noti-  
40 fication shall be sufficient cause for revocation of such  
41 license.

1 SECTION 5. Upon the issuing of a license as hereinbe-  
2 fore provided the auditor shall issue to each such person,  
3 individual member of a firm or officer of a corporation  
4 making and filing the statement required by section  
5 seventy-one of this chapter a metal shield or badge, of  
6 such shape and description and bearing such inscription  
7 as the auditor of the commonwealth may designate, which  
8 shall be evidence of the authorization pursuant to the  
9 terms of this article. All persons to whom such license  
10 certificates, shields or badges shall have been issued  
11 shall be responsible for the safe keeping of the same, and  
12 shall not loan, let or allow any other person to use, wear

13 or display such certificate, shield or badge; and any per-  
14 son so parting with such a license certificate, shield or  
15 badge or wearing or displaying the same without author-  
16 ity or who shall wear or display any license certificate,  
17 shield, or badge, purporting to authorize the holder or  
18 wearer thereof to act as a private detective unless the  
19 same shall have been duly issued pursuant to the pro-  
20 visions of this article shall be guilty of a misdemeanor.  
21 Failure to comply with the provisions of this section shall  
22 be sufficient cause for revocation of such license, and all  
23 such certificates, shields and badges shall be returned to  
24 the auditor of the commonwealth within twenty-four  
25 hours after the holder thereof has received notice in  
26 writing of the expiration or revocation of such license.

1 SECTION 6. *Application of Article: Violations.* Noth-  
2 ing in this article shall apply to employees of such duly  
3 licensed private detectives or detective agencies, for  
4 whose good conduct in the business, however, the em-  
5 ployers shall be responsible, or to any detective or officer  
6 belonging to the police force of the State, or any county,  
7 city, town or village thereof, appointed or elected by due  
8 authority of law, or to any person in the employ of any  
9 police force or police department of the State, or of any  
10 county, city, town or village thereof; nor shall anything  
11 in this article contained be construed to affect in any way  
12 attorneys or counsellors-at-law in the regular practice of  
13 their profession, or the regular employees of any public  
14 service corporation, in the ordinary performance of their  
15 duty for said corporation. Any person violating any of  
16 the provisions of this article and any employee of a de-  
17 tective agency who shall wilfully make a false report to  
18 his employer in respect of any of the work to which he  
19 shall have been assigned by said employer shall be guilty

20 of a misdemeanor; and for the enforcement of this act  
21 the auditor of the commonwealth is hereby authorized to  
22 expend annually, out of the moneys received as license  
23 fees, not to exceed three thousand five hundred dollars,  
24 in the employment of an agent or agents, the payment of  
25 witness fees and of other proper measures.

20 of the instrument, and for the purpose of the  
22 the matter of the instrument is hereby certified to  
23 every one who may see the original of the same  
24 and no one else, and that the original of the same  
25 is in the possession of the said person, and that the  
26 same is not in the possession of any other person.