

SENATE.....No. 71.

Commonwealth of Massachusetts.

IN SENATE, January 19th, 1848.

ORDERED, That the Committee on the Judiciary inquire and report, as to the expediency of providing for the erection of Houses of Detention, in the several counties of this Commonwealth, for the confinement of persons suspected of the commission of crime, and for the confinement of witnesses who are unable to find sureties for their appearance to testify.

CHAS. CALHOUN, *Clerk.*

Offered by A. H. NELSON.

Commonwealth of Massachusetts.

IN SENATE, February 18, 1848.

ORDERED, That the Committee on the Judiciary inquire into the expediency of authorizing the sheriffs to employ at labor persons committed to the jails of the several counties of this Commonwealth, in which the house of correction of the same county is connected therewith.

CHAS. CALHOUN, *Clerk.*

Commonwealth of Massachusetts.

IN SENATE, March 8, 1848.

The Committee on the Judiciary, to which was committed an order relative to Houses of Detention, and an order relative to authorizing the employment of persons confined in jail, report the accompanying Bill.

A. H. NELSON, *for the Committee.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-
Eight.

AN ACT

Relating to Houses of Detention.

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. The county commissioners of each coun-
2 ty, except the counties of Suffolk, Nantucket, and
3 Dukes, shall, at the expense of each county, within
4 one year from the passage of this act, provide for said
5 counties respectively, secure and substantial houses of
6 confinement, to be called houses of detention, which
7 shall be used exclusively for the confinement and de-
8 tention of all persons suspected of the commission of
9 crime, of all persons who are ordered to be confined
10 for not finding sureties to keep the peace, and of all

11 persons who are ordered to be confined for not finding
12 sureties for their appearance to testify.

1 SECT. 2. The mayor and aldermen of the city of
2 Boston shall provide, for the county of Suffolk, and
3 the selectmen of the town of Nantucket shall pro-
4 vide, for the county of Nantucket, within the time
5 above named, houses of detention, to be used in said
6 counties respectively, for the purposes mentioned in
7 the preceding section.

1 SECT. 3. The aforesaid county commissioners,
2 mayor and aldermen, and selectmen, whenever they
3 shall have respectively provided the aforesaid houses
4 of detention, shall give public notice of said fact, in
5 such manner as they shall respectively judge best,
6 and shall also give notice thereof to the sheriffs of
7 said counties respectively, who shall thereupon be-
8 come chargeable with the care of said houses of de-
9 tention, and all persons confined therein, in the same
10 manner, and to the same extent, that they are now
11 chargeable with the care of the jails and of persons
12 confined therein.

1 SECT. 4. After said houses of detention shall have
2 been provided, and public notice thereof shall have
3 been given, in accordance with the preceding sections,
4 all persons charged with the commission of crime,
5 who shall be ordered to recognize, with sureties, for
6 their appearance at any court, to answer to whatever
7 may be alleged against them; all persons who shall
8 be ordered to find sureties to keep the peace; and all
9 persons who shall be ordered to recognize, with sure-

10 ties, for their appearance to testify before any court or
11 justice of the peace, shall, in default of finding such
12 sureties, be committed to the house of detention, of
13 the county in which the proceedings are instituted,
14 and shall be therein safely kept, until they are dis-
15 charged therefrom by due course of law: *provided*,
16 *however*, that no person shall be committed to said
17 houses of detention, who shall be suffering the sen-
18 tence of any court of the Commonwealth for any
19 criminal offence.

1 SECT. 5. The county commissioners of each coun-
2 ty, the mayor and aldermen of the city of Boston, for
3 the county of Suffolk, and the selectmen of the town
4 of Nantucket, for the county of Nantucket, with the
5 sheriffs of each county respectively, may frame, for
6 the houses of detention in their respective counties,
7 all necessary rules and regulations for the governance
8 of said houses of detention, and for the safe custody,
9 well-being, comfort, and moral instruction, of the per-
10 sons confined therein: *provided*, that said rules and
11 regulations are not in any wise inconsistent with the
12 laws of the Commonwealth.

1 SECT. 6. The sheriffs of each county are hereby
2 authorized to furnish, according to their discretion,
3 employment to all persons confined in the jails and
4 houses of detention, under their charge respectively,
5 of such nature, and in such places, as they may judge
6 best, and which are not inconsistent with the safe-
7 keeping of said prisoners; and one half of the net
8 profit of labor performed by any prisoner, upon the
9 employment furnished by said sheriffs, by authority of

10 this section, shall be paid to said prisoner, whenever
11 he or she may be discharged from said jail or house of
12 detention : *provided, however*, that nothing contained
13 in this section shall be construed to require the per-
14 formance of any labor by any person confined in any
15 jail or house of detention.

1 **SECT. 7.** All acts and parts of acts, inconsistent
2 herewith, are hereby repealed.