

HOUSE.....No. 17.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Jan. 27, 1843.

The Committee on the Judiciary, to whom were referred the petitions of William Whiting, and others of Roxbury, and a great number of like petitions from various parts of the Commonwealth, and also certain resolutions of the town of Lynn, asking an alteration in the laws respecting Houses of Correction, respectfully

REPORT :

That a hearing of the petitioners was had before the committee on the 26th inst., from which it appeared, that the various petitions upon this subject emanated originally from the citizens of Lynn, who presented the subject to the consideration of the last Legislature. So many towns in the Commonwealth have united with them in remonstrating against the existing laws, that the committee have no doubt that they are a subject of general complaint, and deserve the attention of the Legislature.

The grievances complained of are, principally, the uncertainty of our present laws, by which towns are involved in expensive litigation, to obtain a judicial construction of them; the fact that there is no uniformity in the construction adopted by the overseers in different counties in making charges for the sup-

port of convicts ; and the heavy expenses to which towns are subjected for the support of such convicts as have their legal settlement in those towns. It is not deemed necessary by the committee to report the particular facts which were stated to them ; inasmuch as they can and will be given to the Legislature, when the subject is brought before it. The petitioners proposed to amend the present laws in the manner designated by the bill which accompanies this report, and would be satisfied by the alterations therein proposed. The expediency of adopting them is submitted to the wisdom of the Legislature. The committee see no objection to their adoption.

In regard to the third section of the act, the committee would remark that the price of board in houses of correction, is limited, by the 27th section of the 143d chapter of the Revised Statutes, to the sum of one dollar per week, whenever the same is to be paid by the Commonwealth, and as there appears to be no good reason why a town should pay more for the support of a convict than a state, the bill makes the same provision in both cases.

It is now difficult to determine what class of convicts shall be supported by towns, and what by counties ; and the present act will at least remove these doubts. The committee therefore report the accompanying bill.

By order of the committee,

H. G. O. COLBY, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

In relation to the support of Convicts in, and their removal from, 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. Whenever any person shall be committed
2 to the house of correction in any county, for any
3 offence mentioned in the fifth section of the one hun-
4 dred and forty-third chapter of the Revised Statutes,
5 and the person so committed shall have a legal settle-
6 ment in any town in this Commonwealth, it shall be
7 the duty of the master or keeper of such house of cor-
8 rection, to notify the selectmen of such town thereof,
9 within seven days after such commitment, in the man-
10 ner prescribed by law in cases where the overseers of
11 the poor of any town notify another town that a pau-
12 per has become chargeable to them ; and, if the select-
13 men of the town so notified shall certify, in writing,
14 to the said master or keeper, that there is a suitable
15 place belonging to such town, for the execution of the

16 sentence of such convict, and shall request that he may
17 be delivered to them, the said master or keeper shall
18 forthwith deliver such convict to the said selectmen or
19 their agent duly authorized for that purpose, together
20 with a copy of the warrant of commitment, to be
21 removed to such place in the execution of his sentence,
22 and the person to whom the said convict shall be de-
23 livered shall have full power and authority to remove
24 him to such place, and the sentence shall be executed
25 in the same manner, in such place, as if the said con-
26 vict had been originally sentenced thereto, and the
27 selectmen or overseer of such place shall have the
28 same power and authority to execute the said sen-
29 tence as the masters or keepers of houses of correc-
30 tion now have by law ; *provided*, that such town shall
31 pay, before such removal, the expense of the support
32 of such convict from the time of his commitment to
33 the time of his removal.

1 SECT. 2. Whenever any person shall be commit-
2 ted to any house of correction in this Commonwealth,
3 for any offence not mentioned in the fifth section of
4 the one hundred and forty-third chapter of the Revis-
5 ed Statutes, the expense of his safe keeping, support
6 and maintenance shall not be recoverable against any
7 town in this Commonwealth, but shall be paid in the
8 manner provided in the twenty-seventh section of the
9 same chapter.

1 SECT. 3. Not more than one dollar, per week,
2 shall be recoverable of, or demanded against, any town,
3 for the safe keeping, support and maintenance of any
4 person committed to any house of correction.

1 SECT. 4. All laws inconsistent with the provisions
2 of this act are hereby repealed.