

HOUSE....No. 145.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 5, 1859.

The Committee on Prisons, to whom was referred the Order of January 19, relating to the management of Jails and Houses of Correction,

R E P O R T :

That in accordance with the directions of the Order, your Committee have had several hearings before them, upon matters connected with our jails and houses of correction, having special reference to the power exercised over them by the sheriff and county commissioners. It appears from the evidence before your Committee that as the laws now stand there is not only constant danger of a misunderstanding between the sheriffs and county commissioners as to their respective powers, but in some counties, the most serious diversity of opinions exist between them in regard to their respective powers. In view of these facts, we have examined with great care the laws of the State, from the beginning of the State government to the present time, in regard to jails and houses of correction, and we cannot doubt that the intent of the law, has ever been to give to the sheriffs of the counties, the *rule, charge* and custody of all prisoners confined in the county prison. The

policy of the legislation we cannot question—its wisdom is self-evident—and we have, therefore, reported a bill accompanying this Report, giving to the sheriffs of the various counties the rule, charge and custody of the prisoners in all our jails and houses of correction. The cost of support of these prisoners is a great item in county expenditures; for the moneys thus expended, the commissioners of the various counties are held responsible by the people. This being so, every principle of justice would demand that they should have a controlling power over its expenditure, and we have accordingly provided in the bill accompanying this Report, that the finances of these institutions shall be under the exclusive control of the county commissioners, they making all purchases for them, and also establishing the salaries of the officers having charge of them. The most important changes proposed by the bill herewith submitted, is establishing salaries for the jailers or masters of the houses of correction, in lieu of fees and board of prisoners. The abuses that have crept up under this old system are too glaring to be concealed, and the facts elicited by the examination before us prove conclusively that fixed salaries will be a great advantage to the State, and will also correct the abuses of constructive board of prisoners, constructive turnkey fees, and other corresponding evils. In one case brought to the notice of the Committee, \$234 was charged for the board of one man who was committed to jail the first day of January month and discharged the first day of May; his actual board was about \$30. In another case eight turnkey fees were charged on a prisoner, because there was that number of mittimus committing him. These are extreme cases, but the abuse of “constructive fees” is great, and we have, therefore, provided to abolish them altogether, and to pay the jailer a fixed salary. With these explanations the Committee report the accompanying Bill.

For the Committee,

WRIGHT STRATTON.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Nine.

AN ACT

Relating to the Control and Management of 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. In the several counties except Suffolk,
2 the jails and houses of correction shall be considered
3 one and the same institution, and the sheriff shall
4 have the rule, charge and custody of the same and
5 the prisoners confined therein, and shall appoint the
6 jailers, masters, keepers and other officers connected
7 with the charge and discipline thereof.

1 SECT. 2. The county commissioners of each county
2 except Suffolk, shall establish a fixed salary for all
3 officers of jails and houses of correction, which shall

4 be their full compensation, in lieu of all sums now
5 received by them for board, turnkey fees, perquisites
6 or otherwise; and for such salary said officers shall
7 devote their whole time to the discharge of all duties
8 devolving upon them by virtue of their said offices.

1 SECT. 3. If the sheriff of the county deems any
2 salary established by the county commissioners an
3 inadequate compensation, or the said keeper be dis-
4 satisfied with the amount thereof, he may present his
5 petition, showing the facts, to the court of common
6 pleas next to be holden in and for said county, who
7 shall cause notice thereof to be given to the chairman
8 of said county commissioners, and after hearing the
9 matter of said petition, said court shall determine the
10 amount of such allowance and pass such further order
11 in the premises as law and justice may require.

1 SECT. 4. The county commissioners of the several
2 counties shall cause to be procured in any manner
3 which they may designate, all necessary supplies for
4 the said jails and houses of correction, all of which
5 shall be furnished and purchased under the direction
6 of the commissioners and at the expense of the
7 county: *provided, however,* that the county commis-
8 sioners shall make no extra charge for said service by
9 commission or in any other manner, nor shall they
10 allow any commission or other compensation to the
11 jailer, master of the house of correction or any other
12 person, for making any such purchases by their
13 authority or in their behalf.

1 SECT. 5. The county commissioners in the several
2 counties shall appoint to each house of correction

3 three discreet and suitable persons of the county, to
4 be overseers, and in no case shall their individual
5 compensation exceed one hundred dollars per annum,
6 for services and travel; and said overseers shall have
7 the power to make contracts for work to be done in
8 the houses of correction, with any suitable person
9 disposed to supply materials to be there wrought, and
10 in all such cases it shall be stipulated in the contract,
11 that the parties contracting for the labor of the pris-
12 oners shall furnish a suitable person or persons to
13 oversee the labor of the convicts, and to instruct them
14 in their business and trades: *provided, however,* the
15 persons so selected shall be approved of by the over-
16 seers, and that they shall not in any manner interfere
17 with the discipline of the jail or house of correction.

1 SECT. 6. Whenever a person is committed to a jail
2 or house of correction, the original mittimus shall be
3 forwarded with the prisoner to the master or keeper
4 thereof, who shall immediately make a copy of said
5 mittimus, and place said copy on file.

