

HOUSE.....No. 149.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 7, 1859.

The Joint Special Committee upon so much of the Governor's Address as relates to county expenditures, the supervision of county officers, &c., ask leave to submit a Report upon so much of the subject-matter referred to them, as relates to county debts.

The investigation of the Committee has embraced the whole subject of county expenses, and information has been sought, and generally obtained from the county commissioners, county treasurers, clerks of courts, and registers of deeds. An examination of the evidence thus procured, has satisfied the Committee that a reformation in county expenditures has not been prematurely commenced, and that under the present system of county management, extravagance and abuses have grown into toleration, that call imperiously for legislative interference. In addition to the Bill herewith reported, others are being prepared regulating and reducing the compensation of county officers, which, when completed, will leave the Committee leisure to attend to other duties assigned them, among which is the important one of regulating criminal costs.

By recurring to information communicated with the annual message, it will appear that the debts of the several counties,

excluding Suffolk and Nantucket, were, as returned for 1848, \$223,314.14, while in 1857 they were \$978,036.50, showing an increase in nine years, of \$754,722.36, and an average yearly increase of \$83,858.04.

The returns of the several county commissioners of the same counties, shows the debt for the present year to be \$1,040,766.26.

From information derived from the returns made to the Committee, and from other sources, it is apparent that, in many of the counties, a just regard to economy has not always been observed in the erection of county buildings. And that court houses and jails, more expensive than necessary, have been constructed, and the people have been thereby burdened with a tax that could not have been levied under the authority of a popular vote, whilst the facility which the numerous savings institutions offer to carry on such enterprises without immediate resort to taxation, operates to check inquiry into the conduct of county officers in the absence of excessive taxation.

Although the county taxes have not kept pace with the county expenses, yet a reference to the amount levied in 1849 and 1857 will show a large advance, and one more than commensurate with the increase of population. In 1849 the returns from the counties, exclusive of Suffolk, show the aggregate tax to be \$250,742.50, and in 1858 it had reached the sum of \$466,700, showing an increase in nine years of \$215,957.50, and an average annual increase of \$23,995.38.

The interest of the county debt has become no inconsiderable charge on the industry of the people. Its amount at the present time exceeds the entire taxation of six of our counties in 1849, and one of our largest counties now raises for interest a sum exceeding one-fourth its whole tax in 1849.

The Committee are of opinion that placing the general control over the purchase of lands, and the erection of public buildings, as well as the authority to incur county debts and the regulation of salaries, nearer to the people, and vesting it in the hands of a body elected annually, will promote economy in the expenditures, insure a more just accountability of officials, and confine to the county much legislation peculiar to its organization, which is now transacted by the Commonwealth at a much greater expense and with less efficiency than it can be done by a board of supervisors, composed of the representatives

annually elected in each county, who will have a local knowledge of all subjects that may come before them, and whose opinion will be unaffected by influences extraneous to their own county.

In this view, the accompanying Bill, creating a board of supervisors for each county, with the exception of Suffolk, Nantucket and Dukes county, has been prepared. The reason for the exclusion of Suffolk and Nantucket will be apparent to all. Dukes county is excluded because the number of its representatives is smaller than the board of county commissioners.

All which is respectfully submitted.

For the Committee,

TAPPAN WENTWORTH.

Commonwealth of Massachusetts.

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

AN ACT

Establishing County Supervisors.

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 representatives for the time being
2 chosen to attend the general court, and belonging to
3 the several districts in the counties of the Common-
4 wealth shall constitute and be a board of supervisors
5 in each of their respective counties, and shall, accord-
6 ing to the provisions of this act, have cognizance and
7 jurisdiction over the public property of the county,
8 and of all questions concerning the purchase of lands,
9 the erection of buildings, including court houses, jails,
10 houses of correction, the negotiation of loans for the
11 use of such counties, and also of the compensation or
12 salaries of county commissioners, county treasurers,

13 and such other county officers as may derive their
14 salary or compensation from the county.

1 SECT. 2. The supervisors shall assemble at a shire
2 town in their respective counties, on the second Tues-
3 day of July, eighteen hundred and sixty-one, at ten
4 o'clock, A. M., and at the same time in every third
5 year thereafter.

1 SECT. 3. In any county containing more than one
2 shire town, the county commissioners thereof shall
3 appoint the place where such first general meeting
4 shall be held, and shall give public notice of such
5 appointment by publishing the same in some news-
6 paper printed in the county, three weeks successively
7 next before the day of meeting.

1 SECT. 4. Special meetings of the supervisors may
2 be called by the county commissioners, by writ under
3 their hand and seal, specifying the time and place of
4 such meeting at a shire town in the county, whenever
5 it shall be necessary to erect any court house, jail
6 or house of correction, or to purchase any land
7 therefor, or to negotiate any loan exceeding thirty dol-
8 lars on each thousand of inhabitants of such county,
9 and the supervisors when assembled may hear and
10 determine such matters under the provisions of this
11 act.

1 SECT. 5. The supervisors, when assembled, shall
2 be called to order by the clerk of the commissioners
3 of said county, whose duty it shall be to attend such
4 meeting, and record all the votes and doings thereat
5 in a book to be kept for that purpose, which book

6 shall remain in his custody as clerk of said commis-
7 sioners.

1 SECT. 6. The supervisors shall choose by ballot one
2 of their number to be chairman of the board, who
3 shall be sworn to the faithful discharge of his duty by
4 the clerk, and the chairman shall administer the same
5 oath to the other members.

1 SECT. 7. Said board shall sit with open doors ; a
2 majority of its members shall be a quorum for business ;
3 it shall hear parties interested in the business before
4 it ; and vote by yeas and nays at the request of one-
5 fifth of the members present. It shall have power to
6 determine the place or places of its regular meetings,
7 which shall always be in some public building belong-
8 ing to the county, and may prescribe rules for its
9 government, and for transacting business before it.

1 SECT. 8. The board may punish disorderly con-
2 duct causing an interruption of its business, or
3 amounting to an open or direct contempt of its
4 authority or that of its members, by fine not exceed-
5 ing five dollars, or by confinement to the custody of
6 the sheriff, or a deputy-sheriff, coroner, or constable,
7 for a time not exceeding twelve hours.

1 SECT. 9. All loans voted by the board shall be
2 paid by instalments of not less than ten per cent.,
3 annually, unless the resolve authorizing the same shall
4 otherwise prescribe. The money received from the
5 loans shall be paid into the county treasury, and shall
6 be specially appropriated for, and exclusively applied
7 to the purpose for which they were respectively voted,
8 until such purpose is completed.

1 SECT. 10. The county commissioners shall attend
2 the meetings of the board, and lay before it all such
3 plans, estimates, and other information as may enable
4 it to perform the duties for which it was assembled,
5 and generally to answer all questions which may be
6 propounded to them by its order.

1 SECT. 11. Said commissioners shall erect any
2 building, purchase any land, and negotiate any loan
3 which may be authorized and ordered by said board,
4 and shall also execute and be governed by all other
5 legal orders and decrees issuing therefrom.

1 SECT. 12. The compensation of each member of
2 the board shall be two dollars for each day he shall
3 actually attend its sittings, and ten cents per mile for
4 one travel to and from the place of meeting.

1 SECT. 13. The pay-roll of the members shall be
2 made up by the clerk and placed in the hands of the
3 county treasurer, who shall attend the board to pay
4 the expenses according to the pay-roll, taking a
5 receipt for the same.

1 SECT. 14. From and after the passage of this act,
2 no county debt shall be authorized or contracted in
3 any one year, or for any one object, by the county
4 commissioners, exceeding thirty dollars for each and
5 every thousand inhabitants of such county, but this
6 section shall not restrain said commissioners from
7 renewing the whole or a portion of any debt now due
8 from their county.

1 SECT. 15. Until the board of supervisors shall
2 otherwise order, the county commissioners shall exer-
3 cise the powers now by law conferred upon them,
4 in all cases except for erection of county buildings,
5 and the incurring of a county debt, otherwise than is
6 herein provided.

1 SECT. 16. This act shall not apply to the counties
2 of Suffolk, Nantucket, and Dukes County.