





SENATE....

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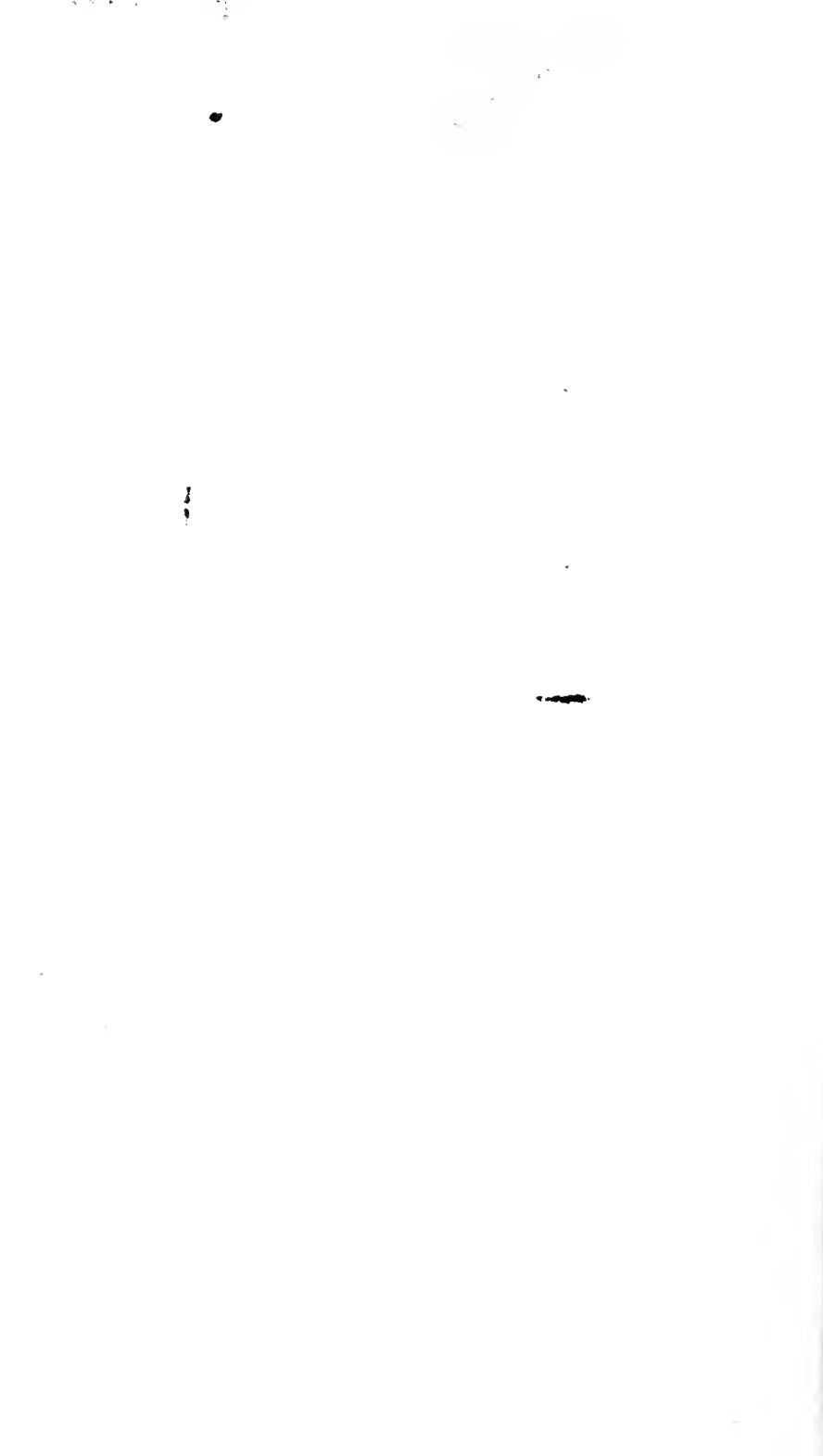
ATTORNEY GENERAL'S

ANNUAL REPORT.....1842.

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PART I.

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**Commonwealth of Massachusetts.**

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**ATTORNEY GENERAL'S REPORT—PART I.**

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Under the requisition of the 157th chapter of the laws of the year 1839, the ATTORNEY GENERAL most respectfully submits to the Legislature the following

**R E P O R T .**

Few circumstances have occurred during the past year, in the administration of the criminal law, which demand the attention of the government ; but this very fact, it is believed, will not be without interest, as the absolute perfection of the criminal system would be best shown by its having nothing to do. Whenever the terror of the law shall prevent crime, it will have accomplished a better object than to punish it. But crime is to be restrained by two operating powers ; one is the moral principle, which controls the inclination ; the other is that certainty of punishment, which demonstrates its inexpediency. An approximation to a state of society in which their united force shall be perfectly effectual, is the utmost that history or experience encourages.

Too much is not claimed for the people of this Commonwealth, by saying that both these powers are brought into salutary union, with great success.

It is not perhaps very easy to trace their separate bearing, yet some knowledge of their details is required for a wise legislation; that the power of the government may be judiciously applied to the instruction or the fears of those, who are most liable to temptation. It is for this purpose chiefly that the "statistics of crime," which have been for the last nine years collected and arranged, at some labor and expense, may be deemed worth what is expended in obtaining them.

That there is a reciprocal action between the laws and the intelligence of a people, is an admitted maxim of political science, and it is especially true in a government where the laws are the result of the moral and intellectual condition of the community.

It is believed that crimes of violence perpetrated feloniously upon the person, which are of frequent occurrence in a rude and comparatively uneducated community, have decreased in this Commonwealth. No instance of hired assassination is on record during the period of these reports, nor is any case supposed to have existed. Personal collisions with dangerous weapons, growing out of individual controversy, are unknown; and that more deliberate mode of murder with malice prepense, which is encouraged by an artificial refinement of society, has in no instance within that period been the subject of judicial animadversion.

The restraint upon the passions of mankind—which elsewhere break out in fearful paroxysms—is with us mainly the result of public sentiment and moral feelings, cultivated by education and enforced by law; yet the

share in this result attributed to the law is effected quite as much by its indirect operation on the general sentiment of the community as by its actual administration in courts of justice.

One other offence of felonious personal violence offered to the female sex, is of more common occurrence; not indeed because it meets with less general abhorrence, but because it is usually preceded by indulgences, which inflame the passions and cloud the judgment; and because, too, from difficulties incident to a due administration of the law, it is more likely to escape with impunity.

In relation to the whole subject of that class of crimes feloniously affecting the life or the dearest rights of the citizen, it is believed our statistics of crime offer great reason to be grateful for the state of society in the Commonwealth. A high tone of moral feeling pervades the community, which comes in aid of the law, although its efficiency is undoubtedly impaired by an increasing belief in the public mind that its penalties are needlessly severe.

Whether the punishment of death should be abolished in any of the few cases to which it is now applied, has often been a subject of legislative inquiry. It does not belong to me to enter upon an argument that is nearly exhausted; but I deem it within my province in this connection, respectfully to submit to the Legislature a humble opinion, that in the present state of society it is no longer an abstract question, whether capital punishment is right, but whether it be practicable; and that there is good reason to believe that punishment for crime would more certainly follow its commission, if the Legislature should further abrogate the penalty of death.

As the law now stands in this respect, its efficiency is mostly in its threatenings; but the terror of a trial is

diminishing, and the culprit finds his impunity in the severity which it denounces.

Undoubtedly a change in this respect would require corresponding alterations in the details of criminal jurisprudence ; and it is respectfully submitted that in such event, all cases which now are, or for some years past have been punishable with death, in fact all cases to which the extreme punishment of the law,—in whatever it exists,—may be applied, should be tried in the highest court of the State. No objections derived from economy, convenience, the pressure of other business, or any other source whatever, appear to me of the slightest moment in comparison with the high public interests, both as regards humanity and justice, which are involved in judicial proceedings of this description.

Another great class of crimes affecting the rights of property, without violence, but by fraud, chicanery and bad faith, appear in a less favorable aspect, not merely in the records of courts, but through such other channels of information as show they very often escape judicial inquiry.

It cannot be said that these offences are not severely rebuked by public opinion ; but the question presents itself with some apprehension, whether there is that sensibility upon this subject in the public mind which is the best security for the enforcement of public law.

Low and vulgar theft is as disgraceful as ever. The petty felon is without difficulty pursued and confined in the house of correction ; but the fraudulent trustee of the fortunes of confiding citizens—the unfaithful director of monied institutions—the subordinate agents who convert to their own use the property under their charge—and those more guilty participators in crime who incite, encourage and abet the commission of it, too frequently are allowed to pass without our special wonder.



A remedy for these evils is not to be found by any change of the criminal law, which is already adequate for its purpose, but in a better state of the public mind, which flagrant acts elsewhere have somewhat demoralized, and which should be taught to consider the felon, who demands with pistol in hand the money of the traveller on the highway, and the speculator who covertly takes it from the widow and orphan by subterfuge and fraud, as on an equality in infamy.

The statistics of crime present the course of proceeding in reference to another class of offences having reference to public police, about which opinion is greatly divided, and the law, as a necessary consequence, constantly fluctuating; whereby much expense is incurred with little good effect. The most prominent in this class relates to the sale of spirituous liquors.

I do not presume to make the most distant suggestion of an opinion as to the policy of the past or existing laws, which is exclusively with the Legislature. I confine myself in this report entirely to a consideration of the "economical administration of the criminal law" enjoined upon me by the statute under which it is made; and in so doing I ask permission most respectfully to add, that wherever a criminal law is at variance with public opinion, whether that opinion be right or wrong, it is almost impossible—with the present judicial force—to carry it into effect. An attempt to enforce such a law creates great expenses—fails in the result—and diminishes the respectability of the judicial power. This position is apparent in cases under the license laws. There are now standing on the docket of the Municipal Court for the city of Boston, sixty-three cases of this description, for which the past year has allowed no opportunity of trial; and there

would now be eleven more, if this number of defendants had not made a voluntary compromise with the government and virtually received an equivalent to a pardon.

When a course of prosecutions is strongly against the public sentiment, jurors, who partake of that sentiment to a greater or less degree, do not return a verdict. Time is wanting for an investigation of the cases according to the theory of judicial trials, and exceptions are honestly taken, by men under oath, which startle a common observer.

Under a conscientious belief that the law must be executed, and in the absence of usual facilities for obtaining proof of guilt, very doubtful means of procuring evidence will be resorted to, and encouragement given by example, for retaliation on the part of the persons prosecuted, whereby the peace of society, and what is of more consequence, the moral character of the community, is more deteriorated by the trial than the offence.

It is not a matter of doubt, though perhaps not susceptible of legal proof, that during the progress of some of these trials, much more liquor has been illegally sold in the purlieu of the court-house, than the accused party had in his shop.

Under these circumstances, a conviction of the party on trial has no effect beyond the individual convicted. There is no impression upon the public mind, and no warning to others in like case offending. He is looked upon as unfortunate in being detected, and nothing but the insignificance of the penalty prevents his being glorified as a martyr.

The power of criminal law in a popular government, administered, as wisely it is, by the sacred institution of a jury, is wholly inefficient upon great classes of men, or the larger interests of society, unless it is sustained by a

strong and very obvious propriety, and by a moral sentiment which it would be disgraceful to oppose.

Very few, probably none of the above-mentioned sixty-three defendants, would expose himself to a criminal prosecution, for an act, which in the general opinion of the community, would disgracefully affect his moral character. In cases of this description, however, there are found those who feel no disgrace in being suspected, accused and convicted by every body but an incredulous jury, and who think a war of evasion, subterfuge, equivocation and management, no subject of reproach.

If therefore it shall be the pleasure of the Legislature to continue the present penal enactments in these cases, it is respectfully submitted, that it is worthy of consideration whether the “proper and economical administration of the criminal law” in this behalf, does not require a more efficient mode of procuring evidence—a stronger judicial force—and some provision for bringing to a definite decision, how far the question of the constitutionality of these laws—about which it is believed no judge and no lawyer has the slightest doubt—is an open one before every jury of trials.

I beg leave to add that no exertion has been wanting by the prosecuting officers in the various cases under their control, and having myself never entertained the least doubt of the perfect constitutionality of the acts of the Legislature, I have not failed, when it has been my province to take charge of any of these cases, to endeavor, to the utmost of my power, to sustain the supremacy of the law. I am happy to say that in all instances it has been sustained by the courts.

The provisions of the constitution and laws of the United States, regarding fugitives from justice, and those of

the Revised Statutes of this Commonwealth in the same connection, are becoming subjects of practical interest, both as it regards the security of the citizen, the arrest of criminals, and the expenses of public justice.

These cases have greatly multiplied, and one obvious cause of this increased action is the facility of intercommunication. Another cause, is a disposition here and in other states to coerce the payment of a civil debt through the instrumentality of a criminal prosecution for obtaining goods by false pretences. Many arrests, which formerly would be made by the ordinary process of the local magistrate, now require the process of the executive.

The requisitions, proceeding from this Commonwealth, can be regulated by a wise discretion, although there is often a collision between the wishes of individuals and the duties of the public; but those from other states of the Union, in cases to which they constitutionally apply, are peremptory.

The nature of an executive requisition from another state, and the resistless operation of the warrant issued upon it by the executive of this Commonwealth, has not until very lately been the subject of much consideration, partly because of their infrequency, and partly because they had heretofore mostly related to notorious offenders, of whom something had been usually known by our police before the requisition arrived.

But with modern changes the matter assumes a new aspect. A messenger arrives here with papers from the executive of another State, and it may be a distant State, prepared in due form, demanding the authority of the governor to seize and carry off for trial on suspicion, but without preliminary examination, one of our own citizens, at home with his family, and wholly unsuspected of any crime by his neighbors.

If a warrant is in consequence issued from the executive department, the accused party may be arrested without notice, and is liable to be forthwith transported, without bail, in the custody of an officer, to the State whence the requisition issued: there, at a distance from friends, witnesses, or counsel, to answer to the accusation.

It is very possible that great injustice and wrong may be the consequence. So many impositions have been detected, where application has been made here, that it may be fairly suspected a like contrivance is sometimes practised abroad.

Great care has therefore been bestowed during the past year on these processes, and wherever it has been possible, advantage has been taken of the provision of our laws, to give the supposed fugitive the benefit of a preliminary examination before a magistrate. Experience admonishes us of the necessity of yet greater vigilance.

In this intercommunication between the States, important and delicate questions have also arisen, both here and elsewhere, and may again arise, of a perplexing and intricate nature.

I have great satisfaction in reporting to the Legislature that thus far no serious difficulty has occurred in the management of this business; but while I am sensible that it is of a very serious character, I am not able to suggest any better guards for its due and necessary exercise, than those which are already in force.

The civil law-business of the Commonwealth exclusively confided to the Attorney General, has received that attention which its various increasing and responsible duties require.

During the past year, the last bond of the Western Rail-road Corporation for \$400,000, prepared, as required

by the Legislature, under my direction, has been examined and approved; thus completing a professional responsibility for the validity of that series of legal instruments, by which the sum of \$4,850,000 is secured to the Commonwealth. I had the honor, in a former report, to submit some remarks on the legal character of these securities, and while I feel a becoming pride in the confidence which the Legislature is pleased to confide in me, touching the great interests of the Commonwealth in this matter, it would be highly gratifying to me, and as I think satisfactory to the government, that the conveyances so prepared should now be submitted to a revision by such committee as may be appointed for that purpose, not merely that the legal character of the conveyances may be understood, and that errors, if any have occurred, may be corrected, but that it may be seen whether any legislation is needed in the possible contingency of a breach in the condition, or a suit on any of the bonds.

An effort has been made during the past year, under the direction of the treasurer, to obtain payment of the principal or interest or both on the outstanding notes remaining in the treasury, principally given for lands in Maine, with what partial success appears in the treasurer's accounts. Thus far no suits at law have been commenced. In many cases there are questions of equity and sometimes of right, for the decision of which the debtors have been referred to the Legislature. In others, it is supposed the best interests of the Commonwealth would be promoted by cancelling the contract and reselling the land. Further legal proceedings, if any shall be deemed necessary, will require some action on the part of the Legislature, as most of the debtors are residents in other States.

It is made the duty of the Attorney General, under the

act for obtaining statistics of crime, to prepare from the reports of the several prosecuting officers, police courts, and clerks of judicial courts, such abstracts and tabular statements as will show the nature and extent of crime in this Commonwealth. These have been prepared, and form the second part of this report.

It cannot fail to be a subject of great satisfaction, that in regard to the nature of crime, they confirm the remark that the Commonwealth has been comparatively free from the more atrocious instances of its violence. Although, of the cases still considered capital, seven have during the past year been brought under the official charge of the Attorney General, no one has resulted in a judgment of death. The whole number of cases in the several counties—with the exception of Suffolk—has diminished, and the character of those brought under judicial animadversion, however painful in their details, is still decidedly of a milder type than in former years.

An examination of the official reports shows that a vast proportion of the whole criminal calendar of the Commonwealth is the direct or indirect consequence of intemperance, and that the numerical diminution of cases may be justly attributed to the gradual diminution of this prolific cause ; while the opposition, in court and out of court, that is made to the laws in this respect, and the impunity that is partially obtained by the inefficiency of the judicial power promptly to try and decide the cases that are presented, consistently with its other imperative duties, teach us that the more favorable condition of the community is owing more to the increasing intelligence and virtue of the public mind under the influence of philanthropic exertion, than to the terror or actual infliction of penal law.

It will be observed that by the form of the abstracts and tables, as required by the statute, for the purpose of giving a view of the nature and number of offences, cases that are carried from the lower to the supreme court, and either as questions of law or fact are twice tried, are of course only once enumerated. This excludes of course all those revisions of the proceedings below on exceptions or writs of error which devolve on the Attorney General by the special provisions of the statutes, and are to be found only in the judicial reports.

Respectfully submitted by

JAMES T. AUSTIN,

*Attorney General.*



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THE  
ATTORNEY GENERAL'S  
ANNUAL REPORT.....1842.

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PART II.

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## Commonwealth of Massachusetts.

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### ATTORNEY GENERAL'S REPORT—PART II.

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This Part contains the abstracts and tabular statements presenting the statistics of crime for the year 1841.

TABLES I to XIII shew the number of prosecutions, their causes and results, prosecuted by the local officers in the several counties of the Commonwealth.

TABLE XIV shews the aggregate of cases of crime in the Municipal Court, Courts of Common Pleas and Supreme Judicial Court.

TABLE XV shews the number of cases in the several Police Courts, and before the Justices of the Peace in the several counties—noting those of final jurisdiction and their result.

TABLE XVI shews the amount of costs taxed in the Municipal Court in Suffolk, for criminal cases in the year 1841.

TABLE XVII shews the amount of costs taxed in the Police Court of the city of Boston, in cases terminated in said court during the year 1841.

TABLE XVIII shews the amount of fines and costs received in said court on cases terminated therein during the year 1841.

TABLE XIX shews the number of convicts sentenced by the Judicial Courts during the year 1841 to imprisonment in the State Prison—the crime for which they were punished, and the duration of their confinement.

To this table is added a note concerning an interpolation made in the corresponding table in the report of the Attorney General the last year, after it was delivered to the printers, and without his knowledge, materially affecting its statements.

TABLE I.—Shewing the number of prosecutions, their causes and results, in the County of Suffolk; compiled from the Report of the County Attorney.

SUFFOLK.—COUNTY ATTORNEY.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Informations.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Verdicts of Not Provs.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
Against the person feloniously,	3		7			10		9	1		10	
Against the person not feloniously,		11	51	1		63	11	35	11	6	63	
Against property with violence,		1	21			22	1	20	1		22	
Against property without violence,		34	170	1		214	34	151	1	10	214	
Of State Prison Convicts,	4				10	14		11			14	
Other Misdemeanors,	2	44	187	4	7	245	51	94	11	66	245	
Appeal,	1											
Total,	19	90	436	6	17	568	97	320	63	82	568	Costs paid, - - - \$987 76
Civil Actions on Recognizances,						20						For whole amount of Costs see Table.
						588						

TABLE II.—*Shewing the number of prosecutions, their causes and results, in the County of Bristol; compiled from the Report of the District Attorney.*

SOUTHERN DISTRICT.—BRISTOL.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
Against the person feloniously, -	1	7			8	7	1				8	
Against the person not feloniously, -	1	1	1	4	7	1	2		4		7	
Against property with violence, -			1		1		1				1	
Against property without violence, -		7	28	1	36	7	27		1	1	36	
Other Misdemeanors, -	2	20	39	10	71	20	39		10	2	71	
Total, -	4	35	69	15	123	35	70		15	3	123	
In the District, -	-	-	-	-	6							
Civil Actions on Recognizances, -	-	-	-	-	129							
	-	-	-	-	16							
	-	-	-	-	135							

TABLE III.—*Shewing the number of prosecutions, their causes and results, in the County of Plymouth; compiled from the Report of the District Attorney.*

SOUTHERN DISTRICT.—PLYMOUTH.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Aquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
	Against the person feloniously, -	-	-	-	-	3	-	3	-	-	-	3
Against the person not feloniously, -	-	-	-	-	27	-	8	-	1	4	27	-
Against property with violence, -	-	-	-	-	30	-	11	-	-	-	30	-
Against property without violence, -	-	14	8	3	27	14	8	-	-	-	27	-
Other Misdemeanors, -	2	14	11	3	30	14	11	-	1	4	30	-
Total, -	2	14	11	3	30	14	11	-	1	4	30	-
Capias for Contempt, -	-	-	-	-	6	-	-	-	-	-	-	-
					36							

TABLE IV.—*Shewing the number of prosecutions, their causes and results, in the County of Barnstable ;  
compiled from the Report of the District Attorney.*

SOUTHERN DISTRICT.—BARNSTABLE.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
Against the person feloniously, -	-	-	-	4	4	-	-	*4	1	6	4	* Dismissed.
Against the person not feloniously, -	-	-	-	-	2	-	-	-	-	-	2	
Against property with violence, -	-	-	2	-	21	14	-	-	1	6	21	
Against property without violence, -	-	14	7	-	27	14	4	-	1	6	27	
Other Misdemeanors, - - -	-	14	9	4	27	14	4	-	1	6	27	
Total, - - - - -	-	14	9	4	27	14	4	-	1	6	27	
Capias for Contempt, - - -	-	-	-	-	1	-	-	-	-	-	-	
					<u>28</u>							



TABLE V.—*Shewing the number of prosecutions, their causes and results, in the Counties of Nantucket and Dukes County; compiled from the Report of the District Attorney.*

NANTUCKET AND DUKES COUNTIES.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convicted.	Acquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
Against the person feloniously,	-	-	2	2	4	-	3	*1	-	-	4	* Appeal dismissed.
Against the person not feloniously,	-	-	2	-	3	1	2	-	-	-	3	-
Against property with violence,	-	-	-	-	-	-	-	†1	-	2	4	† Quashed.
Against property without violence,	-	1	2	-	-	-	-	-	-	-	-	-
Other Misdemeanors,	-	1	-	1	4	1	-	-	-	-	-	-
Total,	2	2	4	3	11	2	5	2	-	2	11	-
Capias for Contempt,	-	-	-	-	1	-	-	-	-	-	-	-
					<u>12</u>							

TABLE VI.—*Shewing the number of prosecutions, their causes and results, in the County of Hampshire; compiled from the Report of the District Attorney.*

WESTERN DISTRICT.—HAMPSHIRE.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Aquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
Against the person feloniously, -	-	-	9	-	9	-	7	1	-	1	9	
Against the person not feloniously, -	-	-	1	-	1	-	1	-	-	-	1	
Against property with violence, -	-	-	9	-	12	-	7	-	-	2	9	
Against property without violence, -	3	-	18	-	31	-	13	-	-	5	18	
Other Misdemeanors, -	13	-	37	-	53	-	28	1	-	8	37	
Total, -	16	-	37	-	53	-	28	1	-	8	37	
												Pending on 1 Jan. 1841.—Not Reported.
												16
												53

TABLE VII.—*Shewing the number of prosecutions, their causes and results, in the County of Hampden; compiled from the Report of the District Attorney.*

WESTERN DISTRICT.—HAMPDEN COUNTY.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals.	Continued or laid on File	Whole Number.	REMARKS.
Against the person feloniously,	-	1	2		3		2				
Against the person not feloniously,	-	2	7		9		7				
Against property with violence,	-		1		1		1				
Against property without violence,	-	1	21		22		15	1	5		
Other Misdemeanors,	-	9	14	6	29		13	1	6		
Total,	-	13	45	6	64		38	2	11	51	
										13	Pending in 1841.—Not Reported.
										64	

TABLE VIII.—*Shewing the number of prosecutions, their causes and results, in the County of Franklin; compiled from the District Attorney's Report.*

WESTERN DISTRICT.—FRANKLIN.												
OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
	Against the person feloniously, - -	1		1	2	2			1			
Against the person not feloniously, -			1	1	2			1		1	2	
Against property with violence, - -	1		1	2	2					1	1	
Against property without violence, -			5	1	6		2		2	2	6	
Other Misdemeanors, - - - -	4		6	2	12		4	2		2	8	
Total, - - - -	6		14	4	24		6	4	2	6	18	
											6	Pending Cases in Jan. 1841.
											24	Not Reported.



TABLE X.—*Shewing the number of prosecutions, their causes and result, in the County of Worcester; compiled from the Report of the District Attorney.*

MIDDLE DISTRICT—WORCESTER.

OFFENCES.	MIDDLE DISTRICT—WORCESTER.										REMARKS.	
	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals by Verdict, Nol. Pros or otherwise.	Pending 1 Jan. 1842.	Whole Number.		
Against the person feloniously, -	1	1			2	1	1			2		
Against the person not feloniously, -	2	3	2		7	3	3	1		7		
Against property with violence, -			5		5		4			5		
Against property without violence, -	3	12	26		41	12	22	2		41		
Misdemeanors not above enumerated, -	28	14	10	6	58	14	16	20		58		
Total, - - - -	34	30	43	6	113	30	46	23	14	113		

TABLE XI.—*Shewing the number of prosecutions, their causes and result, in the County of Norfolk; compiled from the Report of the District Attorney.*

MIDDLE DISTRICT.—NORFOLK.

OFFENCES.	MIDDLE DISTRICT.—NORFOLK.										REMARKS.
	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals by Verdict, Nol. Pros. or otherwise.	Pending 1 Jan. 1842.	Whole Number.	
Against the person feloniously, -	-	-	-	-	2	-	1	2	-	2	-
Against the person not feloniously, -	1	-	1	-	1	-	-	-	-	1	-
Against property with violence, -	-	-	1	-	13	4	5	3	1	13	-
Against property without violence, -	2	4	7	-	47	8	23	1	15	47	-
Misdemeanors not above enumerated, -	25	8	4	10	47	8	23	1	15	47	-
<b>Total,</b> - - - -	28	12	13	10	63	12	29	6	16	63	-

TABLE XII.—*Shewing the number of prosecutions, their causes and result, in the County of Middlesex; compiled from the Report of the District Attorney.*

NORTHERN DISTRICT.—MIDDLESEX.													
OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Acquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.	
	Against the person feloniously,	1	1	*1		3	1	1			1	3	* Certified to S. J. C.
Against the person not feloniously,	3	4	7	2	16	4	8	1	1	2	16		
Against property with violence,	-	1	4		5	1	3		1		5		
Against property without violence,	8	16	32	2	58	16	26	45	3	8	58	† 2 Justices Appeals—Complaints quashed.	
Misdemeanors not above enumerated,	25	19	57	20	121	19	50	426	10	16	121	† 15 Justices Appeals—Complaints quashed.	
Total,	37	41	101	24	203	41	88	32	15	27	203		



TABLE XIII.—*Shewing the number of prosecutions, their causes and result, in the County of Essex; compiled from the Report of the District Attorney.*

NORTHERN DISTRICT—ESSEX.

OFFENCES.	Pending 1 Jan. 1841.	New Complaints.	Indictments.	Appeals.	Whole Number.	Discharged by Grand Jury—No Bill.	Convictions.	Aquittals.	Nol. Pros.	Pending 1 Jan. 1842.	Whole Number.	REMARKS.
Against the person feloniously, -	2		1	3	3		3				3	
Against the person not feloniously, -	1		1	3	5		4			1	5	
Against property with violence, -	1		4		5		5				5	
Against property without violence, -	3	5	10	1	19	5	9	4		1	19	
Misdemeanors not above enumerated, -	16	17	44	11	88	17	36	2	8	25	88	
Total, - - - -	23	22	60	15	120	22	57	6	8	27	120	

TABLE XIV.—*Shewing the Aggregate of Cases for Crime in the Supreme Judicial Court, Courts of Common Pleas, and Municipal Court, for the year 1841—Classed according to the provisions of the Statute for procuring the Statistics of Crime.*

DISTRICTS.	COUNTIES.	Offences against the Person.		Offences against Property.		Informations against Convicts.	Other Informations.	Miscellaneous.	Total Criminal Cases.	REMARKS.
		Feloniously.	Not Feloniously.	With Violence.	Not with Violence.					
	Suffolk,	S. J. C. 5*	-	-	-	-	-	-	*5	Capital Cases, originally examined in the S. J. C.
	"	M. C. 10	63	22	214	10	4	245	568	
Western,	Hampshire,	-	9	1	9	-	-	18	37	
"	Hampden,	2	7	1	21	-	-	20	51	
"	Franklin,	1	2	1	6	-	-	8	18	
"	Berkshire,	-	1	2	15	-	-	31	49	
Southern,	Bristol,	8	7	1	36	-	-	71	123	
"	Plymouth,	-	-	-	3	-	-	27	30	
"	Barnstable,	-	4	-	2	-	-	21	27	
"	Nantucket & } Dukes Co.	-	4	-	3	-	-	4	11	

TABLE XIV.—Continued.

DISTRICTS.	COUNTIES.	Offences against the Person.		Offences against Property.		Informations against Convicts.	Other Informations.	Misdemeanors.	Total Criminal Cases.	REMARKS.
		Feloniously.	Not Feloniously.	With Violence.	Not with Violence.					
Middle,	Worcester,	2	7	5	41	-	-	58	113	
"	Norfolk,	2	1	-	13	-	-	47	63	
Northern,	Essex,	3	5	5	19	-	-	88	120	
"	Middlesex,	3	16	5	58	-	-	121	203	
	Total,	36	126	43	431	10	4	759	1418	



TABLE XV.—Continued.

DISTRICTS.	COUNTIES.	COURTS.	Cases of final jurisdiction.	Other Cases.	Total.	Convicts.	Discharged.	Not stated.	Pending.	Total.	REMARKS.
Middle,	Worcester,	Justices,	135	15	150	77	44	29	-	150	
"	Norfolk,	-	65	-	65	50	15	-	-	65	
Northern,	Essex,	Police Court, Salem,	154	10	164	135	19	Recog. 10	-	164	
"	"	Police Court, Newbury- port,	86	9	95	62	17	7	Recog. 9	95	
"	"	Justices,	193	-	193	138	55	-	-	193	
"	Middlesex,	Police Court, Lowell,	300	34	334	256	44	Recog. 34	-	334	
"	"	Justices,	228	-	228	185	39	13	-	228	

TABLE XVI.—*Shewing the amount of Costs taxed in the Municipal Court, in the year 1841, as per special and general Bills.*

Month.		Costs.	Monthly Costs.	Total Costs.
January,	Amount of special Bill, -	459 77		
	“ “ general “ -	250 14		
			709 91	
February,	“ “ special “ -	770 53		
	“ “ general “ -	364 32		
			1134 85	
March,	“ “ special “ -	775 76		
	“ “ general “ -	223 82		
			999 58	
April,	“ “ special “ -	632 96		
	“ “ general “ -	215 16		
			848 12	
May,	“ “ special “ -	573 83		
	“ “ general “ -	216 34		
			790 17	
June,	“ “ special “ -	480 43		
	“ “ general “ -	245 38		
			725 81	
July,	“ “ special “ -	517 64		
	“ “ general “ -	148 45		
			666 09	
August,	“ “ special “ -	773 96		
	“ “ general “ -	306 15		
			1080 11	
September,	“ “ special “ -	794 19		
	“ “ general “ -	326 92		
			1121 11	
October,	“ “ special “ -	738 91		
	“ “ general “ -	393 73		
			1132 64	
November,	“ “ special “ -	449 75		
	“ “ general “ -	297 91		
			747 66	
December,	“ “ special “ -	794 27		
	“ “ general “ -	368 47		
			1162 74	
				\$11,118 79

Amount of allowance on petition	Ocean and Powow River Banks,	\$200 00
“ “ “	Ezra Ames,	- 8 00
“ “ “	Jewett & Prescott,	- 22 00

\$230 00

Total amount of special bills,	-	\$7762 00
“ “ “ general “	-	3356 79

\$11,118 79

TABLE XVII.—*Shewing an Abstract of Bills of Cost taxed on cases terminated in the Police Court of the City of Boston, in the year 1841.*

	Officers' Fees.	Assistants' Fees.	Court Fees.	Witnesses' Fees.	Amounts.	Amount charged to Com. Mass.
1st January to 31st March, inc. -	\$467 91	\$4 50	\$666 30	\$304 92	\$1443 63	
Deduct for cases under By-Laws, -	16 21	-	33 50	7 56	57 27	
	451 70	4 50	632 80	297 36		\$1386 36
1st April to 30th June, inc. -	448 60	22 62	646 90	289 84	1407 96	
Deduct for cases under By-Laws, -	12 99	-	26 55	8 10	47 64	
	435 61	22 62	620 35	281 74		1360 32
1st July to 30th September, inc. -	513 13	4 23	726 05	358 12	1601 53	
Deduct for cases under By-Laws, -	14 30	-	33 00	10 26	57 56	
	498 83	4 23	693 05	347 86		1543 97
1st October to 31st December inc. -	462 78	25	666 20	328 22	1457 45	
Deduct for cases under By-Laws, -	21 76	-	45 35	16 74	83 85	
	441 02	25	620 85	311 48		1373 60
<b>Total, (1841,) -</b>	<b>1827 16</b>	<b>31 60</b>	<b>2567 05</b>	<b>1238 44</b>		<b>5664 25</b>

TABLE XVIII.—*Shewing an Abstract of Fines, Costs, &c. received on Cases terminated in the Police Court of the City of Boston, in the year 1841.*

	Fines.	Costs.	Fees.	Amount.	Amount to be credited to Com. of Mass.
1st January to 31st March, inc. - - - -	\$358 00	\$369 36	\$19 10	\$746 46	
Deduct for cases under By-Laws, - - - -	55 00	47 89	-	102 89	
	303 00	321 47	19 10		\$643 57
	.....	.....	.....		
1st April to 30th June, inc. - - - -	339 45	385 80	20 92	746 17	
Deduct for cases under By-Laws, - - - -	20 00	28 84	-	48 84	
	319 45	356 96	20 92		697 33
	.....	.....	.....		
1st July to 30th September, inc. - - - -	385 26	499 91	16 50	901 67	
Deduct for cases under By-Laws, - - - -	30 00	52 39	-	82 39	
	355 26	447 52	16 50		819 28
	.....	.....	.....		
1st October to 31st December, inc. - - - -	264 83	435 15	17 40	717 38	
Deduct for cases under By-Laws, - - - -	44 00	59 48	-	103 48	
	220 83	375 67	17 40		613 90
	.....	.....	.....		
	1198 54	1501 62	73 92		2774 08



TABLE XIX.—*Shewing the number of Convicts sentenced by the several Judicial Courts, to confinement in the State Prison, during the year 1841; the Counties whence they were sent; the Crimes for which they were punished, and the duration of their Confinement.—See Note at the end of the Table.*

## SUFFOLK.

No. Prisoners.	Court passing Judgment.	Term of Court.	CRIME.	When Received.	Duration of Sentence.
1841					
No. 1,	M. C.	Jan.	Larceny, - - -	Jan. 15,	5 ds. & 3 ys.
" 2,	"	"	Common and Notorious Thief, - - -	" 15,	5 " 3 "
" 3,	"	Feb.	Larceny, - - -	Feb. 6,	10 " 2 "
" 4,	"	"	Six Larcenies, - - -	" 6,	5 " 7 "
" 5,	"	"	Assault with intent to Murder, - - -	" 23,	5 " 7 "
" 6,	"	Mar.	Three Indict's—Counterfeiting Bank Bills, with intent to pass the same,	Mar. 18,	7 " 5 "
" 7,	"	"	Arson, 2d degree—Receiving Stolen Goods and three Indictments for Larceny, - - -	" 18,	25 " 17 "
" 8,	"	April,	Stealing from the person,	April 15,	10 " 3 "
" 9,	"	"	Do. do. do.	" 26,	5 " 2 "
" 10,	"	May,	Larceny, - - -	May 8,	5 " 1 "
" 11,	"	"	Do. - - -	" 25,	5 " 2 "
" 12,	S. J. C.	June,	Manlaughter, - - -	June 24,	5 " 10 "
" 13,	M. C.	July,	Stealing from the person,	July 10,	5 " 2 "
" 14,	"	"	Common and Notorious Thief, - - -	" 10,	5 " 4 "
" 15,	"	"	Store Breaking and Larceny, - - -	" 12,	10 " 15 "
" 16,	"	Aug.	Cheating by false pretences, - - -	Aug. 16,	3 " 2 "
" 17,	"	"	Stealing, - - -	" 16,	5 " 4 "
" 18,	"	"	Cheating by false pretences, - - -	" 25,	5 " 4 "
" 19,	"	Sept.	Assault and Robbery, -	Sept. 11,	5 " 7 "
" 20,	"	"	Larceny, - - -	" 11,	5 " 2 "
" 21,	"	"	Stealing from the person,	" 18,	5 " 1½ "
" 22,	"	"	Highway Robbery—2d degree, - - -	" 18,	5 " 10 "
" 23,	"	"	Do. do. do.	" 28,	5 " 5 "
" 24,	"	Oct.	Larceny, - - -	Oct. 16,	5 " 2 "

## SUFFOLK—Continued.

No. Prisoners.	Court passing Judgment.	Term of Court.	CRIME.	When Received.	Duration of Sentence.
No. 25,	M. C.	Oct.	Larceny, - - -	1841 Oct. 16,	5 ds. & 2 ys.
" 26,	"	"	Adultery, - - -	" 23,	3 " 2 "
" 27,	"	Dec.	Larceny, - - -	Dec. 20,	11 " 3 "
" 28,	"	"	Larceny and Stealing, -	" 20,	8 " 3 "

## MIDDLESEX.

No. 1,	C. P. C.	Feb.	Larceny, - - -	Feb. 17,	2 ds. & 2 ys.
" 2,	"	"	Do. - - -	" 17,	1 " 1 "
" 3,	"	"	Burglary, - - -	" 17,	2 " 5 "
" 4,	"	June,	Larceny, - - -	July 3,	1 " 1 "
" 5,	"	"	Do. - - -	" 3,	1 " 1 "
" 6,	"	Oct.	Do. - - -	Oct. 29,	1 " 1 "
" 7,	"	"	Lewd and Lascivious Co- habitation, - - -	" 29,	1 " 1 "
" 8,	"	"	Bigamy, - - -	" 29,	1 " 3 "
" 9,	"	"	Larceny, - - -	" 29,	1 " 2 "

## WORCESTER.

No. 1,	C. P. C.	Jan.	Adultery, - - -	Feb. 2,	1 dy. & 1 yr.
" 2,	"	"	Four Indictments for For- gery, - - -	" 2,	6 " 5 "
" 3,	"	"	Burglary, - - -	" 2,	2 " 3 "
" 4,	"	"	Larceny, - - -	" 2,	3 " 4 "
" 5,	"	"	Do. - - -	" 2,	1 " 1 "
" 6,	"	"	Do. - - -	" 2,	1 " 1 "
" 7,	"	"	Burglary, Larceny, and four Forgeries, - - -	" 2,	7 " 10 "
" 8,	"	June,	Assault with intent to commit Rape, - - -	June 8,	1 " 1 "
" 9,	"	"	Common and Notorious Thief, - - -	" 8,	3 " 7 "
" 10,	"	"	Larceny, - - -	" 8,	1 " 1 "
" 11,	"	1837 Sept.	Common and Notorious Thief, - - -	July 2,	1 " 3 "
" 12,	"	1841 Oct.	Larceny, - - -	Oct. 6,	1 " 1 "

## HAMPDEN.

No. 1,	C. P. C.	Feb.	Larceny, - - -	March 3,	1 dy. & 1 yr.
" 2,	"	"	Do. - - -	" 3,	1 " 1 "

## HAMPDEN—Continued.

No. Prisoners.	Court passing Judgment.	Term of Court.	CRIME.	When Received.	Duration of Sentence.
No. 3,	C. P. C.	Feb.	Robbery, - - -	1841 March 3,	1 dy. & 10 ys.
" 4,	"	"	Malicious Mischief, - - -	" 3,	1 " 1 "
" 5,	"	June,	Do. do. - - -	June 26,	1 " 1 "
" 6,	"	"	Larceny, - - -	" 26,	1 " 2 "
" 7,	"	"	Do. - - -	" 26,	1 " 1 "
" 8,	"	"	Assault with intent to Murder, - - -	" 26,	1 " 1 "
" 9,	"	"	Larceny, - - -	" 26,	1 " 3 "
" 10,	"	"	Do. - - -	" 26,	1 " 2 "
" 11,	"	Oct.	Adultery, - - -	Oct. 23,	1 " 1 "
" 12,	"	"	Larceny, - - -	" 23,	1 " 2 "
" 13,	"	"	Do. - - -	" 23,	1 " 1 "
" 14,	"	"	Forgery, - - -	" 23,	1 " 3 "
" 15,	"	"	Lewd and Lascivious Cohabitation, - - -	" 23,	1 " 1 "
" 16,	"	"	Larceny, - - -	" 23,	1 " 1½ "
" 17,	"	"	Do. - - -	" 23,	1 " 1 "

## BERKSHIRE.

No. 1,	C. P. C.	Feb.	Common and Notorious Thief and Larceny, -	March 3,	1 dy. & 3 ys.
" 2,	"	"	Larceny, - - -	" 3,	1 " 1 "
" 3,	"	"	Do. - - -	" 3,	1 " 1 "
" 4,	"	"	Do. - - -	" 3,	1 " 1 "
" 5,	"	June,	Do. - - -	July 12,	1 " 3 "
" 6,	"	"	Do. - - -	" 12,	1 " 1 "
" 7,	"	"	Do. - - -	" 12,	1 " 1 "
" 8,	"	"	Do. - - -	" 12,	1 " 1 "
" 9,	"	Oct.	Do. - - -	Nov. 6,	1 " 1 "
" 10,	"	"	Do. - - -	" 6,	1 " 4 "
" 11,	"	"	Do. - - -	" 6,	1 " 1 "

## BRISTOL.

No. 1,	C. P. C.	Mar.	Larceny, - - -	Mar. 18,	1 dy. & 1 yr.
" 2,	"	June,	Assault with intent to commit Rape, - - -	June 5,	1 " 6 "
" 3,	"	"	Adultery, - - -	" 22,	1 " 1 "
" 4,	"	"	Forgery, - - -	" 22,	1 " 5 "
" 5,	"	"	Adultery, - - -	" 22,	1 " 3 "
" 6,	"	"	Larceny, - - -	" 22,	1 " 1 "
" 7,	"	"	Lewd and Lascivious Cohabitation, - - -	" 22,	1 " 1 "
" 8,	"	Sept.	Larceny, - - -	Sept. 21,	1 " 4 "

## BRISTOL—Continued.

No. Prisoners.	Court passing Judgment.	Term of Court.	CRIME.	When Received.	Duration of Sentence.
1841					
No. 9,	C. P. C.	Sept.	Larceny, - - -	Sept. 21,	1 dy. & 2 ys.
" 10,	"	"	Do. - - -	" 21,	1 " 2 "
" 11,	"	"	Do. - - -	" 21,	1 " 2 "
" 12,	"	Dec.	Common and Notorious Thief, - - -	Dec. 21,	3 " 4 "
" 13,	"	"	Breaking and entering Bank, and Burglary, -	" 21,	7 " 7 "

## ESSEX.

No. 1,	C. P. C.	Mar.	Larceny, - - -	Mar. 27,	1 dy. & 1 yr.
" 2,	"	"	Burglary, 2d degree, -	" 27,	1 " 2 "
" 3,	"	June,	Larceny, - - -	June 23,	3 " 1 "
" 4,	"	Sept.	Arson, 2d degree, -	Sept. 30,	3 " 5 "
" 5,	"	"	Larceny, - - -	" 30,	3 " 1 "

## HAMPSHIRE.

No. 1,	C. P. C.	Mar.	Larceny, - - -	April 4,	2 ds. & 1 yr.
" 2,	"	Aug.	Do. - - -	Aug. 28,	1 " 2 "
" 3,	"	"	Do. - - -	" 28,	1 " 2 "
" 4,	"	"	Do. - - -	" 28,	1 " 2 "
" 5,	"	"	Adultery, - - -	" 28,	1 " 2 "
" 6,	"	Nov.	Larceny, - - -	Nov. 24,	1 " 2 "
" 7,	"	"	Adultery, - - -	" 24,	1 " 1 "

## NORFOLK.

No. 1,	C. P. C.	Sept.	Larceny, - - -	Oct. 1,	1 dy. & 1 yr.
" 2,	"	"	Breaking a dwelling, with intent to Steal, - -	" 1,	1 " 1 "

## PLYMOUTH.

No. 1,	C. P. C.	Dec.	Larceny, - - -	Dec. 17,	3 ds. & 5 ys.
" 2,	"	"	Do. - - -	" 17,	3 " 4 "

Total, - - - - - 106 Prisoners.

## NOTE TO TABLE XIX.

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In the corresponding Table in the last Annual Report of the Attorney General, in the 15th page of the 2d Part, as printed by order of the Honorable Senate, and over the fifth column, which column is intended to show the day of the month on which the convict was received, is printed the word "*Indictments.*" This word was not in the original Report, when it was presented to the Legislature, and never was placed there by the authority of the Attorney General. It has the effect of deranging the whole character of the Table, and apparently contradicts other parts of the Report. The Attorney General being absent from the Commonwealth on other public business, did not have opportunity to examine the proof-sheets, and the error was not discovered until the whole edition ordered by the Honorable Senate had been printed and distributed.

It is believed that it was unadvisedly, but with an honest though mistaken view, placed there by some person in the Printers' Office, and unfortunately the interpolation escaped the notice of the proof-readers.





