



SENATE.....

.....No. 7.

THE

ATTORNEY GENERAL'S

ANNUAL REPORT....1848.

Commonwealth of Massachusetts.

ATTORNEY GENERAL'S ANNUAL REPORT.

THE ATTORNEY GENERAL, under the provisions of the Statute for this purpose, respectfully submits to the Legislature his Annual

REPORT :

PART I.

From the returns received from the several county and district attorneys, police courts and clerks of the judicial courts in the several counties, the tables hereunto annexed, from I to XIX inclusive, have been compiled, with a view to shew the action of the Commonwealth on the whole subject of crime, so far as it is brought under judicial animadversion.

The form, in which the information, collected from the returns of twenty-three courts and officers, is presented in this report, is in abstracts and tabular statements. A more detailed exhibition of facts was attempted in 1840, at the expense of nearly half a million of figures, covering, when printed, one hundred and forty-three pages of the legislative documents of that year. But, while that report may serve for reference and a general illustration of the character and course of proceedings in relation to the same subject matter, it is supposed a more condensed view of the subject would ordinarily meet the approbation of the Legislature, and better serve the purpose of conveying general information.

It will be perceived that the statute of 1839, under which

this report is made, essentially changes the law adopted in the Revised Statutes in this behalf. The provision of the Revised Statutes had mainly for its object to exhibit the amount of services of the prosecuting officers. The present law purports chiefly to regard the amount and character of crime. Between the amount of crime and the labor of prosecution, there is a very indefinite relation ; as it often happens that crimes of inferior malignity cause, in the prosecution of them, great consumption of time and severe professional exertion.

The prosecutions under the license laws of this Commonwealth, under indictments for libel and other similar misdemeanors, are forcible illustrations of this observation. The elaborate mode of conducting judicial proceedings, which has been the subject of remark in former reports, and which is still the characteristic of all trials by jury; the vast and varied ability which defendants in a criminal prosecution may enlist in their service ; and the almost unlimited freedom of inquiry, which admits no principle to be settled without controversy, and nothing established beyond doubt, adds immeasurably to the labors of the prosecuting officers, and to the demands which are made upon them by their official duties.

The annexed tables shew an increase in the number of prosecutions for the year 1842 over those of 1841. The increase of crime is greater than it would appear to be, on a first inspection of these tables, because the prosecutions, for the year 1841, were swelled by an unusual number of complaints under the license laws. A much smaller number of such cases is found in the proceedings of 1842 ; and yet the aggregate, instead of being diminished, is increased.

It is, however, a subject of gratulation, that the general tranquillity and peace of society have been in a good measure preserved, the person and property of the citizens to a reasonable extent protected, and the community exempted from those violent and awful manifestations of criminal passion, which sometimes break upon civilization in anarchy and blood.

Six cases, subjecting the party on conviction to the punishment of death, have been under my care during the year. Three of them were for distinct offences of rape in Suffolk.

After examination by the grand jury, indictments for an inferior offence were drawn in two cases, and the prisoners remanded to the municipal court. One other was tried, and the accused convicted of a felonious attempt. In Middlesex, there was one indictment for murder. The party was convicted and sentenced, but the punishment was afterwards commuted by the governor. In Bristol, one was tried for murder. The prisoner was convicted of manslaughter. One in Hampden, was tried for murder, and the prisoner acquitted. The year has passed, therefore, without the painful spectacle of a capital execution.

The proceedings in relation to certain convicts in the state prison and houses of correction, have been of some interest during the year.

Writs of error have been brought in the supreme judicial court, to obtain a reversal of judgments severally passed at different times by each of the three courts having jurisdiction over criminal matters, on the allegation of certain defects in the law describing the offence, or certain misconstruction by the court passing the sentence, in the extent of its own powers, or certain informalities in the process, not discovered at the trial of the accused party. In the searching operation to which the records for more than twenty years have been subjected, other supposed errors were discovered, going most extensively to the whole administration of that part of the law, which in Suffolk subjected convicts to the state prison. These were not sustained by the court, but, for the causes above enumerated, fourteen convicts have been already liberated by the supreme court. Other cases are depending, and there remain certain other prisoners in the state prison or houses of correction, who will probably claim the like interposition in their favor.

Some few of the cases alluded to occurred in 1841, but were then supposed to be but solitary exceptions to the general accuracy of judicial proceedings; and it was only in more recent cases that the effect of these reversals was perceived. The particular cases are reported in the 2d and 3d of Metcalf, and it is not, therefore, deemed necessary to extend this report by a recital of the circumstances. Reference is respectfully made to the official volumes for the leading principles.

A single case may be stated to shew the operation of these writs of error. One John Bryant was, at Norfolk, in September, 1836, convicted as a common and notorious thief, before the court of common pleas; and, in the discretion of the presiding justice, was sentenced to a punishment, then considered to be the exact and full extent of the law; viz., to five days solitary imprisonment and twenty years hard labor in the state prison.

By a change of phraseology between the Revised Statutes, which went into operation in the April preceding, and the law previously in force, although a judgment for five days solitary imprisonment and 19 years 360 days hard labor would have been legal, yet the judgment actually passed was erroneous, and thereby void; and, after a period of only six years' confinement, the prisoner was liberated.

Most of the cases will be found of a like character—slight technical formalities in some of them producing the fatal error, and an act of clemency in others, as when the convict was sent to the house of correction instead of the state prison, operating to the same effect.

Many of these cases would have remained without any disturbance of the original judgment, but for the act of 1842, ch. 54.

To this act I have deemed it my duty most respectfully to ask the attention of the Legislature; that if, in their opinion, a correct criminal jurisprudence requires an amendment or addition to it, the wisdom of the Legislature may apply the remedy.

To the act itself I am not aware of any exception. Unquestionably no prisoner ought to be held by an erroneous judgment. The most perfect accuracy in the forms of process, the mode of trial, and the rendition of judgment, is demanded by right and humanity. Judges and lawyers, in criminal cases, are and ought to be held to the most exemplary exactness. But mistakes and accidents will sometimes occur. What ought to be the effect of them? Shall they be allowed to vacate all proceedings and restore a convicted felon to the liberty he has forfeited by his crime, or may they be amended when they can be amended without any wrong done to the party?

As the law now stands, almost in all criminal cases, the supreme court, when it reverses the original judgment on writ of error, discharges the party. The amendment or addition, most humbly suggested, is, that the court should be enabled to pass such new judgment, as justice and equity require. The court should not be obliged, because there has been a nominal judgment of five days too much, yet wholly unexecuted, to release to the prisoner fourteen years of unexpired confinement, most justly incurred for manifest and atrocious crimes.

These writs of error have brought to light a supposed defect in the provisions of the 14th sec. of ch. 126 of the Revised Statutes.

It is an aggravated larceny to steal in a dwelling-house in the day-time, but it is not an aggravated larceny to steal in a dwelling-house in the night-time. The protection of the domicile, much more needed by night than by day, seems to have been inadvertently omitted.

“The proper and economical administration of the criminal law,” upon which the statute requires the opinion of the Attorney General, in his annual report, obliges me respectfully to submit a remark in relation to the terms of the supreme court for the trial of capital cases.

Such cases can rarely be heard at the regular session of the court, which has ordinarily no jury when the full bench assembles, and not a full bench at the ordinary jury sessions. It becomes necessary, therefore, by special adjournment, or by a special term, to provide for hearing such cases. Under the limited power given by ch. 81, sec. 41 and seq. of the Revised Statutes, special terms have been called, but the words of that law apply only to counties in which “no law term is established.” It has happened, therefore, unavoidably that an indictment for murder, pending in Plymouth county since August last, on which the accused party is in close custody, has not yet been brought to a trial; and, as the law now is, probably cannot be for some months to come.

In June last Samuel Thurlow was indicted and convicted of sundry violations of the law for the regulation of licensed

houses. He carried the case, by exceptions, to the supreme court, and in November last these exceptions were overruled. He has since obtained a writ of error to the supreme court of the United States, now sitting in Washington, duly allowed by the honorable chief justice Shaw, according to law, and served on the Attorney General, for the purpose of obtaining a reversal of the judgment against him, on the exceptions that the law of this Commonwealth, restraining the sale of foreign wines and spirits, and the acts of the county commissioners under it, are, in effect, a violation of the constitution of the United States.

Whether the Commonwealth shall be represented by counsel at the bar of that court on the hearing of the case, depends on the order of the government.

Another case, in which James Norris is plaintiff in error against the city of Boston, has been entered in the Supreme Court of the United States, and is intended to test the constitutionality of a law of this Commonwealth relating to alien passengers, ch. 238, of 1837. As by force of a recent statute, ch. 96, of 1840, the Commonwealth is benefited, to the whole amount of the proceeds, estimated from eight to ten thousand dollars per annum, which is collected under the law, and more deeply concerned in the police which it establishes, the decision to be made by the Supreme Court must be regarded with some concern.

During the pendency of this suit in the State court, the Attorney General was notified by the law officers of the city, that the city had no direct interest in the cause, and, by their request, took the management of it, and still holds the papers under an order of the executive department of 1st December last for "such consideration and action as he may deem expedient."

My last and former reports adverted to the process of arresting fugitives from justice by executive warrant, or demanding them by executive requisition under the constitution and law of the United States, and the law of this Commonwealth. The demand for the service multiplies, and is necessarily attended with embarrassment. Twenty-three of these cases have been referred to me during the past year. These have been exam-

ined, and opinions given according to their several circumstances. More efficient means to make an examination, when the case arises with our own citizens, in order to prevent deception and fraud—and, when the demand is made from another state, to provide for the security of the innocent as a duty not less imperative than to deliver the guilty, may, it is believed, be provided, consistently with a paramount regard to the constitution of the United States.

Among the subjects officially referred to me by the treasurer under the act of 1839 ch. 28, was one relating to the obligation of the Eastern Rail-road to establish a sinking fund. I take leave respectfully to say that nothing in the reply of that corporation to the treasurer has any tendency to change the opinion which I had formed and submitted to that officer in writing; but as the question in regard to time was one altogether of expediency, it seemed to me not unsafe to advise delay, until the direction of the Legislature could be taken in relation to it.

In regard to the notes given on contracts for the sale of eastern lands, and returned to me for collection under the provisions of the Revised Statutes, chap. 13, sect. 25, a difficulty of a very serious character has arisen as to the obligation of the parties to make payment, arising out of the form of the contract made with the land agent, and a clause in the indenture executed by that officer, under which the purchasers claim to be released at any time from the payment of the outstanding notes, on a forfeiture of the money paid, and of any demand for a deed. The course of proceeding by the agent, has been not to make an actual sale, on the security of a mortgage for the balance of the purchase money, but to take notes for such balance, and to contract that deeds shall be given when the notes are paid, inserting in an indenture, executed by himself and the purchaser, the clause upon which this difficulty has arisen.

Two cases are now pending, one in the district court of the United States, in a process in bankruptcy, and one before the supreme judicial court of the Commonwealth, in each of

which the question is presented by the party against whom the suit is brought.

Respectfully submitted.

JAMES T. AUSTIN,

January, 1843.

Attorney General.

Commonwealth of Massachusetts.

ATTORNEY GENERAL'S REPORT—PART II.

This part contains abstracts and tabular statements, presenting the required statistics of crime under judicial animadversion, in the year 1842.

Tables I to XIII inclusive, shew the number of prosecutions, their causes and results, under the direction of the local prosecuting officers.

Table XIV shews the aggregate of cases of crime in the municipal court, courts of common pleas and supreme judicial court, and a comparison of these aggregates with those reported for the year 1841.

Table XV shews the number of cases in the several police courts and before justices of the peace, in 1842, the costs taxed in these cases, and a comparison of the number of cases with those of 1841.

Table XVI shews the amount of costs taxed in the municipal court, in Suffolk, for criminal cases in 1842.

Table XVII shews amount of costs taxed in police court of the city of Boston, for cases terminated in said court, in 1842, and a comparison with the amount in 1841.

Table XVIII shews amount of fines and costs received on cases terminated in said court, in 1842, and a comparison of the amount in 1841.

Table XIX shews the number of convicts sentenced by the judicial courts to confinement in the state prison—the counties whence they were sent—the crimes for which they were punished, and the length of time for which they were sentenced.

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.

OFFENCES.	CASES EXAMINED.						RESULT.						REMARKS.
	Pending on 1 January, 1842	Complaints final before Grand Jury.	Indictments.	Appeals from Police Court.	Informations.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.	
Against the person feloniously,	-	1	18			19	1	16	2			19	
Against the person not feloniously,	-	5	51			60	5	44	7	2	2	60	
Against property with violence,	-	2	20			22	2	12	8			22	
Against property without violence,	-	28	186			227	28	120	26	10	43	227	
Other misdemeanors,	-	65	124	8	6	253	50	125	22	40	16	253	
Lunatic Cases in Municipal Court, on the Report,	82	86	399	8	6	581	86	317	65	52	61	581	
Civil Actions on Recognizances,	-	-	-	-	-	9							
	-	-	-	-	-	28							
						618							

TABLE II.—Shewing the number of Prosecutions, their Causes and Results, in the County of Essex—compiled from the Report of the District Attorney.

NORTHERN DISTRICT—ESSEX.

OFFENCES.	CASES EXAMINED.					RESULT.					REMARKS.	
	Pending 1 January, 1842.	Complaints final, before Grand Jury.	Indictments.	Appeals.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.		Whole number.
Against the person feloniously,	-	1	1		2	1	1				2	
Against the person not feloniously,	-	1	17	7	26	1	14	6*		5	26	*Justices' Appeals. Complaints quashed.
Against property with violence,	-		4		4		2	1		1	4	
Against property without violence,	-	1	22		32	9	15	4		4	32	
Other misdemeanors,	-	25	86	38	190	41	88	26†		35	190	†Justices' Appeals. Complaints quashed.
Total,	-	27	130	45	254	52	120	37		45	254	

TABLE III.—*Shewing the number of Prosecutions, their Causes and Results, in the County of Middlesex—compiled from the Report of the District Attorney.*

NORTHERN DISTRICT—MIDDLESEX.

OFFENCES.	CASES EXAMINED.					RESULT.					REMARKS.	
	Pending 1 January, 1842.	Complaints final, before Grand Jury.	Indictments.	Appeals from Jus. Peace.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.		Whole number.
Against the person feloniously,	1		3		4	4	4				4	
Against the person not feloniously,	2	5	14	4	25	5	12	4		4	25	
Against property with violence,	-	1	11		12	1	9	2			12	
Against property without violence,	-	7	33		48	7	26	6		9	48	
Other misdemeanors,	-	16	118	5	155	16	57	27		55	155	
Total,	27	29	179	9	244	29	108	39		68	244	

TABLE V.—*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.	CASES EXAMINED.					RESULT.						REMARKS.
	Pending 1 January, 1842.	Complaints final before Grand Jury.	Indictments.	Appeals from Just. Peace.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.	
Against the person feloniously, -	-	-	1	-	1	-	-	-	-	1	1	-
Against the person not feloniously, -	-	3	-	2	5	3	2	-	-	-	5	-
Against property with violence, -	-	1	-	-	1	1	-	-	-	-	1	-
Against property without violence, -	-	3	3	-	6	3	3	-	-	-	6	-
Other misdemeanors, -	4	13	19	3	39	13	18	1	2	5	39	-
Total, -	4	20	23	5	52	20	23	1	2	6	52	-

TABLE VI.—*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.	CASES EXAMINED.						RESULT.						REMARKS.
	Pending 1 January, 1842.	Complaints final, before Grand Jury.	Indictments	Appeals from Just. Peace.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.		
Against the person feloniously,	-	2			2	2					2		
Against the person not feloniously,	-	1			1	1					1		
Against property with violence,	-					1					1		
Against property without violence,	-	1				1					1		
Other misdemeanors,	-	2	2		10	2	7		1	10			
Total,	-	6	2		14	6	7		1	14			

TABLE VII.—*Shewing the number of Prosecutions, their Causes and Results, in the County of Nantucket—compiled from the Report of the District Attorney.*

SOUTHERN DISTRICT—NANTUCKET.

OFFENCES.	CASES EXAMINED.					RESULT.						REMARKS.
	Pending 1 st January, 1842.	Complaints final, before Grand Jury.	Indictments.	Appeals from Just. Peace.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.	
Against the person feloniously,	-	-	-	-	3	2	1	-	-	-	3	
Against the person not feloniously,	-	-	1	-	8	1	5	-	2	-	8	
Against property with violence,	-	2	4	-	6	2	4	-	-	-	6	
Against property without violence,	-	2	-	-	-	-	-	-	-	-	-	
Other misdemeanors,	-	-	-	-	-	-	-	-	-	-	-	
Total,	2	5	10	-	17	5	10	-	2	-	17	

TABLE VIII.—*Shewing the number of Prosecutions, their Causes and Results, in the County of Norfolk—
compiled from the Report of the District Attorney.*

MIDDLE DISTRICT—NORFOLK.

OFFENCES.	CASES EXAMINED.						RESULT.						REMARKS.
	Pending January, 1842.	Complaints final, before Grand Jury.	Indictments.	Appeals from Just Peace.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.		
Against the person feloniously,	1	1			2	1				1	2		
Against the person not feloniously,	1		4	1	6		2	2	1	1	6		
Against property with violence,			1		1					1	1		
Against property without violence,		9	13		22	9	11	1		1	22		
Other misdemeanors,	5	11	15	22	53	11	15	2	1	24	53		
Total,	7	21	33	23	84	21	28	5	2	28	84		

TABLE IX.—*Shewing the number of Prosecutions, their Causes and Results, in the County of Worcester—compiled from the Report of the District Attorney.*

MIDDLE DISTRICT—WORCESTER.

OFFENCES.	CASES EXAMINED.						RESULT.						REMARKS.	
	Pending 1 January, 1842.	Complaints final, before Grand Jury.	Indictments.	Appeals from Jus. Peace.	Whole number.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.			
Against the person feloniously,	-	-	3	-	3	3	3	-	-	-	3	-	-	-
Against the person not feloniously,	-	2	5	8	15	2	4	3	3	6	15	-	-	-
Against property with violence,	-	-	4	-	5	-	2	1	1	2	5	-	-	-
Against property without violence,	-	6	15	3	41	17	12	4	4	6	41	-	-	-
Other misdemeanors,	-	6	28	17	63	11	7	7	7	38	63	-	-	-
Total,	13	31	55	28	127	30	28	2	15	52	127	-	-	-

TABLE X.—*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.	CASES EXAMINED.					RESULT.						REMARKS.
	Pending on 1 January, 1842.	Complaints final before Grand Jury.	Indictments.	Appeals from Justices of Peace.	Whole number of Cases.	No Bills.	Convictions.	Aquittals.	Nol. Pros.	Continued.	Whole number.	
Against the person feloniously,	-		1		1	1					1	
Against the person not feloniously,	-											
Against property with violence,	-		10		10	6	2	1	1	1	10	
Against property without violence,	-		5		7	2	1	1	1	2	7	
Other misdemeanors,	-	1			1	1						
Total,	-	1	16		18	1	3	2	2	3	18	
Pending 1 January, 1842,	-				8						8	Result not reported.
					26						26	

TABLE XI.—*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.

OFFENCES.	CASES EXAMINED.						RESULT.						REMARKS.	
	Pending on 1 January, 1842.	Complaints filed before Grand Jury.	Indictments.	Appeals from Just. Peace.	Whole number of Cases.		No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.		
Against the person feloniously,	-	1	2		3	3	1	1	1			3		
Against the person not feloniously,	-		6		6	6		4	2			6		
Against property with violence,	-		6		9	9	3	6				9		
Against property without violence,	-	4	25	1	30	4	4	9	1	1	15	30		
Other misdemeanors,	-	8	39	1	48	8	8	20	4	1	15	48		
Total,	-				11	11						11		Pending on 1 January, 1842— results not reported.
					59	59						59		

TABLE XII.—*Shewing the number of Prosecutions, their Causes and Results, in the County of Franklin—compiled from the Report of the District Attorney.*

WESTERN DISTRICT—FRANKLIN.

OFFENCES.	CASES EXAMINED.					RESULT.						REMARKS.
	Pending 1 January, 1842,	Complaints anal. before Grand Jury.	Indictments.	Appeals from Jus. Peace.	Whole number of Cases.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.	
Against the person feloniously,	-	-	1	1	2	1	1	1	1	2	2	
Against the person not feloniously,	-	-	14	2	17	1	5	3	6	2	17	
Against property with violence,	-	-	6	1	11	5	3	2		2	11	
Against property without violence,	-	1	6	1	11	5	3	2		2	11	
Other misdemeanors, - - -	-	6	21	4	31	6	9	5	7	4	31	
Total, - - -	-				5						5	Result not reported.
Pending 1 January, 1842, - -	-				36						36	

TABLE XIII.—*Shewing the number of Prosecutions, their Causes and Results, in the County of Berkshire—compiled from the Report of the District Attorney.*

WESTERN DISTRICT—BERKSHIRE.

OFFENCES.	CASES EXAMINED.					RESULTS.						REMARKS.
	Pending on 1 January, 1842.	Complaints final, before Grand Jury.	Indictments.	Appeals from Justices of the Peace.	Whole number of Cases.	No Bills.	Convictions.	Acquittals.	Nol. Pros.	Continued.	Whole number.	
Against the person feloniously, -			2	4	6		4	1		1	6	
Against the person not feloniously, -												
Against property with violence, -		2	11	3	16	2	10	1	1	2	16	
Against property without violence, -	5	1	25	7	28	1	22	2		3	28	
Other misdemeanors, - - - - -	5	3	38	14	55	3	36	4	1	6	50	
Writs of Scire Facias vs. Bail, - - -					3				Judgments for Common-wealth on Sci. Fac.			Pending on 1 January, 1842, - results not reported.
					58						3	58

TABLE XIV.—*Shewing the Aggregate Cases for Crime in the Supreme Court, Courts of Common Pleas, and Municipal Court, for the year 1842, classed according to the provisions of the statute for procuring the statistics of crime—and also shewing a comparison of the aggregates with those reported for the year 1841.*

DISTRICT. COUNTY.	Offences against the Person.		Offences against Property.		Informations vs. S. P. Convicts.	Other Informations.	Misdemeanors.	Total Criminal Cases in 1842.	Total Cases in 1841, by last Annual Report.	Excess in 1842 over 1841.	Diminution in 1842 compared with 1841.
	Feloniously.	Not Feloniously.	With Violence.	Without Violence.							
Suffolk, -	S. J. C. 3 M. C. 16	60	22	227	6	-	246	581	573	8	
Northern, { Essex, Middlesex,	19 2 4	26 25	4 12	32 48	-	-	190 155	254 244	120 203	134 41	
Southern, { Bristol, Plymouth, Barnstable,	8 1 2	20 5 1	3 1 -	24 6 1	-	-	110 39 10	165 52 14	233 30 27	42 22 -	
Middle, { Nantucket, Norfolk, -	- 2 3	6 15	3 1 5	8 22 41	-	-	6 53 63	17 84 127	11 63 113	6 21 14	13
Western, { Worcester, Hampshire, Hampden, Franklin, Berkshire,	- 3 - -	1 6 2 6	- - - -	10 9 17 16	-	-	7 30 11 28	18 48 31 55	37 51 18 49	- - 13 6	19 3
	44	173	51	461	6		938	1690	1418	307 35	35
											272 Total excess of 1841 over 1842.

TABLE XV.—Shewing the number of Cases in the several Police Courts and before Justices of the Peace in 1842,—the cost of such cases, and a comparison of the aggregates in 1842 with the aggregates in 1841.

DISTRICT.	COUNTY.	COURT.	Cases not final.	Convictions.	Acquittals.	Process not served or discharged.	Result not stated.	COSTS.			No. of Cases in 1841.
								Paid by Defendants.	Not paid by Dfts.	Whole amount of Costs.	
Western,	Suffolk,	Police, Justices,	185	1154	134	702	446	See Table, No. 17.			2218
"	Berkshire,	"	-	8	40	-	1	Not stated.	\$358 05		78
"	Hampshire,	"	-	20	19	-	5	\$81 48	\$386 39		52
"	Franklin,	"	-	9	12	-	-	Not stated.			31
"	Hampden,	"	-	15	25	-	7	-			78
Middle,	Worcester,	"	-	79	50	-	5	-	428 60		134
"	Norfolk,	"	-	53	37	-	13	-	732 76		150
Southern,	Bristol,	Police, N. Bedford, Justices,	39	427	80	-	7	1442 89	2272 89		65
"	"	"	-	38	25	-	8	Not stated.	419 34		574
"	Barnstable,	"	-	10	6	-	2	-	189 93		71
"	Plymouth,	"	-	32	28	-	-	-	613 04		18
"	Nantucket & Dukes,	No returns.	-	-	-	-	-	-	-		31
Northern,	Essex,	Police, Salem,	-	230	26	-	5	516 81	1044 56		57
"	"	Police, Newburypt,	-	50	11	-	-	123 21	299 49		164
"	"	Justices,	-	96	61	-	10	-			95
"	Middlesex,	Police, Lowell,	-	221	49	-	-	335 14	1699 37		193
"	"	Justices,	-	171	60	-	5	-	2034 53		334
									1482 86		228
											4354
											4812
											4354
											458

Excess in 1842 over 1841,

TABLE XVI.—*Shewing the amount of Costs taxed in the Municipal Court, in the year 1842, as per general and special bills.*

Month.		Costs.	Monthly Costs.	Total Costs.
January,	Amount of special bill, -	\$308 19	\$605 81	
	“ “ general “ -	297 62		
February,	Amount of special bill, -	487 28	698 98	
	“ “ general “ -	211 70		
March,	Amount of special bill, -	361 61	674 56	
	“ “ general “ -	312 95		
April,	Amount of special bill, -	710 66	1011 91	
	“ “ general “ -	301 25		
May,	Amount of special bill, -	1414 17	1718 52	
	“ “ general “ -	304 35		
June,	Amount of special bill, -	760 12	1116 65	
	“ “ general “ -	356 53		
July,	Amount of special bill, -	479 24	673 69	
	“ “ general “ -	194 45		
August,	Amount of special bill, -	775 99	1107 40	
	“ “ general “ -	331 41		
September,	Amount of special bill, -	1091 61	1483 08	
	“ “ general “ -	391 47		
October,	Amount of special bill, -	1005 88	1379 69	
	“ “ general “ -	373 81		
November,	Amount of special bill, -	654 52	955 83	
	“ “ general “ -	301 31		
December,	Amount of special bill, -	671 15	1016 44	
	“ “ general “ -	345 29		
				\$12,442 56

February. Am't of allowance on petition, Edwd. B. Shaw, \$41 00

May. “ “ “ Eph'm B. Thomas, 3 00

“ “ “ Isaac Blemis, 3 00

\$47 00

Total amount of special bills, - - - \$8720 42
 “ “ general “ - - - 3722 14

Total amount in 1842, - - - \$12,442 56
 From table of last Annual Report, in 1841, - 11,118 79

Excess of 1842, - - - \$1,323 77

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 1842.*

	Officers' Fees.	Assistants' Fees.	Court Fees.	Witnesses' Fees.	Amounts.	Amount charged to Com. Mass.
1st January to 31st March, inclusive, Deduct for cases under by-laws,	\$396 93 13 76		\$534 30 29 90	\$260 70 9 18	\$1191 93 52 84	\$1139 09
	383 17		504 40	251 52		
1st April to 30th June, inclusive, Deduct for cases under by-laws,	541 03 29 83	25	769 55 68 20	352 80 20 52	1663 63 118 55	1545 08
	511 20	25	701 35	332 28		
1st July to 30th September, inclusive, Deduct for cases under by-laws,	833 62 35 40	9 46	1107 90 72 55	574 14 28 16	2525 12 136 11	2389 01
	798 22	9 46	1035 35	545 98		
1st October to 31st December, inclus. Deduct for cases under by-laws,	631 42 34 99	6 96	866 95 74 70	440 66 22 14	1945 99 131 83	1814 16
	596 43	6 96	792 25	418 52		
Total, (1842,)	2289 02	16 67	3033 35	1548 30		\$6887 34
Amount in 1841, as by last Annual Report,	-	-	-	-	-	\$5664 25
Excess in 1842 over 1841,	-	-	-	-	-	\$1223 09

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 1842.*

	Fines.	Costs.	Fees.	Amount.	Amount to be credited to Com. of Mass.
1st January to 31st March, inclusive, - - - -	\$237 11	\$380 14	\$23 90	\$641 15	\$570 70
Deduct for cases under by-laws, - - - -	28 00	42 45		70 45	
	209 11	337 69	23 90		
1st April to 30th June, inclusive, - - - -	410 21	574 84	13 50	998 55	845 89
Deduct for cases under by-laws, - - - -	66 50	86 16		152 66	
	343 71	488 68	13 50		
1st July to 30th September, inclusive, - - - -	448 28	627 28	16 87	1092 43	919 50
Deduct for cases under by-laws, - - - -	76 00	96 93		172 93	
	372 28	530 35	16 87		
1st October to 31st December, inclusive, - - - -	374 41	531 47	24 85	930 73	759 83
Deduct for cases under by-laws, - - - -	76 00	94 90		170 90	
	298 41	436 57	24 85		
Total, (1842,) - - -	1223 51	1793 29	79 12		3095 92
Total in 1841, as per last Annual Report,					2774 08
Excess in 1842 over 1841, - - - -					\$321 84

TABLE XIX.—*Shewing the number of Convicts sentenced by the several Judicial Courts to Confinement in the State Prison, the Counties whence they were sent, the Crimes for which they were punished, and the duration of their Confinement.*

BERKSHIRE.

No	Court.	Term.	CRIME.	When Received.	Sentence.
1	C. P. C.	Oct.	Larceny, - - - -	Nov. 6,	1 dy. 3 yrs.
2	do	do	do - - - -	do 6,	1 dy. 3 yrs.
3	do	do	Receiving Stolen Goods, -	do 6,	1 dy. 2 yrs.
4	do	do	do do do -	do 6,	2 dys. 3 yrs.

BRISTOL.

1	C. P. C.	Mar.	Larceny, - - - -	Mar. 25,	4 dys. 3½ yrs.
2	do	June,	do - - - -	June 23,	2 dys. 2 yrs.
3	do	do	do - - - -	do 23,	3 dys. 2 yrs.
4	do	Sept.	Lewd and Lascivious Cohabitation, - - - -	Sept. 21,	1 dy. 1 yr.
5	do	do	Common and Notorious Thief,	do 21,	1 dy. 3 yrs.
6	do	do	Shop-Breaking, - - - -	do 21,	1 dy. 2 yrs.
7	S. J. C.	Nov.	Manslaughter, - - - -	Dec. 2,	2 yrs.
8	C. P. C.	Dec.	Larceny, - - - -	do 21,	1 dy. 1½ yrs.
9	do	do	do - - - -	do 21,	1 dy. 1½ yrs.

ESSEX.

1	C. P. C.	Mar.	Assault with intent to Maim, -	April 1,	1 dy. 1 yr.
2	do	do	Grand Larceny, - - - -	do 1,	1 dy. 5 yrs.
3	do	do	Larceny, - - - -	do 9,	1 dy. 1 yr.
4	do	June,	do - - - -	June 27,	2 dys. 1 yr.
5	do	Sept.	do - - - -	Sept. 29,	2 dys. 4 yrs.

FRANKLIN.

1	C. P. C.	Mar.	Maliciously setting fire to a manufactory, which was destroyed with its contents, -	April 6,	3 dys—Life.
2	do	Nov.	Larceny, - - - -	Dec. 15,	2 dys. 4 yrs.
3	do	do	Aiding a prisoner in attempting to escape from Jail, -	do 15,	2 dys. 3 yrs.
4	do	do	Larceny, - - - -	do 15,	6 dys. 6 yrs.

HAMPDEN.

No	Court.	Term.	CRIME.	When Received.	Sentence.
1	C. P. C.	June,	Common and Notorious Thief,	June 29,	3 dys. 3 yrs.
2	do	do	Larceny, - - - -	do 29,	2 dys. 1½ yrs.
3	do	Oct.	do - - - -	Oct. 18,	1 dy. 3 yrs.
4	do	do	Assault with intent to Murder,	do 18,	2 dys. 4 yrs.

MIDDLESEX.

1	C. P. C.	Feb.	Lewd and Lascivious Cohabitation, - - - -	Feb. 25,	2 dys. 1½ yrs.
2	do	do	Larceny, - - - -	do 25,	2 dys. 1 yr.
3	do	do	Polygamy, - - - -	do 25,	2 dys. 1 yr.
4	do	July,	Larceny, - - - -	July 9,	1 dy. 4 yrs.
5	do	do	do - - - -	do 9,	1 dy. 4 yrs.
6	do	do	Lewd and Lascivious Cohabitation, - - - -	do 9,	1 dy. 1 yr.
7	do	do	Burglary—2d degree, - -	do 9,	2 dys. 4 yrs.
8	S. J. C.	April,	Murder—(sentence commuted,) - - - -	do 11,	Life.
9	C. P. C.	Nov.	Having in possession Counterfeit Bank Bills, with intent to pass the same, - -	Nov. 8,	3 dys. 5 yrs.
10	do	do {	Burglary—2d degree, - - }	do 8,	{ 3 dys. 2 yrs.
11	do	do {	Malicious Burning, - - }	do 8,	{ Life.
12	do	do {	Burglary—2d degree, - - }	do 8,	{ 3 dys. 2 yrs.
13	do	do {	do do - - - - }	do 8,	{ 3 dys. 2 yrs.
			Shop-Breaking, - - - }		{ 3 dys. 2 yrs.
			Breaking and entering a dwelling-house in the day-time,	do 8,	3 dys. 2 yrs.

NANTUCKET.

1	C. P. C.	June,	Larceny, - - - -	June 14,	3 dys. 4 yrs.
2	do	do	Burglary, - - - -	do 14,	1 dy. 1 yr.
3	do	do	Larceny, - - - -	do 14,	3 dys. 5 yrs.
4	do	do	do - - - -	do 14,	3 dys. 4 yrs.
5	do	do	do - - - -	do 14,	3 dys. 3 yrs.

NORFOLK.

1	C. P. C.	Sept.	Larceny, - - - -	Sep. 30,	3 dys. 2 yrs.
2	do	do	Passing Counterfeit Bank Bills,	do 30,	3 dys. 1 yr.
3	do	do	Burning a Barn, - - -	do 30,	1 dy. 1 yr.

SUFFOLK.

No.	Court.	Term.	CRIME.	When Received.	Sentence.
1	S. J. C.	Jan.	Assault with intent to commit a Rape, - - - -	Jan. 25,	3 dys. 5 yrs.
2	M. C.	Feb.	Stealing, - - - -	Feb. 14,	2 yrs.
3	do	Mar.	Common and Notorious Thief,	Mar. 19,	5 dys. 5 yrs.
4	do	April,	Burglary and Larceny, - -	Apr. 16,	5 dys. 4 yrs.
5	M. C.	do	Larceny, &c. - - - -	do 23,	5 dys. 7 yrs.
6	do	do	Attempting to pass Counterfeit Money, - - - -	do 23,	10 dys. 2½ yrs.
7	do	May,	Stealing, - - - -	May 16,	5 dys. 1 yr.
8	do	do	do - - - -	do 16,	8 dys. 2½ yrs.
9	do	do	do - - - -	do 16,	10 dys. 3 yrs.
10	do	do	do - - - -	do 23,	3 dys. 2 yrs.
11	do	June,	Larceny, - - - -	June 6,	5 dys. 3 yrs.
12	do	do	Assault and Larceny, - -	do 18,	5 dys. 2 yrs.
13	do	do	Stealing, - - - -	do 18,	5 dys. 1 yr.
14	do	July,	{ Forgery, - - - -	July 5,	5 dys. 3 yrs.
15	do	do	{ Cheating by False Pretences,	do 5,	2 dys. 3 yrs.
16	do	do	Common and Notorious Thief,	do 15,	5 dys. 3 yrs.
17	do	do	Larceny, - - - -	do 15,	5 dys. 3 yrs.
18	do	Aug.	Receiving Stolen Goods. -	Aug. 27,	2 dys. 4 yrs.
19	do	Sept.	Common and Notorious Thief.	Sep. 17,	5 dys. 4 yrs.
20	do	do	Larceny, - - - -	do 17,	5 dys. 2 yrs.
21	do	do	Having in possession Counterfeit Bank Bills, &c. - -	do 17,	5 dys. 3 yrs.
22	do	do	Stealing, - - - -	do 17,	5 dys. 1½ yrs.
23	do	do	Larceny, - - - -	do 17,	5 dys. 6 yrs.
24	do	do	Stealing, - - - -	do 26,	1 yr., 5 ds. of which solity.
25	do	do	Cheating by False Pretences,	do 26,	5 dys. 1 yr.
26	do	Oct.	Burglary, - - - -	do 26,	3 dys. 2 yrs.
27	do	do	Larceny, - - - -	Oct. 15,	5 dys. 3 yrs.
28	do	do	Larceny, - - - -	do 15,	5 dys. 4 yrs.
29	do	do	Burglary, - - - -	do 15,	5 dys. 3 yrs.
30	do	do	Larceny, - - - -	do 26,	5 dys. 1 yr.
31	do	Nov.	Burglary and Larceny, - -	Nov. 28,	5 dys. 4 yrs.
32	do	Dec.	Assault with intent to Murder,	Dec. 19,	3 dys. 1 yr.

WORCESTER.

1	C. P. C.	Jan.	Larceny, - - - -	Feb. 4,	2 dys. 1 yr.
2	do	June,	Burning a Barn, - - - -	June 16,	3 dys. 5 yrs.
3	do	do	Felonious Assault with intent to commit a Rape. - - - -	do 16,	3 dys. 6 yrs.
4	do	Oct.	Burglary and Larceny, - -	Oct. 6,	3 dys. 2 yrs.
5	do	do	Larceny, - - - -	do 6,	4 dys. 2 yrs.
6	do	do	Incest, - - - -	do 6,	3 dys. 2 yrs.

Total, - - - - - 83





