

PUBLIC DOCUMENT.....

.....No. 12.

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ANNUAL REPORT

OF THE

ATTORNEY-GENERAL,

FOR THE

YEAR ENDING DECEMBER 31, 1875.

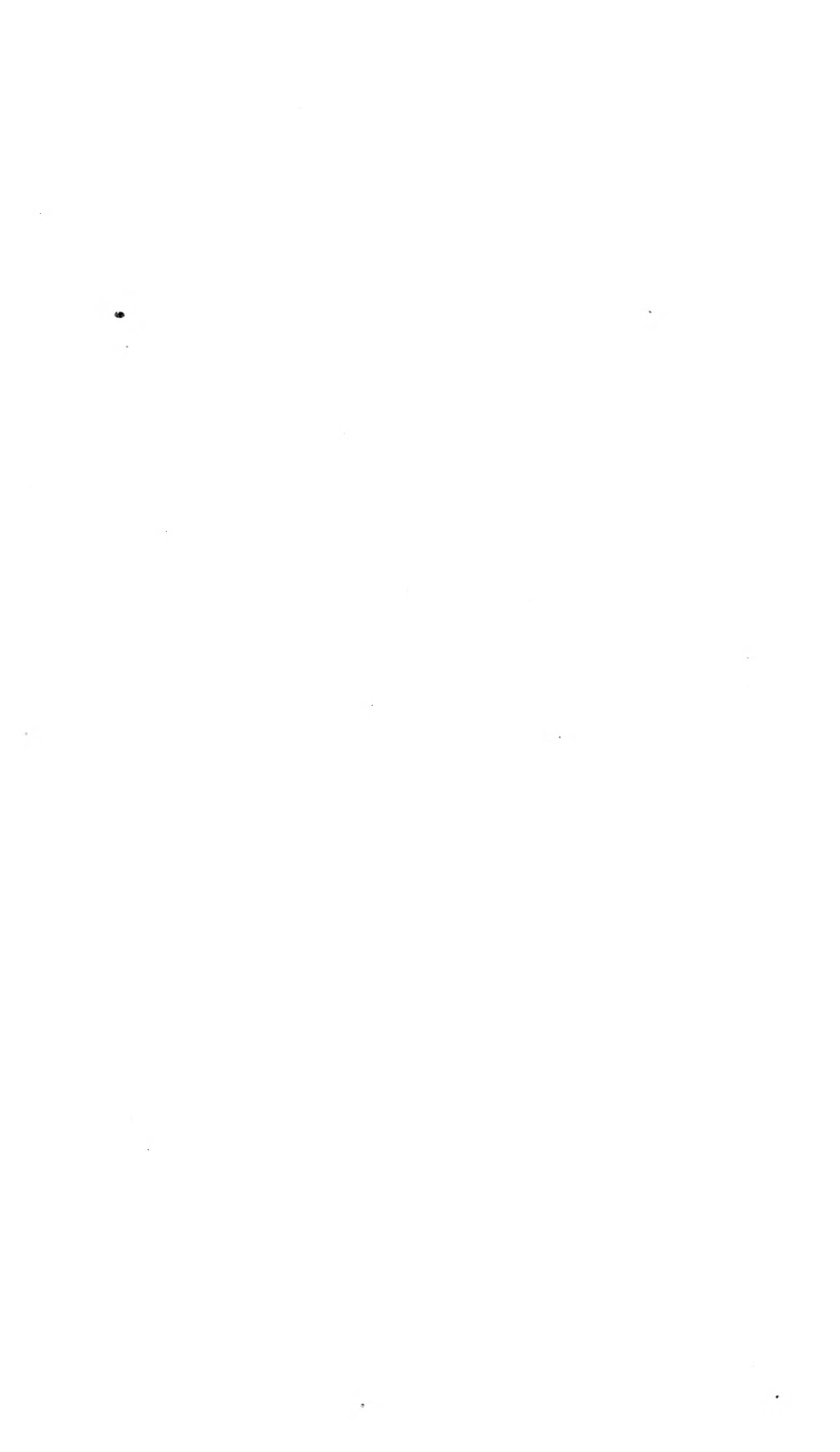
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BOSTON:

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79 MILK STREET (CORNER OF FEDERAL).

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# Commonwealth of Massachusetts.

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ATTORNEY-GENERAL'S OFFICE,  
BOSTON, 7 COURT SQUARE, January 29, 1876. }

Hon. JOHN D. LONG, *Speaker of the House of Representatives.*

SIR:—I have the honor herewith to transmit my Annual Report to the legislature for the year ending December 31, 1875.

I am, very respectfully,  
Your obedient servant,

CHARLES R. TRAIN.





# Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S OFFICE, }  
BOSTON, 7 COURT SQUARE, Jan. 29, 1876. }

*To the Honorable the Speaker of the House of Representatives :*

I have the honor to submit to the legislature my official Report for the year ending December 31st, 1875.

I have, during the year, advised the various offices and departments of the state government, giving opinions in writing whenever required.

The number of applications for requisitions upon the executives of other States, for the rendition of fugitives from justice, has been twenty-seven ; the number granted, eighteen ; the number refused, nine ; the number of criminals reported as returned under requisitions for trial, two.

The number of requisitions from other States upon the executive of this Commonwealth, has been twenty-four ; the number granted, thirteen ; the number refused, eleven. The whole expense incurred in the return of fugitives from justice, as found in the books in the auditor's office, is \$267.30.

The whole number of cases in the courts of the Commonwealth which have required my personal attention is 215, classified as follows :—

Indictments for capital crimes. . . . .	28
Exceptions, appeals, and reports in criminal cases. . . . .	74
Informations upon the relation of the insurance commissioner, . . . . .	32
Informations upon the relation of the harbor commissioners, . . . . .	6
Informations upon the relation of the railroad commissioners, . . . . .	3
Informations upon the relation of the tax commissioner, . . . . .	30
Information upon the relation of the savings bank commissioner, . . . . .	1
Informations upon the relation of the com. of corporations, . . . . .	5
Informations upon the relation of the state board of health, . . . . .	4
Miscellaneous, . . . . .	32

In the courts of the United States, five cases ; making the whole number of cases under my charge during the year, 220.

During the year I have attended personally to the conduct and disposition of the following indictments for murder, in the supreme judicial court, viz. :—

IN THE COUNTY OF BRISTOL.

1. An indictment against Rosalie A. Thyng for the murder of George H. Thyng, by poison. This indictment was returned by the grand jury at the last December term of the superior court, and has not yet been tried.

IN THE COUNTY OF ESSEX.

2. An indictment against William Russell, for the murder of Sarah Russell. At the time of his arraignment Russell was adjudged insane, and committed to the lunatic hospital at Taunton, subject to the further order of the court.

IN THE COUNTY OF FRANKLIN.

3. An indictment against Daniel J. Dwight and Herbert A. Davenport.

4. An indictment against Daniel J. Dwight.

5. An indictment against Herbert A. Davenport.

These are all for the murder of one Joseph Riley Farnsworth ; they were returned at the November term of the superior court, and are still pending, to be tried at the next term of the supreme judicial court.

IN THE COUNTY OF HAMPSHIRE.

6. An indictment against Patrick Murphy, for the murder of Edward Carr, with a knife. I accepted a plea of guilty of manslaughter, and Murphy was sentenced to the state prison for the term of seven years ; one day solitary confinement.

IN THE COUNTY OF MIDDLESEX.

7. An indictment against Alexander Cullen, for the murder of John Hobden. I accepted a plea of guilty of manslaughter, and Cullen was sentenced to the state prison for a term of seven years ; one day solitary confinement.

## IN THE COUNTY OF NORFOLK.

8. An indictment against James H. Costley, for the murder of Julia Hawkes. The defendant was tried and found guilty in January, 1875. Exceptions were taken by the defendant to various rulings of the court, which were argued in February last before the full court. The exceptions were overruled. A petition for a writ of error was then brought by his counsel, which was argued in June last before the full court, and dismissed. The defendant was subsequently sentenced to death, and the sentence has been executed.

9. An indictment against Elizabeth J. Miller, for infanticide. I accepted a plea of guilty of manslaughter, and allowed her to be returned to her parents in Nova Scotia, regarding her as a subject for pity, and not punishment.

## IN THE COUNTY OF PLYMOUTH.

10. An indictment against William E. Sturtivant. Exceptions taken at the trial of Sturtivant had been argued, and were not decided at the date of my last report. The exceptions were subsequently overruled, and the defendant sentenced to death. The sentence has been executed.

11. An indictment against Christopher Stoddard, for the murder of Josiah D. Baxter. I accepted a plea of guilty of murder in the second degree, and the defendant was sentenced to the state prison for life; one day solitary.

## IN THE COUNTY OF SUFFOLK.

12. An indictment against John Denehy and Julia McCarty, for the murder of Mary Denehy. There being no evidence in this case sufficient to justify me in asking a jury for a conviction, the defendants were discharged on their own recognizance, June 4th, 1875.

13. An indictment against Thomas W. Piper, for the murder of Mabel Young. The defendant was put on his trial, December 6th, 1875, before Chief Justice Gray and Mr. Justice Ames. Defence, a general denial. The trial occupied nine days, and resulted in a disagreement of the jury. Messrs. Edward Avery and E. P. Brown, counsel for the prisoner. Mr. District Attorney Stevens assisted me in the prosecution.

14. An indictment against Jesse Harding Pomeroy. This

indictment was tried, and the indictment pending on exceptions, as appears in my last report. The exceptions were argued before the full court, February 1st, 1875, and overruled. On the twentieth day of the same month Pomeroy was sentenced to death. The sentence has not as yet been executed.

15. An indictment against Daniel Friel, for the murder of Peter Smith. This indictment was tried, February 25th, 1875. Defence, a general denial. Verdict, guilty of murder in the second degree. Sentence, imprisonment for life, one day solitary. P. A. Collins and J. W. Fox, Esqs., for the defence. District Attorney Stevens assisted me in the prosecution.

16. An indictment against Michael Harris, for the murder of his wife, Catherine Harris. Trial, February 23d, 1875, before Justices Colt and Endicott. Defence, a general denial. Verdict, guilty of murder in the second degree. Sentence, imprisonment for life: one day solitary. E. P. Nettleton and F. Dabney, Esqs., for the defence. District Attorney Stevens assisted me in the prosecution.

17. An indictment against George W. Pemberton, for the murder of Mrs. Margaret E. Bingham. Tried June 3d, 4th and 5th, before Mr. Chief Justice Gray and Mr. Justice Devens. Defence, a general denial. Verdict, guilty of murder in the first degree. Exceptions were taken by counsel for the defence to various rulings of the court at the trial. The exceptions were argued before the full court on the 25th of June and overruled, and Pemberton was subsequently sentenced to death and executed. Horatio G. Parker and George Carleton, Esqs., counsel for the defence. District Attorney Stevens assisted me in the prosecution.

18. An indictment against Peter Larachelle, for the murder of John Barter, by kicks and blows. Trial, May 31st, 1875, before Chief Justice Gray and Mr. Justice Devens. Verdict, not guilty. Richard Olney and Richard Stone, Esqs., counsel for the defence. District Attorney Stevens assisted me in the prosecution.

19. An indictment against Louisa Surrey, for infanticide. This indictment was returned in December last, and has not yet been tried.

20. An indictment against William Kelley, for the murder of Thomas P. Pulsifer. This indictment was returned in December last, and has not yet been tried.

21. An indictment against Thomas Cabill, for the murder of Bridget Landrigan. Upon a careful examination of the evidence, I became satisfied that I ought not to put the defendant upon trial, and he was discharged upon his own recognizance.

IN THE COUNTY OF WORCESTER.

22. An indictment against Samuel J. Frost, for the murder of Frank B. Towne. The defendant was put on his trial in November last before Justices Colt and Devens. Defence, a general denial. Verdict, guilty of murder in the first degree, and the defendant was sentenced to death. A motion for a new trial has since been filed, which is still pending. John Hopkins and George H. Ball, Esqs., counsel for the defence. District Attorney Staples assisted me in the prosecution.

23. An indictment against Joseph H. Brough, for the murder of Joseph Julian. Upon an examination of the evidence, I was satisfied that a conviction for murder could not be had. I therefore directed this indictment to be *nol. pros'd*, and a new indictment to be returned in the superior court for manslaughter, which has been done.

A practice in capital trials, as old as the Commonwealth, is, at the close of the arguments of counsel, to allow the prisoner to address the jury, if he desires to do so. This practice was adopted when the prisoner had no other opportunity of being heard by the jury than through his counsel, but is at the present time of no importance, from the fact that the prisoner is now a competent witness in his own behalf, and under oath narrates his story to the jury. Like many other forms attending capital trials, this practice is useless for good, and I respectfully recommend that it be abolished by law.

I respectfully call the attention of the legislature to the propriety of amending the law regulating the sentence in capital cases, and the mode of its execution. Section 24 of the 174th chapter of the General Statutes has nothing to recommend it, in my judgment, but its antiquity, and I can see no

reason why the court pronouncing the sentence should not fix the date of the execution, which should be carried into effect by the sheriff, unless the executive should interfere by pardon or commutation, as in other criminal cases. This is the provision in most of our sister States where capital punishment has not been abolished. This change would compel the executive to act promptly if a case arose where executive interference was deemed proper, and would insure the execution of the law unless such interference took place. If the law had been as I suggest it should be, Edward W. Greene, the murderer of Frank E. Converse, of Malden, would not have remained two years awaiting the execution of his sentence, and Jesse H. Pomeroy would not now be in the jail of Suffolk County awaiting the action of the executive.

In my last report, I called the attention of the legislature to the imperfection existing in the laws regulating coroners' inquests. As at present conducted, an inquest, where it appears that a homicide has been committed, instead of aiding the administration of justice, is in many cases a positive obstruction, while the expense of the proceedings is a great burden upon the public treasury. When it appears that a homicide has been committed, it should be made the duty of the coroner to at once notify the district attorney, and no further proceedings should be had by the coroner, except under the supervision and control of the district attorney. In this mode, an inquest might be made of substantial usefulness in the administration of the criminal law, and I respectfully renew the recommendation of last year.

I again respectfully call the attention of the legislature to the subject of costs in criminal cases. There is at present no uniform system of taxation of costs by police courts, district courts and trial justices, or of any officers whose compensation depends upon fees taxed for their services. A careful revision of the existing legislation, and the substitution of a salary, or a per diem compensation, in place of the present system, would reduce the burden upon the public treasury in the administration of justice at least thirty per cent., besides improving the character for honesty of those engaged in the administration of the criminal law. This subject was brought to the attention of the legislature of 1875 by the report of

the committee on county expenditures, but no legislation was had in the direction indicated.

Of corporation taxes there have been collected and paid into the treasury of the Commonwealth during the year by this office, \$28,056.23. These taxes were collected from thirty-two corporations, and required the filing of sixteen informations, seven of which are still pending, and the institution of five suits at law. There is no penalty provided for the non-payment of these taxes at the time prescribed by law, and parties, by giving bond to dissolve the injunction, can postpone payment until such time as I can obtain a judgment upon the information, and simply pay interest at six per cent. upon the amount of the tax. It is of very great importance that these taxes should be paid promptly, that the treasurer of the Commonwealth may settle promptly with the cities and towns, and at the suggestion of that officer, I recommended last year that the law be so changed as to compel parties who failed to comply with the statute to pay by way of penalty, in addition to the tax, interest at the rate of twelve per cent. or more, from the time the tax becomes due until it is paid. This would probably induce corporations to pay their taxes, without compelling the treasurer to resort to compulsory measures. I again respectfully ask the attention of the legislature to this subject.

Of miscellaneous claims, I have collected and paid into the treasury during the year, \$10,737.56.

In the case of Thomas Barings and others *vs.* Charles S. Bradley and others, assignees of the Hartford and Erie Railroad Company, pending in the circuit court of the United States, and in which suit the Commonwealth became a party, a decision has been rendered against the Commonwealth.

In the matter of the petition of Francis Tufts and others, under chapter 294 of the Acts of 1871, against the Commonwealth, to establish the boundaries of the state prison lands, the report of the commissioners is yet to be passed upon by the supreme judicial court.

Of the insolvent insurance companies, final decrees have been entered in two only, since the date of my last report; the others will continue to require my attention.

My attention has recently been called to the fact that the

statute of 1864, chapter 308, which requires receivers of insurance companies to report annually to the insurance commissioner, and provides that their accounts shall be referred by the court to the insurance commissioner for examination and report, is applicable only to receivers of corporations whose charters have expired or have been annulled, or which have been dissolved on the petition of their members (General Statutes, chapter 68, §§ 35-39) and not to receivers of insolvent insurance companies appointed upon the application of the insurance commissioner under Gen. Sts., chap. 58, § 6.

The receivers of all the insolvent insurance companies whose affairs are now in process of settlement in the supreme judicial court are included in the latter class, and no statute requires them to make reports to the insurance commissioner, or makes their accounts subject to his examination. I respectfully recommend that the statute above referred to be so amended as to be applicable to this class of receivers. And I recommend also, that the insurance commissioner be authorized and required to make an examination of the assets in the hands of all receivers of insurance companies, and of their books of account, at least once in each year until their accounts are finally settled.

The sum of \$195.64 has been expended under section 24 of chapter 14 of the General Statutes, for the contingent expenses of civil actions.

I transmit herewith tables showing the details of the cases which have been under my charge during the past year.

I am very respectfully,

Your obedient servant,

CHARLES R. TRAIN.



## T A B L E

*Showing the number of Criminal Cases pending on questions of Law in the Supreme Judicial Court during the year 1875, and the disposition thereof, by Counties.*

COUNTIES.	Cases Pending.	Cases decided for the Commonwealth.	Cases decided against the Commonwealth.	Cases argued, but not yet decided.	Cases not yet argued.
BARNSTABLE, . . . . .	2	-	-	-	2
BERKSHIRE, . . . . .	1	1	-	-	-
BRISTOL, . . . . .	10	9	-	1	-
DUKES, . . . . .	-	-	-	-	-
ESSEX, . . . . .	5	3	1	1	-
FRANKLIN, . . . . .	2	2	-	-	-
HAMPDEN, . . . . .	-	-	-	-	-
HAMPSHIRE, . . . . .	1	1	-	-	-
MIDDLESEX, . . . . .	6	3	-	1	2
NORFOLK, . . . . .	9	7	-	2	-
PLYMOUTH, . . . . .	1	1	-	-	-
SUFFOLK, . . . . .	29	21	5	-	3
WORCESTER, . . . . .	8	6	1	-	1
Totals, . . . . .	74	54	7	5	8

## TABLE

*Showing the Number and Character of Criminals Cases pending on questions of Law in the Supreme Judicial Court during the year 1875, and the disposition thereof.*

OFFENCES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not yet decided.	Not yet argued.
Abortion, . . . . .	2	-	-	-	2
Aiding in an escape, . . . . .	1	-	1	-	-
Assault, . . . . .	5	4	-	1	-
Assault and battery, . . . . .	2	2	-	-	-
Assault on officer, . . . . .	1	1	-	-	-
Assault with intent to ravish, . . . . .	1	1	-	-	-
Assault with a knife, . . . . .	2	1	1	-	-
Arson, . . . . .	1	1	-	-	-
Breaking and entering, . . . . .	1	1	-	-	-
Burglary, . . . . .	1	1	-	-	-
Corrupt meat, having for sale, . . . . .	1	1	-	-	-
Cruelty to animals, . . . . .	2	2	-	-	-
Embezzlement, . . . . .	1	1	-	-	-
Fishing, illegal, in Pratt Pond, . . . . .	1	1	-	-	-
Forgery, . . . . .	3	1	2	-	-
Gaming implements, forfeiture of, . . . . .	1	1	-	-	-
Larceny, . . . . .	1	1	-	-	-
Liquor, common seller of, . . . . .	2	1	-	-	1
Liquor, illegal sale of, . . . . .	7	5	1	-	1
Liquor, keeping tenement for sale of, . . . . .	2	2	-	-	-
Liquor nuisance, . . . . .	7	7	-	-	-
Liquor, sale to minor, . . . . .	1	-	-	1	-
Liquor seizure, . . . . .	3	1	2	-	-
Lord's Day, violation of, . . . . .	1	1	-	-	-
Loss of life, . . . . .	2	-	-	-	2
Malicious burning, . . . . .	1	-	-	1	-
Manufacturer, illegal employment of women by, . . . . .	1	-	-	-	1
Murder, . . . . .	5	4	-	-	1
Naphtha, keeping for sale, . . . . .	1	1	-	-	-
Nuisance in keeping disorderly house, . . . . .	2	1	-	1	-
Peddler, illegal sale by, . . . . .	1	-	-	1	-
Perjury, . . . . .	2	2	-	-	-
Receiving stolen goods, . . . . .	2	2	-	-	-
Rescue of a prisoner, . . . . .	1	1	-	-	-
Robbery, . . . . .	1	1	-	-	-
Subornation of perjury, . . . . .	1	1	-	-	-
Miscellaneous on writs of error, . . . . .	4	4	-	-	-
Totals, . . . . .	74	54	7	5	8

## CASES

*Argued and conducted by the Attorney-General from January 1st to December 31st, 1875.*

## COUNTY OF BARNSTABLE.

Commonwealth *v.* David R. Ginn. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Not yet argued.

Commonwealth *v.* David R. Ginn. S. J. C. *Common seller of liquor.* Exceptions S. C. Not yet argued.

## COUNTY OF BERKSHIRE.

Commonwealth *v.* Edward Costello. S. J. C. Exceptions S. C. *Liquor nuisance.* Exceptions overruled.

## COUNTY OF BRISTOL.

Commonwealth *v.* Rosalie A. Thyng. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* James McIvor. S. J. C. *Keeping tenement for the sale of liquor.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* William Kennedy. S. J. C. *Keeping tenement for sale of liquor.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Downing Cardoze. S. J. C. *Nuisance in keeping a disorderly house.* Exceptions S. C. Argued, but not yet decided.

Commonwealth *v.* George Hand. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Alonzo S. Danzell. S. J. C. *Assault and battery.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Josephine Young. S. J. C. *Nuisance in keeping a disorderly house.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Ellen L. Smith. S. J. C. *Arson.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Lawrence Tolliver. S. J. C. *Robbery.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Luke Lee. S. J. C. *Assault on an officer in discharge of his duty.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* John Holmes. S. J. C. *Illegal sale of liquors.*  
 Exceptions S. C. Exceptions overruled.

COUNTY OF ESSEX.

Francis Cox *et uxor v.* James Curwen, Trustee. S. J. C. *Bill against trustee of public charity.* Bill dismissed.

Commonwealth *v.* William Russell. S. J. C. *Murder.* Committed to lunatic asylum at Taunton till the further order of the court, under Gen. Stats., chap. 172, sect. 14.

Commonwealth *v.* Stephen I. Randall. S. J. C. *Larceny.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Timothy T. McCarthy. S. J. C. *Malicious burning.* Exceptions S. C. Argued. Not yet decided.

Commonwealth *v.* Katie C. Twombly. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Mary Moylon. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Henrietta Fields. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions overruled.

COUNTY OF FRANKLIN.

Commonwealth *v.* Daniel J. Dwight and Herbert R. Davenport. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Daniel J. Dwight. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Herbert A. Davenport. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* William Schnler. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Cornelius Bulman. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

COUNTY OF HAMPDEN.

Commonwealth *v.* Patrick Murphy. S. J. C. *Murder.* Plea—guilty of manslaughter. Sentence—seven years in state prison.

COUNTY OF HAMPSHIRE.

Commonwealth *v.* Certain Intoxicating Liquors. (Eugene Lynch, claimant.) *Liquor seizure.* Exceptions S. C. Exception waived.

COUNTY OF MIDDLESEX.

Attorney-General *v.* Benjamin F. Woods. S. J. C. *Information to restrain building of a dam.* Injunction ordered.

Nathan Tufts, Jr., *et al., v.* City of Charlestown, *et al.* S. J. C.

*Petition for appointment of Commissioners, etc.* Commissioners appointed. Not yet heard.

Attorney-General *v.* Boston & Lowell Railroad Company. S. J. C. *Information for injunction.* Injunction ordered.

Henry M. Chamberlain *et al. v.* Charles H. Stevens *et al.* S. J. C. *Bill in equity as to instructions under a will.* Decree that a devise is not a charity.

Eastern Railroad Company *v.* Samuel E. Chamberlain *et al.* S. J. C. *Bill in equity to enjoin warden of state prison.* Bill dismissed.

Attorney-General, *ex relat.* Harbor Commissioners, *v.* Eastern Railroad Company. S. J. C. *Information for obstructing harbor.* Bill dismissed.

Attorney-General, *ex relat.* Harbor Commissioners, *v.* City of Cambridge. S. J. C. *Information for displacing tide-water without license.* Not yet heard.

Attorney-General, *ex relat.* Harbor Commissioners, *v.* Mayor and Aldermen of Cambridge. S. J. C. *Information for displacing tide-water without license.* Not yet heard.

Attorney-General, *ex relat.* Harbor Commissioners, *v.* City of Somerville. S. J. C. *Information for displacing tide-water without license.* Not yet heard.

Edward Chapinan *v.* Commonwealth. S. C. *Petition for assessment of damages for taking land.* Petition dismissed.

Commonwealth *v.* Alexander Cullen *alias* Sandy Cullen. S. J. C. *Murder.* Plea, guilty of manslaughter. Sentence, seven years in state prison.

Commonwealth *v.* Dennis Cronan. S. J. C. *Exceptions S. C. Liquor nuisance.* Exceptions overruled.

Commonwealth *v.* Charles Porter *et al.* S. J. C. *Assault with a knife.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Lattinville. S. J. C. *Sale of liquor to a minor.* Exceptions S. C. Argued. Not yet decided.

Commonwealth *v.* Benjamin F. Colburg. S. J. C. *Assault and battery.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Hamilton Manufacturing Company. S. J. C. *Employment of woman in factory beyond legal time.* Exceptions S. C. Not yet argued.

Commonwealth *v.* Fitchburg Railroad Company. S. J. C. *Loss of life.* Exceptions S. C. Not yet argued.

## COUNTY OF NORFOLK.

Commonwealth *v.* Dennis Carney. S. J. C. *Murder*. Defendant still in lunatic hospital at Taunton under Gen. Stat., chap. 172, sect. 14.

Commonwealth *v.* Lizzie J. Miller *alias* Elizabeth J. Miller. S. J. C. *Murder*. Plea, guilty of manslaughter. Prisoner discharged on her own recognizance.

Commonwealth *v.* James S. Costley. S. J. C. *Murder*. Verdict, guilty of murder in the first degree. Exceptions overruled. Sentence, death. Prisoner hung.

Commonwealth *v.* David Scannell. S. J. C. *Murder*. Defendant still in lunatic asylum at Taunton under Gen. Stat., chap. 172, sect. 14.

Commonwealth *v.* Charles H. Stratton. (Two cases.) S. J. C. *Assault*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Lavinia M. Reynolds. S. J. C. *Common seller of liquor*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* James E. Bray. S. J. C. *Liquor nuisance*. Exceptions S. C. Exceptions overruled.

James H. Costley *v.* Commonwealth. S. J. C. *Petition for writ of error*. Petition dismissed.

Commonwealth *v.* Eli Whitney Reynolds. S. J. C. *Assault*. Exceptions S. C. Argued. Not yet decided.

Commonwealth *v.* James Cusick. S. J. C. *Peddler, illegal sale by*. Exceptions S. C. Argued. Not yet decided.

## COUNTY OF PLYMOUTH.

Commonwealth *v.* William E. Sturtivant. S. J. C. *Murder*. Verdict, guilty of murder in the first degree. Exceptions overruled. Sentence, death. Prisoner hung.

Commonwealth *v.* Christopher Stoddard. S. J. C. *Murder*. Verdict, guilty of murder in the second degree. Sentence, imprisonment in state prison for life, one day solitary.

## COUNTY OF SUFFOLK.

Charles G. Coffin *et al. v.* Manufacturers and Mechanics' Bank of Nantucket. S. J. C. *Petition for injunction*. Final decree.

Commonwealth, by Insurance Commissioner, *v.* Tremont Mutual Insurance Company. S. J. C. *Petition for injunction*. Final decree.

Commonwealth, by Insurance Commissioner, *v.* North American Insurance Company. S. J. C. *Petition for injunction*. Final decree. Receivers discharged.

Commonwealth, at relation of the Bank Commissioner, *v.* Farmers

and Mechanics' Bank of South Adams. S. J. C. *Petition for injunction*. Affairs of bank still in hands of receivers.

Commonwealth, *ex relatione* Bank Commissioner, *v.* Institution for Savings at Taunton. S. J. C. *Petition for injunction*. Affairs of the institution still in the hands of its directors acting as receivers.

Commonwealth, by Insurance Commissioner, *v.* Appleton Mutual Fire Insurance Company. S. J. C. *Petition for injunction*. Affairs of the company still in the hands of William L. Burt, receiver. Final account filed and allowed.

Commonwealth, by Insurance Commissioner, *v.* Shawmut Mutual Fire Insurance Company. S. J. C. *Petition for injunction*. Affairs in hands of receivers. Final account filed.

Commonwealth, by Insurance Commissioner, *v.* Home Mutual Fire Insurance Company. S. J. C. *Petition for injunction*. In hands of receiver.

Commonwealth, by Insurance Commissioner, *v.* Traders' Mutual Fire Insurance Company. S. J. C. *Petition for injunction*. Affairs in hands of receivers.

Commonwealth, by Insurance Commissioner, *v.* Hamilton Mutual Fire Insurance Company. S. J. C. *Petition for injunction*. Affairs in hands of receivers.

Commonwealth, by Insurance Commissioner, *v.* Monitor Mutual Fire Insurance Company. Same *v.* Hide and Leather Insurance Company. Same *v.* New England Mutual Marine Insurance Company. S. J. C. *Petitions for injunctions*. Affairs of the companies in hands of receivers.

Commonwealth, by Deputy Insurance Commissioner, *v.* Prescott Fire and Marine Insurance Company. Same *v.* National Insurance Company. Same *v.* Boylston Fire and Marine Insurance Company. Same *v.* Exchange Insurance Company. Same *v.* Tremont Insurance Company. Same *v.* Boston Insurance Company. Same *v.* Suffolk Fire Insurance Company. Same *v.* Firemen's Insurance Company. Same *v.* Howard Fire Insurance Company. Same *v.* Manufacturers' Insurance Company. Same *v.* Mutual Benefit Fire Insurance Company. Same *v.* Shoe and Leather Dealers' Fire and Marine Insurance Company. Same *v.* Union Mutual Fire Insurance Company. Same *v.* Bay State Fire Insurance Company. Same *v.* Merchants' Insurance Company in Boston. Same *v.* Boot and Shoe Manufacturers' Mutual Fire Insurance Company. Same *v.* Franklin Insurance Company. Same *v.* Neptune Insurance Company. Same *v.* Washington Insurance Company. Same *v.* Mechanics' Mutual Fire Insurance Company. Same *v.* People's Fire Insurance Company. S. J. C. *Petitions for injunctions*. Affairs of the companies in the hands of receivers.

Commonwealth, by Insurance Commissioner, *v.* Massachusetts Mutual Fire Insurance Company. S. J. C. *Petition for injunction.* Affairs of the company in hands of receivers.

Commonwealth, by Insurance Commissioner, *v.* Unity Mutual Life Insurance Company. S. J. C. *Petition for injunction.* Affairs of the company in hands of receivers.

Attorney-General *v.* William H. Gardiner. S. J. C. *Information for violation of restrictions in deeds of lands on Commonwealth Avenue.* Decree perpetually enjoining respondent ordered.

Attorney-General, *ex relat.* Harbor Commissioners, *v.* William T. Hart *et al.*, Trustee. S. J. C. *Information for injunction.* Temporary injunction refused.

George S. Montague *v.* Boston and Albany Railroad *et al.* S. J. C. Bill in equity to redeem a mortgage. Not yet heard.

Attorney-General, *ex relat.* Railroad Commissioners, *v.* Boston & Barre Railroad Company. Same *v.* Springfield, Athol & North-Eastern Railroad Company. S. J. C. *Informations for crossing railroads at grade.* Informations dismissed.

Attorney-General, *ex relat.* State Board of Health, *v.* Henry Zoller. Same *v.* Eugene Kelly. S. J. C. *Informations to restrain slaughter-houses.* Final decree perpetually restraining respondents.

Attorney-General, *ex relat.* State Board of Health, *v.* George Bowman. Same *v.* Walter L. Wilkins. S. J. C. *Informations to restrain slaughter-houses.* Temporary injunctions issued.

Attorney-General, *ex relat.* Harbor Commissioners, *v.* Eastern Railroad Company. S. J. C. *Information for filling flats without a license.* Temporary injunction issued.

*In re* Four Farm Oil Company. S. J. C. *Petition for dissolution of corporation.* Dismissed for want of prosecution.

*In re* Boston Bennyhoff Reserve Oil Company. S. J. C. *Petition for dissolution of corporation.* Dismissed for want of prosecution.

Attorney-General, *ex relat.* Treasurer, *v.* South Pewabic Copper Company. Same *v.* Winthrop Manufacturing Company. Same *v.* United States Manufacturing Company. Same *v.* American Furniture Company. Same *v.* Canadian Stop Motion Company. S. J. C. *Informations for taxes.* Temporary injunctions still in force.

Attorney-General, *ex relat.* Treasurer, *v.* Harbor Improvement Company. Same *v.* Improved Rotary Heel Company. Same *v.* Pemigewasset and Saco Land and Lumber Company. Same *v.* Village Horse Nail Company. Same *v.* Faneuil Hall Insurance Company. Same *v.* Suffolk Milling Company. Same *v.* Swain Turbine and Manufacturing Company. Same *v.* New England Hod Elevating Company. Same *v.* Union Treadle Company. Same *v.* Wol-



laston Foundry Company. Same *v.* National Needle Company. Same *v.* Boston Needle Company. Same *v.* Bradley Fertilizer Company. Same *v.* Cary Improvement Company. Same *v.* Chapman Valve Manufacturing Company. Same *v.* Harbor Improvement. Same *v.* Clark W. Bryan Company. S. J. C. *Informations for taxes.* Taxes collected and informations dismissed.

Attorney-General, *ex relat.* Treasurer, *v.* Springfield and Newburyport Coöperative Mining Company. Same *v.* United States Electric Light Company. Same *v.* Peet Molding Machine Company. Same *v.* India Manufacturing Company. S. J. C. *Informations for taxes.* Temporary injunctions issued.

Attorney-General, *ex relat.* Treasurer, *v.* Morgan Envelope Company. Same *v.* Boston Diatite Company. Same *v.* Grafton Mills. Same *v.* Worcester Casket Company. S. J. C. *Informations for taxes.* Not yet heard.

Attorney-General, *ex relat.* Commissioner of Corporations, *v.* Revere Brick Company. S. J. C. *Information for not making returns.* Temporary injunction still in force.

Attorney-General, *ex relat.* Commissioner of Corporations, *v.* American Railway Frog Company. S. J. C. *Information for not making returns.* Temporary injunction issued.

Attorney-General, *ex relat.* Commissioner of Corporations, *v.* American Gas Lighting Company. Same *v.* Steel Tempering and Refining Company. S. J. C. *Informations for not making returns.* Returns made, costs paid and informations dismissed.

Attorney-General, *ex relat.* Commissioner of Corporations, *v.* Vineyard Telegraph Company. S. J. C. *Information for not making returns.* Not yet heard.

Commonwealth *v.* Edwin B. Dow. S. C. *Tort against insurance agent for tax.* Defendant defaulted and case continued for judgment.

Commonwealth *v.* Samuel Gould. S. J. C. *Action on receiver's bond.* Judgment for amount of bond. Judgment satisfied.

Charles Adams, Jr., Treasurer, *v.* Bengal Bagging Company. S. C. *Contract for corporation tax.* Tax paid. Neither party entered.

Charles Adams, Jr., Treasurer, *v.* Boston and Lowell Railroad Company. Municipal Court for city of Boston. *Contract for tax.* Judgment for plaintiff. Judgment satisfied.

Commonwealth *v.* Charles W. Sproat *et al.* S. C. *Contract on insurance agent's bond.* Judgment for plaintiff. Judgment satisfied.

Commonwealth *v.* Charles E. Lane *et al.* Same *v.* William H. Gerrish *et al.* Same *v.* Walter S. Edwards *et al.* Same *v.* Joseph W. Kinsley. S. C. *Action on insurance agent's bond.* Taxes paid.

Commonwealth *v.* William H. Gerrish *et al.* Same *v.* John A. Smith *et al.* S. C. *Actions of contract on insurance agents' bonds.* Not yet heard.

Commonwealth *v.* Eastern Railroad Company. S. C. *Contract for land in Charlestown sold to company.* Purchase money paid.

Commonwealth *v.* Charles A. Shaw *et al.* S. C. *Contract on insurance agent's bond.* Tax paid.

Commonwealth *v.* Abraham Jackson *et al.* S. J. C. *Contract on receiver's bond.* Not yet heard.

*In re* John J. Williams. S. J. C. *Petition to sell real estate.* Not yet heard.

*In re* David R. Brown. S. J. C. *Petition for habeas corpus excessive bail.* Petition dismissed.

*In re* David R. Brown. S. J. C. *Petition for habeas corpus.* Petition dismissed.

*In re* Margaret Callanan. S. J. C. *Petition for habeas corpus.* Prisoner remanded.

Commonwealth *v.* Thomas Branning *alias* Thomas Brennan. S. J. C. *Murder.* Defendant still in lunatic asylum.

Commonwealth *v.* Jesse Harding Pomeroy. S. J. C. *Murder.* Verdict, guilty of murder in the first degree. Exceptions overruled. Sentence, death.

Commonwealth *v.* George W. Pemberton. S. J. C. *Murder.* Verdict, guilty of murder in the first degree. Exceptions overruled. Sentence, death.

Commonwealth *v.* Daniel Friel. S. J. C. *Murder.* Verdict, guilty of murder in the second degree. Sentence, imprisonment for life.

Commonwealth *v.* Michael Harris. S. J. C. *Murder.* Verdict, guilty of murder in the second degree. Sentence, imprisonment for life.

Commonwealth *v.* Thomas Cahill. S. J. C. *Murder.* Prisoner discharged on his own recognizance.

Commonwealth *v.* John Demehy and Julia W. McCarthy. S. J. C. *Murder.* Discharged on their own recognizances.

Commonwealth *v.* Peter Larachelle. S. J. C. *Murder.* Verdict, not guilty.

Commonwealth *v.* Jesse Harding Pomeroy. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Louisa Surrey. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* William Kelley. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Thomas W. Piper. S. J. C. *Murder*. No verdict. Jury disagreed and were discharged. Not yet tried again.

Francis Fitzpatrick *v.* Commonwealth. S. J. C. *Writ of error*. Writ dismissed.

James Mahan *alias* James Creamer *v.* Commonwealth. S. J. C. *Writ of error*. Writ dismissed.

James Crimm *v.* Commonwealth. S. J. C. *Writ of error*. Judgment affirmed.

Commonwealth *v.* Certain Intoxicating Liquor (Simeon S. Rankin, claimant.) (Two cases.) S. J. C. Exceptions S. C. *Proceeding for forfeiture*. Exceptions sustained.

Commonwealth *v.* Charles L. Bean. S. J. C. *Receiving stolen goods*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Patrick Nagle. S. J. C. *Violation of Lord's Day*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Samuel W. Dollinger. S. J. C. *Forgery*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Robert Susan. S. J. C. *Receiving stolen goods*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* G. Henry Wheatland. S. J. C. *Keeping naphtha for sale*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* James H. Bennett. S. J. C. *Embezzlement*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Charles M. Davis. S. J. C. *Cruelty to animals*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Butland. S. J. C. *Perjury*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Cornelius Mahoney. S. J. C. *Burglary*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* Certain Personal Property. (Nelson Tibbetts, claimant.) S. J. C. *Condemnation of gaming implements*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Timothy O'Brien. S. J. C. *Assault with a knife*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* William Fredericks. S. J. C. *Sale of liquor*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Thomas Curran. S. J. C. *Illegal sale of liquor*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George T. Malloy. S. J. C. *Rescue of a prisoner*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Lovell K. Currier. S. J. C. *Perjury*. Exceptions S. C. Bill of exceptions dismissed.

Commonwealth *v.* Jeremiah Greenlaw. *Subornation of perjury*. Exceptions S. C. Bill of exceptions dismissed.

Commonwealth *v.* Nathaniel Lord. S. J. C. *Having in possession, with intent to sell, corrupt meat.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John F. Costello. S. J. C. *Forgery.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* John English *et al.* S. J. C. *Breaking and entering with intent to steal.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* David R. Brown. S. J. C. *Abortion.* Exceptions S. C. (Two bills.) Not yet argued.

Commonwealth *v.* Boston & Albany Railroad Company. S. J. C. *Loss of life.* Exceptions S. C. Not yet argued.

COUNTY OF WORCESTER.

City of Worcester *v.* Francis H. Kelley *et al.* S. J. C. *Bill in equity to be relieved from fulfilling provision in will of George Juques.* Not yet heard.

City of Worcester *v.* Francis H. Kelley *et al.* S. J. C. *Petition to sell real estate.* Not yet heard.

Commonwealth, by Commissioner of Savings Banks, *v.* Lancaster Savings Bank. S. J. C. *Petition for injunction and receivers.* Affairs of bank in hands of receivers.

Commonwealth *v.* Samuel J. Frost. S. J. C. *Murder.* Verdict, guilty of murder in the first degree. Motion for a new trial. Not yet heard.

Commonwealth *v.* Joseph H. Brough. S. J. C. *Murder.* *Nol. pros.* entered.

Commonwealth *v.* John Callahan. S. J. C. *Assault.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Thomas McQuaid. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Owen Filburn *et al.* S. J. C. *Aiding in an escape from an officer.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Frederick E. Lamb. S. J. C. *Assault with intent to ravish.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* David B. Tiffany. S. J. C. *Illegal fishing.* Verdict, guilty. Case reported. Judgment on verdict.

Commonwealth *v.* E. W. Whitman. S. J. C. *Cruelty to animals.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George R. Henry. S. J. C. *Forgery.* Exceptions S. C. Exceptions overruled.

## SUPREME COURT OF THE UNITED STATES.

Boston Beer Company *v.* Commonwealth. *Writ of error.* Not yet argued.

Joseph T. Barry *v.* Commonwealth. *Writ of error.* Not yet argued.

## CIRCUIT COURT OF THE UNITED STATES.

Thomas Baring *et al. v.* Charles S. Bradley *et al.* *Bill of interpleader.* Decree against the Commonwealth.

## DISTRICT COURT OF THE UNITED STATES.

Massachusetts Glass Company, in bankruptcy. *Claim for tax.* Tax collected.

Hingham Manufacturing Company, in bankruptcy. *Claim for tax.* Tax not yet collected.











