



ANNUAL REPORT

OF THE

ATTORNEY-GENERAL

FOR THE

YEAR 1880.

BOSTON :

Rand, Aberg, & Co.; Printers to the Commonwealth,
117 FRANKLIN STREET.

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Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S OFFICE,
55 EQUITABLE BUILDING, BOSTON, Jan. 19, 1881.

Hon. CHARLES J. NOYES, *Speaker of the House of Representatives.*

Sir, — I have the honor to present herewith my official Report for the year ending this day.

I am, very respectfully,

Your obedient servant,

GEO. MARSTON.

Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S OFFICE, Jan. 19, 1881.

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 this day, as follows:—

The whole number of cases in the courts which have required my personal attention or supervision is 197, and they are thus classified:—

Indictments for murder	22
Exceptions and reports in criminal cases	63
Informations upon relation of public officers	89
Informations upon relation of private persons	11
Miscellaneous	12
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	197

I have attended to the conduct and disposition of the following cases, in which the defendants were charged with murder:—

IN THE COUNTY OF BARNSTABLE.

A special session of the Supreme Judicial Court was held at Barnstable, Jan. 29, 1880, by Justice Morton, for the arraignment of Charles F. Freeman, indicted for the murder of Edith B. Freeman. He was represented by Hon. Alonzo W. Boardman and Charles Allen Taber, Esq., as counsel, who suggested that he was so insane as to be unfit to plead. Upon due inquiry by the Court it was so found; and he was remanded to the custody of the sheriff, and was afterwards removed by warrant of the Governor to the Lunatic Hospital in Danvers; and, at the May term of the Supreme Judicial Court at Barnstable, he was brought in and committed to that hospital by order of the Court; and he is still detained there, and his condition has not materially changed.

IN THE COUNTY OF HAMPDEN.

A special session of the Supreme Judicial Court was held at Springfield, Feb. 14, for the arraignment of John Kemmler, against whom three indictments were pending for the murder of his three children. A motion was made by his counsel, E. B. Maynard, Esq., for inquiry into his condition of mind; and he was found by the Court to be so insane as to be unfit to plead to the indictment, and was remanded to the custody of the sheriff. He was afterwards committed to the Lunatic Hospital at Worcester, where he remains without any improvement.

I respectfully suggest that jurisdiction be given to a judge of the Supreme Judicial Court, when sitting for an arraignment under Stat. 1869, Chap. 433, Sect. 2, to commit to a lunatic hospital when occasion may require, as if holding a term of the court.

IN THE COUNTY OF PLYMOUTH.

An indictment against Henry J. Gunn for the murder of Justin L. Gunn by beating. He was arraigned Feb. 19, and Messrs. W. B. Gale and Charles G. Davis, Esqs., were assigned as his counsel. His trial commenced May 18 before Justices Ames and Morton, and terminated May 20 in a verdict of *guilty of murder in the second degree*. He was thereupon sentenced to the State Prison for life.

This case was prepared for trial by Hon. Asa French, District-Attorney, who assisted me on the trial.

IN THE COUNTY OF MIDDLESEX.

An indictment against Stearns Kendall Abbott for the murder of Maria L. Crue by shooting. The defendant was arraigned before Justice Endicott on the twenty-ninth day of April, and Messrs. George Stevens and William H. Bent were assigned as his counsel.

He was tried before Justices Ames and Lord, commencing Dec. 14, and terminating, in a verdict of *guilty of murder in the first degree*, Dec. 18.

Some exceptions are pending in this case, which will soon be argued.

An indictment against Catharine Driscoll for the murder

of Mary Credan by blows. The defendant was arraigned before Justice Ames on the twentieth day of October, and Messrs. Charles R. Train and Thomas J. Flatley were assigned as her counsel. She was tried before Justices Ames and Lord, commencing Dec. 20, and terminating, in a verdict of *guilty of manslaughter*, Dec. 24. She was sentenced to imprisonment in the house of correction for five years.

These cases had been carefully prepared by Hon. W. B. Stevens, District-Attorney, who assisted me on the trial of them.

Mortimer Johnson, indicted for murder, is still at large, and the hope of re-arresting him is slight. Sarah A. Johnson, jointly indicted with him, has been released on her own recognizance, as the evidence was not of a character to make it expedient to put her upon trial without trying Mortimer Johnson at the same time. She is within reach whenever her attendance may be required.

An indictment against Homer Wellington for the murder of Morris B. Wellington by poisoning. He was arraigned before Justice Ames on the twentieth day of October, and pleaded not guilty, and Messrs. William B. Gale and E. H. Jose were assigned as his counsel. A term of the Supreme Judicial Court, by continuance, was held Dec. 27 by Justices Lord and Soule, and jurors were in attendance for his trial. It was then discovered that there was an error in the indictment which required that a new indictment should be found, and the prosecution stands continued for the further action of the Grand Jury in February.

An indictment against Charles F. Williams for the murder of Walter Smith by shooting. He was arraigned before Justices Lord and Soule on the twenty-seventh day of December, and pleaded not guilty, and Messrs. Theodore H. Sweetser and O. S. Knapp were assigned as his counsel.

IN THE COUNTY OF FRANKLIN.

An indictment against Nelson Jarvis Phelps for the murder of Sarah Ada Grover *alias* Sarah Ada Phelps. He was arraigned before Justice Morton on the seventh day of December, and pleaded not guilty, and Messrs. Austin De Wolf and Charles G. Delano were assigned as his counsel.

A trial will be had on the three cases last named as soon as the engagements of the Court will allow.

IN THE COUNTY OF HAMPSHIRE.

An indictment against Benjamin Eastman for the murder of Parley Hutchins by beating and stabbing. He was arraigned Sept. 21 before Justice Soule, and pleaded not guilty, and E. H. Lathrop and George Kress were assigned as his counsel. A term of the Supreme Judicial Court by continuance was held Dec. 7 by Justices Colt and Morton, and jurors were in attendance for his trial. In opposition to my motion for the empanelling of a jury, the counsel for the prisoner suggested that he was insane and unfit to be put upon trial, and prayed the Court to make due inquiry thereof. After hearing of evidence the Court determined that Eastman was not in a condition of mind to be tried, and ordered his commitment to the Lunatic Hospital at Worcester.

IN THE COUNTY OF SUFFOLK.

The exceptions which were pending at the date of my last report in the case of Saro Chiavaro, accessory before the fact to the murder of Joseph F. Frye, have been argued and overruled, and he has been sentenced to the State Prison for life.

There are still pending the following indictments for murder, on which the defendants have not been arraigned:—

Frank Adams and Amos T. Adams for the murder of George H. Partridge; and Charline Clark Williams Gilmore Daniels for the murder of Maud Louise Daniels, in the county of Norfolk.

David Mooney (with several other names) for the murder of Edmund La Voie *alias* Frenchy Marshall, in the county of Suffolk.

By a decision of the Supreme Judicial Court in the case of the Commonwealth *v.* Peter Harrington in the county of Bristol, the provisions of the Act of 1880, Chap. 221, in respect to form of complaints, and incidentally of sentences, have been held to be unconstitutional. If this chapter is not repealed, it should be carefully revised and amended.

By a resolve of the last Legislature, Chap. 50, I was in-

structed to commence legal proceedings against the Boston and Albany Railroad Company for the enforcement of its contracts concerning the purchase and filling of flats at South Boston, unless settlement should be made within a time named in the resolve, which expired Oct. 15. No such settlement was made; and I commenced an action at law, returnable in the Superior Court for the county of Suffolk, at the January term, 1881, to recover the amount of money remaining due; to wit, the sum of \$167,500.18, stated as follows: —

Amount due under the contract Oct. 1, 1876	\$435,600 00
Interest to April 3, 1878	39,421 80
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	\$475,021 80
Deduct payment April 3, 1878	330,000 00
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	\$145,021 80
Interest to Dec. 3, 1880	22,478 38
	<hr/>
	\$167,500 18

I have also filed a bill in equity in the Supreme Judicial Court in the county of Suffolk, to secure the specific performance of the things agreed to be done by the Boston and Albany Railroad Company in relation to filling the flats and constructing sea-walls, and to recover damages for the long delay which has occurred.

These proceedings are now pending. As it is possible that some adjustment may be reached in such a manner as to secure all that justice to the Commonwealth requires without actual trial, I respectfully suggest that the power given to the Harbor and Land Commissioners to make settlement, with the approval of the Governor and Council, within six months after the passage of the Resolve of 1880, be continued in them, so that they may be authorized to direct a disposition of these suits if satisfactory terms can be agreed at any time hereafter.

The proceeding for the protection of Green-harbor River is still pending, and will come to argument in a few days. No part of the sum appropriated by Resolve of 1880, Chap. 42, has yet been actually expended, though some obligations have been incurred which are a proper charge upon it.

An action has been commenced in the Superior Court for

the county of Plymouth against the principal of the Normal School at Bridgewater, to recover damages for injury done to the water of a pond from which ice has been usually cut, by the drainage and sewage from the buildings used and occupied for the purposes of the school. I have appeared to defend this suit. I am informed that a petition will be presented to the Legislature calling attention to this subject, and asking for relief.

In my last report I called attention to the "great lack of uniformity in the method of taxation of costs in criminal cases, and in the scale of fees taxed and allowed in the different criminal-law districts of the Commonwealth." Further experience and reflection have confirmed my opinion that some legislation on this subject will tend "to economy of expenditure in this important branch of the public service."

The petition heretofore commenced by Joshua B. Smith, under the Act of 1879, Chap. 255, "to provide a remedy for persons having claims against the Commonwealth," has been disposed of by an entry of *neither party*. A petition of David Pulsifer, claiming \$5,207.32 as a balance due him for services in the office of the Secretary of the Commonwealth, from 1853 to 1861, has been brought, and is now pending in the Superior Court for the county of Suffolk, which I have appeared to defend.

A bill in equity has been filed in the Circuit Court of the United States for the First Circuit by William F. Graham against the Boston, Hartford, and Erie Railroad Company and others, in which Charles Endicott, until now Treasurer and Receiver-General of the Commonwealth, is made a defendant. I have appeared for that officer, to protect him and the Commonwealth, and have filed a demurrer to the bill, as have also other parties defendant. If the demurrers should be overruled, a trial upon the merits might seriously affect the large interest of the Commonwealth in the New York and New England Railroad Company.

The number of applications for requisitions upon the governors of other States for the extradition and return of fugitives from the justice of this State, during the year, is 28, of which 27 were granted.

The number of requisitions from the governors of other States upon the Governor of this Commonwealth has been 11, of which all were complied with.

The expense incurred by the Commonwealth for the extradition and return of fugitives from justice during the year has been \$911.37.

There has been collected, through this office, the sum of \$10,476.40 upon claims due the Commonwealth, of which \$6,328.98 has been paid over to the Treasurer and Receiver-General, and the balance, \$4,147.42, to the warden of the State Prison, to whom the same was properly payable.

Further details of the service of this office appear in the subjoined tables.

Frederick H. Gillett, Esq., still continues in the office of Assistant Attorney-General.

GEO. MARSTON, *Attorney-General.*

TABLE

Showing the Number of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year ending Jan. 19, 1881, and the Disposition thereof by Counties.

COUNTIES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not decided.	Not yet argued.
Bristol	10	7	3	-	-
Essex	10	6	3	-	1
Franklin	6	4	1	1	-
Hampden	2	2	-	-	-
Middlesex	7	4	1	-	2
Norfolk	8	2	3	1	2
Suffolk	13	4	5	2	2
Worcester	7	7	-	-	-
Totals	63	36	16	4	7

TABLE

Showing the Number and Character of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year ending Jan. 19, 1881, 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	-	-	-
Adultery	1	-	1	-	-
Assault	5	5	-	-	-
Breaking and entering	1	-	1	-	-
Breaking and entering freight-car	1	1	-	-	-
Drunkenness	1	-	1	-	-
Embezzlement	3	1	-	1	1
Enticing to prostitution	1	-	-	1	-
Extorting money by threats	1	1	-	-	-
Forgery	1	-	-	-	1
False pretences	5	3	2	-	-
Fraudulent concealment of property,	1	-	-	1	-
Illegal fishing in pond	1	-	-	-	1
Incest	1	1	-	-	-
Keeping adulterated milk to sell	1	-	1	-	-
Keeping game-cock against law	1	1	-	-	-
Keeping unlicensed dog	1	-	1	-	-
Labor, illegal employment of	1	-	1	-	-
Larceny	3	-	3	-	-
Lewdness	1	1	-	-	-
Liquor, illegal keeping of	12	7	2	1	2
Liquor, illegal sale of	4	4	-	-	-
Liquor seizure	2	1	1	-	-
Manslaughter	1	-	1	-	-
Murder	2	1	-	-	1
Obstructing highway	1	1	-	-	-
Perjury	1	1	-	-	-
Possessing burglarious implements	1	-	-	-	1
Preventing person entering employment	2	2	-	-	-
Receiving stolen goods	1	1	-	-	-
Sending threatening letter to extort money	1	1	-	-	-
Torturing a horse	1	1	-	-	-
Woodcock, illegal sale of	1	-	1	-	-
Totals	63	36	16	4	7

CASES

Argued and conducted by the Attorney-General during the Year ending Jan. 19, 1881.

COUNTY OF BARNSTABLE.

Commonwealth *v.* Charles F. Freeman. S. J. C. *Murder.* Adjudged insane, and committed to Lunatic Hospital at Danvers.

COUNTY OF BERKSHIRE.

Commonwealth *v.* John and Thomas Monahan. S. J. C. *Murder.* Indictment laid on file.

COUNTY OF BRISTOL.

Commonwealth *v.* Chester M. Sprague. S. J. C. *Illegal keeping of intoxicating liquor.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Mark Dyer. S. J. C. *Preventing a person entering the employment of another.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Michael Hurley. S. J. C. *Preventing a person entering the employment of another.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George F. Eggleston. S. J. C. *Illegal sale of intoxicating liquor.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* William Coupe. S. J. C. *Obstructing a highway.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Intoxicating liquors, Carl Becker, claimant. S. J. C. *Liquor seizure.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Isaac O. Pierce *et al.* S. J. C. *Obtaining money by false pretences.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* The Osborne Mill. S. J. C. *Illegal employment of laborer.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Peter Harrington. S. J. C. *Drunkenness.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* George Ratcliffe. S. J. C. *Keeping gamecock contrary to law.* Exceptions S. C. Exceptions overruled.

COUNTY OF ESSEX.

Commonwealth *v.* William Russell. S. J. C. *Murder*. Defendant still stands committed in the Taunton Lunatic Asylum, to await the further order of the Court.

Commonwealth *v.* Hugh Harkins. S. J. C. *Obtaining money by false pretences*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Benjamin F. Darling. S. J. C. *Receiving stolen goods*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Samuel Hamer. S. J. C. *Illegal keeping of intoxicating liquor with intent to sell*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Jennie D. Kennon *et al.* S. J. C. *Assault*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Sandford G. Parker. S. J. C. *Larceny*. Exceptions S. C. Mis-trial.

Commonwealth *v.* Joel W. Craig *et als.* S. J. C. *Breaking and entering a freight-car*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* William H. Perley. S. J. C. *Illegal fishing in Humphrey's Pond*. Exceptions S. C. Not yet argued.

Commonwealth *v.* Edward Cahill. S. J. C. *Assault and battery*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* Aaron E. Lnscomb. S. J. C. *Illegal keeping of adulterated milk*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* John Carey. S. J. C. *Illegal sale of liquor on the Lord's Day*. Exceptions S. C. Exceptions waived.

COUNTY OF FRANKLIN.

Commonwealth *v.* Nelson Jarvis Phelps. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Henry W. Coolidge. S. J. C. *Sending threatening letter to extort money*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Robert Wardell. S. J. C. *Lewdness*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Intoxicating liquors, James Pickard, claimant. S. J. C. *Liquor seizure*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Daniel W. Hamilton *et als.* S. J. C. *Torturing a horse*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Paulina Wunsch. S. J. C. *Abortion*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Martin. S. J. C. *Fraudulent concealment of property*. Exceptions S. C. Argued; not yet decided.

COUNTY OF HAMPDEN.

Commonwealth *v.* John Kemmler. S. J. C. *Murder*. Adjudged insane, and committed to Lunatic Hospital at Worcester.

Commonwealth *v.* Elijah M. Baldwin. S. J. C. *Attempt to procure abortion*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Leonard W. Frost *et al.* S. J. C. *False pretences*. Exceptions S. C. Exceptions overruled.

COUNTY OF HAMPSHIRE.

Commonwealth *v.* Benjamin Eastman. S. J. C. *Murder*. Adjudged insane, and committed to Lunatic Hospital at Worcester.

COUNTY OF MIDDLESEX.

Commonwealth *v.* Andrew Donelly. S. J. C. *Murder*. Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* Joseph Sullivan. S. J. C. *Murder*. Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* Mortimer Johnson and Sarah A. Johnson. S. J. C. *Murder*. Not yet tried. Defendant Mortimer Johnson escaped from prison, and is still at large. Sarah A. Johnson released on her own recognizance.

Commonwealth *v.* Stearns Kendall Abbott. S. J. C. *Murder*. Convicted of murder in the first degree.

Commonwealth *v.* Homer Wellington. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Catharine Driscoll. S. J. C. *Murder*. Convicted of manslaughter.

Commonwealth *v.* Charles F. Williams. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Daniel B. Gilson. S. J. C. *Assault and battery*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Ann McKiernan. S. J. C. *Illegal sale of intoxicating liquor*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Edward Murphy. S. J. C. *Assault and battery*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Edward L. Ramsdell. S. J. C. *Illegal keeping of intoxicating liquor*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Robert Philpot. S. J. C. *Extortion by threatening to accuse of crime*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Nathan P. Pratt. S. J. C. *Embezzlement*. Exceptions S. C. Not yet argued.

Commonwealth *v.* Stearns Kendall Abbott. S. J. C. *Murder*.
Exceptions S. J. C. Not yet argued.

COUNTY OF NORFOLK.

Commonwealth *v.* Dennis Caney. S. J. C. *Murder*. Defend-
ant still in Taunton Lunatic Asylum.

Commonwealth *v.* David Scannel. S. J. C. *Murder*. Defend-
ant still in Taunton Lunatic Asylum.

Commonwealth *v.* Frank Adams and Amos T. Adams. S. J. C.
Murder. Not yet tried.

Commonwealth *v.* Charline Clark Williams Gilman Daniels.
S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Edward Fraher, 2d. S. J. C. *Liquor nui-
sance*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Robinson. S. J. C. *Liquor nuisance*.
Exceptions S. C. Exceptions sustained.

Commonwealth *v.* John McCormack. S. J. C. *Illegal sale of
liquor*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* B. Davis Washburn. S. J. C. *Keeping un-
licensed dog*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Philip McArdle *et al.* S. J. C. *Liquor nui-
sance*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Charles H. Hartwell. S. J. C. *Manslaugh-
ter*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Peter Sullivan. S. J. C. *Liquor nuisance*.
Exceptions S. C. Not yet argued.

Commonwealth *v.* Dominick Moran. S. J. C. *Breaking and
entering*. Exceptions S. C. Not yet argued.

COUNTY OF PLYMOUTH.

Commonwealth *v.* Henry J. Gunn. S. J. C. *Murder*. Con-
victed of murder in the second degree.

Hatheway *v.* Boyden. S. C. *Action for damages occasioned by
drainage of State Normal School at Bridgewater*. Not yet tried.

COUNTY OF SUFFOLK.

Commonwealth, by Board of Commissioners of Savings Banks, *v.*
Emigrants Savings Bank. S. J. C. *Petition for injunction and
winding-up of affairs*. Injunction in force.

Commonwealth, by Board of Commissioners of Savings Banks,
v. City Five Cents Savings Bank. Same *v.* Home Savings Bank.
Same *v.* Newburyport Five Cents Savings Bank. Same *v.* Great
Barrington Savings Bank. Same *v.* Lowell Savings Bank. S. J. C.

Petitions for injunctions and winding-up of affairs. Injunctions dissolved, and petitions dismissed.

Commonwealth, by Board of Commissioners of Savings Banks, *v. North Bridgewater Savings Bank.* Same *v. Mechanics' Savings Bank.* Same *v. Sandwich Savings Bank.* Same *v. Barnstable Savings Bank.* Same *v. Hyannis Savings Bank.* Same *v. West Boston Savings Bank.* Same *v. Mercantile Savings Institution.* Same *v. Dorchester Savings Bank.* Same *v. Rockport Savings Bank.* Same *v. Lexington Savings Bank.* Same *v. Needham Savings Bank.* Same *v. Reading Savings Bank.* Same *v. Scituate Savings Bank.* S. J. C. *Petitions for injunctions and winding-up of affairs.* Affairs in hands of receivers.

Commonwealth, by Insurance Commissioner, *v. Northampton Mutual Fire Insurance Company.* S. J. C. *Petition for injunction and winding-up of affairs.* Final account of receivers filed and allowed.

Commonwealth, by Insurance Commissioner, *v. New England Mutual Marine Insurance Company.* Same *v. Conway Mutual Fire Insurance Company.* Same *v. Home Mutual Insurance Company.* S. J. C. *Petitions for injunctions and winding-up of affairs.* Affairs in hands of receivers.

Commonwealth, by Deputy Insurance Commissioner, *v. National Insurance Company.* Same *v. Exchange Insurance Company.* Same *v. Boston Insurance Company.* Same *v. Suffolk Fire Insurance Company.* Same *v. Manufacturers' Insurance Company.* Same *v. Howard Fire Insurance Company.* Same *v. Merchants' Insurance Company.* Same *v. Bay State Fire Insurance Company.* Same *v. Shoe and Leather Dealers' Insurance Company.* Same *v. Franklin Insurance Company.* Same *v. People's Fire Insurance Company.* Same *v. Washington Insurance Company.* Same *v. Neptune Insurance Company.* S. J. C. *Petitions for injunctions and winding-up of affairs.* Affairs in hands of receivers.

Attorney-General, *ex rel.* Treasurer, *v. Pewabic Copper Company.* Same *v. Winthrop Manufacturing Company.* Same *v. United States Manufacturing Company.* Same *v. Canadian Stop Motive Company.* Same *v. American Furniture Company.* Same *v. Springfield and Newburyport Co-operative Mining Company.* Same *v. United States Electric Light Company.* Same *v. Peet Moulding Machine Company.* Same *v. Marginal Freight Railroad Company.* Same *v. American Carpet-cleaning Company.* Same *v. Drake Gaslight Company.* Same *v. Estes Plow Company.* Same *v. American Consolidated Fire Extinguisher Company.* S. J. C. *Informations for taxes.* Temporary injunctions in force.

Commonwealth, by Commissioner of Corporations, *v. Union*

Button-hole and Embroidery Machine Company. Same *v.* Methuen Woollen Mills. Same *v.* Hyde Park Woollen Company. S. J. C. *Informations for dissolution of the corporations.* Dissolutions decreed.

Commonwealth, by Tax Commissioner, *v.* Rockland Mining Company. Same *v.* Superior Mining Company. Same *v.* American Street Light Reflector Company. Same *v.* N. E. Scale Board Box Company. Same *v.* Plymouth Gold Mining Company. Same *v.* Silver Ledge Mining Company. Same *v.* Incas Mining Company. Same *v.* Malachite Mining Company. S. J. C. *Informations for not making returns.* Injunctions issued.

Commonwealth, by Tax Commissioner, *v.* Roy Stone Hydraulic Mining Company. Same *v.* Harris Gold Mining Company. Same *v.* Lake George Antimony Company. Same *v.* Canada Mining Company. Same *v.* Petherick Mining Company. S. J. C. *Informations for not making returns.* Not yet heard.

Commonwealth, by Tax Commissioner, *v.* Mesnard Mining Company. Same *v.* Pewabic Mining Company. Same *v.* Franklin Mining Company. Same *v.* Pontiac Copper Mining Company. Same *v.* Blue Hill Mining Company. Same *v.* Simpson Mining Company. Same *v.* South Hite Mining Company. Same *v.* Swan's Island Mining Company. Same *v.* Waukeag Silver Mining Company. Same *v.* Osceola Mining Company. Same *v.* Catalpa Mining Company. Same *v.* Copper Falls Mining Company. Same *v.* Empire Mining Company. Same *v.* Great Basin Mining and Smelting Company. Same *v.* Lake George Antimony Mining and Smelting Company. Same *v.* American Union Telegraph Company. Same *v.* Contentment Mining and Milling Company. Same *v.* Bedford Manufacturing Company. S. J. C. *Informations for not making returns.* Returns made; informations dismissed.

Attorney-General, *ex rel.* Treasurer, *v.* The Boston and Maine Granite Company. Same *v.* The Lake George Antimony Company. Same *v.* The Merchants' Mutual Mustard Company. Same *v.* The Avon Stove Company. Same *v.* The American Art Foundry Company. S. J. C. *Applications for injunctions because of not making returns.* Informations dismissed.

Commonwealth *v.* David Mooney. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Thomas Brennau. S. J. C. *Murder.* Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* Margaret Anderson, *alias.* S. J. C. Pled guilty of manslaughter, and plea accepted.

Commonwealth v. James L. Sargent. S. J. C. *Perjury*. Exceptions S. C. Exceptions overruled.

Commonwealth v. George G. Hall *et al.* S. J. C. *Unlawful sale of woodcock*. Exceptions S. C. Exceptions sustained.

Commonwealth v. John O'Brien. S. J. C. *Obtaining goods by false pretences*. Exceptions S. C. Exceptions overruled.

Commonwealth v. Saro Chiavaro. S. J. C. *Murder*. Exceptions S. J. C. Exceptions overruled.

Commonwealth v. Thomas H. Brown. S. J. C. *Possessing burglarious implements*. Exceptions S. C. Not yet argued.

Commonwealth v. Alexander Lester. S. J. C. *Larceny from a building*. Exceptions S. C. Exceptions sustained.

Commonwealth v. Daniel Smith. S. J. C. *Larceny and embezzlement*. Exceptions S. C. Exceptions overruled.

Commonwealth v. Lewis J. Gray. S. J. C. *Adultery*. Exceptions S. C. Exceptions sustained.

Commonwealth v. Langdon W. Moore. S. J. C. *Breaking and entering*. Exceptions S. C. Exceptions sustained.

Commonwealth v. Lillie Whittaker. S. J. C. *Enticing to prostitution*. Exceptions S. C. Argued; not yet decided.

Commonwealth v. William H. Ford. S. J. C. 1, *Larceny*; 2, *Assault*. Exceptions S. C. Exceptions sustained.

Commonwealth v. Abner B. Cooper, *alias*. S. J. C. *Embezzlement*. Exceptions S. C. Argued; not yet decided.

Commonwealth v. Isaac Cooper. S. J. C. *Forgery*. Exceptions S. C. Not yet argued.

T. Jefferson Coolidge v. William S. Dexter. S. J. C. *Contract for sale of land*. Judgment for plaintiff.

Joshua B. Smith v. Commonwealth. S. C. *Contract*. Entry, neither party.

David Pulšifer v. Commonwealth. S. C. *Contract*. Not yet tried.

Albert Wood, Treasurer of the Worcester Lunatic Hospital, v. The City of Boston. S. C. *Contract*. Not yet tried.

Commonwealth v. The Boston and Albany Railroad Company. S. C. *Contract*. Not yet tried.

Commonwealth v. Boston and Albany Railroad Company. S. J. C. *Bill in Equity for specific performance*. Not yet heard.

In re John Joyce. *Habeas Corpus*. Petitioner discharged.

In re Warren A. Pollard. *Habeas Corpus*. Writ refused.

COUNTY OF WORCESTER.

Commonwealth v. Louis Army. S. J. C. *Murder*. *Nol pros.* entered.

Commonwealth *v.* Daniel McCormick *et als.* S. J. C. *Assault with intent to kill.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Sylvester A. Stockwell. S. J. C. *Obtaining goods under false pretences.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* John F. Donnelly. S. J. C. *Illegal keeping of intoxicating liquor, with intent to sell.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* James F. Matthews. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* James F. Matthews. S. J. C. *Illegal keeping of intoxicating liquor, with intent to sell.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George F. Krumsick. S. J. C. *Illegal keeping of intoxicating liquor, with intent to sell.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Solomon Dufran. S. J. C. *Incest.* Exceptions S. C. Exceptions waived.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* The Lancaster Savings Bank. S. J. C. *Petition for injunction and winding-up of affairs.* Affairs in hands of receivers.

UNITED STATES CIRCUIT COURT.

William F. Graham *v.* Boston, Hartford, and Erie Railroad Company *et als.* Not yet argued.

CASES

Requiring the Attorney-General's Official Supervision during the Year ending Jan. 19, 1881, though not conducted nor argued by him.

COUNTY OF BRISTOL.

Attorney-General, *ex rel.* S. T. Viall *et al.*, *v.* William T. Soule, Mayor of New Bedford, *et al.* S. J. C. *Mandamus.* Exceptions overruled.

Attorney-General, *ex rel.* S. T. Viall *et al.*, *v.* Thomas L. Allen. S. J. C. *Quo warranto.* Judgment of ouster.

Attorney-General, *ex rel.* James T. Kinney, *v.* Killey E. Terry, County Commissioner. S. J. C. *Quo warranto.* Information dismissed.

COUNTY OF HAMPDEN.

Attorney-General, *ex rel.*, *v.* Asa Smith *et al.* *Obstructing the Connecticut River by floating logs.* Information dismissed.

COUNTY OF MIDDLESEX.

Commonwealth *v.* Boston and Maine Railroad Company. S. J. C. *Manslaughter.* Exceptions S. C. Exceptions sustained.

Attorney-General, *ex rel.* Mott *et al.*, *v.* The Selectmen of Arlington. S. J. C. *Obstruction of highway.* Not yet heard.

COUNTY OF PLYMOUTH.

Attorney-General, by information *ex rel.*, *v.* County Commissioners. S. J. C. *Building bridge over Green-harbor River.* Not yet heard.

Attorney-General, *ex rel.*, *v.* Charles G. Davis *et als.* S. J. C. *In re Green-harbor Marsh.* Not yet argued.

COUNTY OF SUFFOLK.

Attorney-General, *ex rel.* George Bowman. Same *v.* Walter S. Wilkins. S. J. C. *Informations to restrain trade of slaughtering.* Informations discontinued.

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

Attorney-General, *ex rel.* Edward N. Perkins *et al.*, *v.* Jamaica Pond Aqueduct Corporation. S. J. C. Argued; not yet decided.

Attorney-General, *ex rel.* William F. Hart *et al.* S. J. C. Not yet heard.







