



PUBLIC DOCUMENT.

No. 12.

ANNUAL REPORT

OF THE

ATTORNEY-GENERAL

FOR THE

YEAR 1883.

BOSTON :

WRIGHT & POTTER PRINTING COMPANY, STATE PRINTERS,
18 Post Office Square.

1884.

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Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S DEPARTMENT, COMMONWEALTH BUILDING,
BOSTON, January 16, 1884.

To Hon. GEORGE A. MARDEN,
Speaker of the House of Representatives.

SIR:—I have the honor to transmit to you my annual report for the year ending this day.

I am, very respectfully,

Your obedient servant,

EDGAR J. SHERMAN.

Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S DEPARTMENT, COMMONWEALTH BUILDING,
BOSTON, January 16, 1884.

To the Honorable Speaker of the House of Representatives :

I have the honor to submit to the general court the annual report required of this department by Public Statutes, chapter 17, section 9.

Soon after entering upon the duties of the office, January, 1883, I was required by the legislature to appear before committees thereof.

It had seemed to me improper and in violation of the Declaration of Rights, Article XXX, quoted below, for the Attorney-General to appear before either branch of the general court or a committee thereof, as a partisan or as counsel for a client, and there favor or oppose any bill or general policy of legislation.

“ In the government of the Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.”

I was of the opinion that it was rather his duty to give aid and advice in the preparation of bills and his opinion upon questions of law.

I was confirmed in this by reference to the legislative will as expressed in Public Statutes, chapter 17, section 7, which is as follows :—

“ He shall, when required by either branch of the general court, attend during its sessions, and give his aid and advice in the arrangement and preparation of legislative documents and business, and shall give his opinion upon questions of law submitted to him by either branch of the general court or by the governor and council.”

I made known to the committees, before whom I was required to appear, these views, and the committees and members of the legislature generally acquiesced in and approved the same, thereby making the duties agreeable to me, and I trust beneficial and satisfactory to the legislature.

The propriety and constitutionality of a member of the executive power interfering with the legislative were called pointedly to the attention of the legislature and the public generally by the appearance of the Governor as a public and partisan prosecutor, before a committee charged with the investigation of alleged mismanagement in the almshouse at Tewksbury, as previously preferred in the annual message of His Excellency.

While perhaps there may be a difference in degree as to the right of the Governor and Attorney-General to so appear, and interfere with or attempt to control, the legislative will, I think it will be generally conceded that wisdom and a safe and sound policy are opposed to such interference by either.

The whole number of cases in the courts which have required the attention of this department is 157, and they are thus classified : —

Indictments for murder,	20
Exceptions and report in criminal cases,	54
Information upon relation of public officers,	39
Information upon relation of private persons,	8
Miscellaneous,	36
Total,	<u>157</u>

I have attended to the disposition of the following cases in the Supreme Judicial Court, in which the prisoners were charged with the crime of murder.

IN THE COUNTY OF FRANKLIN.

An indictment against Walter Edwin Curtis for the murder of Charles Eugene Bigelow by shooting.

At the April term of said court, at Greenfield, before Chief Justice Morton, the prisoner, under the advice of his counsel, Samuel O. Lamb and Frederick L. Greene, Esquires, offered to plead guilty to the crime of manslaughter.

The prisoner and Bigelow were young men and friends. On the day of the homicide they had been gunning together. After their return, Curtis took the rifle, saying to Bigelow, "Let me shoot your calf" (which was near by). Bigelow replied, "No." "Then I will shoot you," said Curtis, at the same time shooting Bigelow through the body and killing him. Curtis claimed that he did not know the rifle was loaded. It seemed to be a case of criminal carelessness, and I accepted the plea of manslaughter, and the Chief Justice, after learning all the facts concerning the case, sentenced Curtis to the State Prison for a period of five years.

IN THE COUNTY OF WORCESTER.

An indictment against Edward Ryan, heretofore convicted of murder in the first degree for killing his wife, Mary Jane Ryan, by poisoning.

At the April term of the court at Worcester, the exceptions taken at the trial having been overruled, I moved for, and Mr. Justice William Allen passed, the sentence of death upon the prisoner.

Subsequently the Governor with the advice and consent of the council commuted the sentence to one to the State Prison for life.

IN THE COUNTY OF HAMPDEN.

Joseph B. Loomis, convicted December 8, 1882, of murder in the first degree of David Leavitt, was executed, March 8, 1883, in accordance with sentence, a writ of error for delay in execution of sentence having been heard and refused by Mr. Justice Charles Allen.

IN THE COUNTY OF BARNSTABLE.

The indictment against Charles F. Freeman of Sandwich (Pocasset) for the murder of his young daughter while laboring under intense religious excitement has been disposed of.

He was tried December 5, 1883, at a special term of the Supreme Judicial Court, held at Barnstable, the Chief Justice and Mr. Justice Field, presiding.

Hon. Alonzo W. Boardman and Charles A. Taber, Esq., acted as his counsel, and District Attorney Knowlton assisted for the Commonwealth.

Dr. C. F. Folsom, Dr. J. P. Brown, superintendent of the Lunatic Hospital at Taunton, Dr. J. H. Denny, Dr. Peter Pineo, and Medical Examiner Munsell, experts on insanity, all testified that they had no doubt that Freeman was insane at the time of the homicide.

The jury returned a verdict of not guilty by reason of insanity, which was anticipated by all who heard the evidence.

Freeman had been a man of temperate habits, of good character, of kind and gentle disposition, and an affectionate husband and loving father.

For some years he had been interested in religion, with a feeling all the time that he was not faithful, and that he was "falling from grace."

Some little time prior to May 1, 1879, the date of the homicide, he had renewed his interest in religion, becoming earnest and zealous. With his wife, who was in full sympathy with him, he applied many "tests of faith," in order to ascertain his worthiness to preach the Gospel. As they were returning from an evening prayer-meeting, "the heavens lighted up," as it seemed to them, which was regarded as a sign and forerunner of some new "test of faith."

A great sacrifice, Freeman believed, was required; it might be of his wife, his children or himself. Had he the faith to stand this new test, was the question he was revolving and considering.

He thought of how God tempted Abraham of old concerning the slaying of his son. Could he, Freeman, give up his

daughters? Would God require it? Yes, that was intended by the sign in the heavens. It must be the younger and best beloved, darling little Edith, because she would be the greater sacrifice and offering. The wife read the twenty-second chapter of Genesis, and the husband prayed that God would give him faith and strength to offer the great sacrifice, if required.

They retired to bed — but not to sleep — not to sleep because of the sign and required offering. Freeman arose, dressed himself, brought the elder child to her mother's bed, secured the knife, went to the bedroom of the younger, and stood over the innocent sleeping child. It could not be the good Lord would require so great a sacrifice. As he laid bare the body and raised aloft the knife, he expected to hear the angel of the Lord, saying, "Charles, Charles, lay not thine hand upon the daughter, neither do thou anything unto her, for now I know that thou fearest God, seeing thou has not withheld thy daughter from me." Not hearing the voice of the angel the fatal knife entered the heart of the child, killing her instantly.

The father took the dead child in his arms and went about the house, crying and praying. Finally becoming exhausted, he went to bed and slept with her in his arms until morning.

The neighbors sympathizing with the religious excitement of the time, were summoned to a meeting in the afternoon, at Freeman's house, and when they, to the number of twenty or thirty, were assembled, he preached a short sermon, telling of his "temptation" and "trial of faith," and of the slaying and sacrifice of little Edith; after which he exhibited the child with the wound near the heart, prophesying the resurrection of the body on the third day.

Could there be any doubt that such a man, so acting, was insane? The ablest experts on insanity so testified, the jury so found, the learned Judges who presided so believed, as did all intelligent and unbiased citizens who witnessed the trial, or became acquainted with the facts.

The court ordered Freeman committed to the State Lunatic Hospital at Danvers for and during his natural life. Freeman has since petitioned the Governor and Council,

alleging that he has entirely recovered — being now of sound mind — that he is not dangerous to others, and praying for his discharge from the hospital.

IN THE COUNTY OF HAMPSHIRE.

An indictment against Marion Augustus Montgomery, for murder of his son, George Clarence, four years old, by shooting through the head with a pistol at Pelham, December 28, 1882.

The prisoner married Eva Marsh, seven years previously, and had by her two children, Eva, six years old, and George Clarence.

They had resided in Massachusetts and in Kansas, but had returned to this State where they were living with the wife's father and mother in 1882.

In the summer of that year, Montgomery's wife, without justifiable cause, left her husband, taking the two children with her, and went to the house of a relative in another town. She left word, informing her husband, that she should never live with him again, and that she had gone West. The wife's parents joined in the deception concerning the wife's location, and Montgomery started West in search of his wife and children.

After some months absence in the Western States, he learned that his family had not left this Commonwealth.

Upon returning, he learned that his wife was talking of a divorce, that she was receiving the attentions of another man, and that his (Montgomery's) children were being neglected and suffering.

He took a long walk to the house where they were living, arriving after dark, and looking into the windows to verify the reports. Subsequently he made arrangements to take his children and send them to a brother in Kansas, but his wife and her father objected, and threatened forcible resistance. Mrs. Marsh urged Montgomery to give up the idea of taking his children away, and advised him and his wife to live together again, which he expressed a willingness to do, but the wife hesitated, and postponed the decision until Christmas, when he was to return for a final answer.

While away in the interim, he brooded over his trouble —

the loss of his wife, children and home. He was heard to remark "he would sooner bury his children than have them come under the control of another father."

He took his pistol, obtained cartridges for it, purchased Christmas presents for his wife and children, — a sled for the little boy, — and went to visit them, arriving the Saturday before Christmas, which occurred on Monday.

The children were delighted with their presents and glad to see their father. He occupied the same bed with his children.

On Tuesday morning he was to go away, or stay, as his wife determined. He was nervous and anxious, for although she treated him civilly, yet there was a coldness in her manner which foretold her ultimate decision.

He asked for and received her answer, in which she declined to live with him again. He muttered, "Very well, that is all I want to know," and rushed into the adjoining room, where his little boy was playing on the sled, the Christmas gift, and shot him through the head, killing him instantly. Montgomery then returned and shot his little girl through the neck, seriously wounding her, but not fatally. He was then seized and bound, and prevented from further violence; after which he denied all knowledge of having committed any act of violence towards his children. The little boy was heard to say to another boy, as the father pointed the pistol at him: "Wait until I kiss papa."

Montgomery was tried in the Supreme Judicial Court at Northampton, December 11th, 12th and 13th, 1883, the Honorable Charles Allen and Waldo Colburn, Justices, presiding; Hon. William G. Bassett and Timothy G. Spaulding, Esq., acting as counsel for the prisoner, and District Attorney Bond assisting for the Commonwealth.

The defence was insanity. The prisoner testified that he loved his children; that he never intended to harm them, and that he had no knowledge nor memory of having injured them. Drs. Pliny Earle, Austin W. Thompson and Edward B. Nimms, all medical experts of high standing, testified that taking the evidence of the prisoner as true, it was a case of transitory mania, or frenzy, and that he was irresponsible at the time of the homicide.

The jury returned a verdict of murder in the second degree, and the prisoner was sentenced to the State Prison for and during his natural life.

IN THE COUNTY OF PLYMOUTH.

An indictment against Asa B. Baker for the murder of his wife, Mary J. Baker, July 29, 1883.

He was arraigned at the November term of the court, and pleaded not guilty. Hon. Joseph M. Day and Charles S. Davis, Esq., were assigned as his counsel.

At the adjourned term, December 18, 1883, before Mr. Justice William Allen, the prisoner offered to retract his former plea and plead guilty to murder in the second degree. I accepted that plea, and he was sentenced to the State Prison for life.

The indictment against Michael O'Neil for the murder of his wife, Hannah O'Neil, in Boston, in the county of Suffolk, mentioned in the report of my predecessor, has been disposed of by an entry of *nolle prosequi*, the prisoner having been convicted and sentenced upon an indictment for manslaughter in the Superior Court.

The following indictments for murder are now pending: One against James Barrett of Adams, in the county of Berkshire, for the murder of Richard A. Savage by shooting, April 11, 1883; one against Richard Currie of Boston, in the county of Suffolk, for the murder of his wife, Ellen Currie, by shooting, Sept. 5, 1883; one against Kate Donovan and William Tebbets of Westhampton, in the county of Hampshire, for the murder of a female bastard child; one against Mary Murphy of Holyoke, in the county of Hampden, for the murder of James Murphy by drowning, June 22, 1883; and one against Rogers Amero for the murder of Eliza Georgietta Carlton, at Watertown, in the county of Middlesex, March 18, 1883.

REWARDS FOR APPREHENDING OFFENDERS.

The offer of a reward in this Commonwealth, during the past year, for the purpose of securing the arrest and convic-

tion of the person who committed a capital crime has worked great mischief, causing a large expenditure of money and misdirection of effort, if not utter failure in the detection of the murderer.

I am convinced, after years of experience in the prosecution of criminals, and upon reflection and careful consideration, that any offer of reward for the apprehension of offenders is a great hindrance to the arrest and conviction of criminals, and a serious obstacle to public justice. I therefore recommend the repeal of section 12 of chapter 212 of the Public Statutes.

I have been called upon during the year by the Governor, and have performed the usual service required of the department, in investigating and reporting upon requisitions for the return of fugitives from justice.

I annex details of the work of the department, with tables. Charles H. Barrows, Esq., of Springfield, appointed Assistant Attorney-General August 1, 1881, voluntarily resigned the office February 1, 1883; and Harvey N. Shepard, Esq., of Boston, was appointed, and continues his successor. Both are entitled to, and have received, the commendation of the department.

Respectfully submitted,

EDGAR J. SHERMAN,
Attorney-General.

TABLE

Showing the Number of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year ending Jan. 16, 1884, and the Disposition thereof by Counties.

COUNTIES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not decided.	Not yet argued.
Barnstable,	2	-	-	-	-
Berkshire,	4	4	-	-	-
Bristol,	7	7	-	-	-
Dukes,	2	2	-	-	-
Essex,	4	4	-	-	-
Franklin,	1	-	-	-	1
Hampden,	4	4	-	-	-
Hampshire,	1	-	-	1	-
Middlesex,	9	3	-	4	2
Norfolk,	2	1	-	-	1
Plymouth,	3	2	1	-	-
Suffolk,	10	6	3	-	1
Worcester,	5	2	1	2	-
Totals,	54	33	5	9	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. 16, 1884, and the Disposition thereof.

OFFENCES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not decided.	Not yet argued.
Abortion,	2	2	-	-	-
Adultery,	1	1	-	-	-
Arson,	1	1	-	-	-
Assault,	4	3	-	1	-
Attempt to extort money,	1	1	-	-	-
Breaking and entering,	1	1	-	-	-
Burning a building in night time,	1	-	-	1	-
Bribery,	1	1	-	-	-
Conspiracy,	1	1	-	-	-
Conveying incumbered real estate,	1	-	-	-	1
Embezzlement,	1	-	-	-	1
Forgery,	1	-	-	-	1
Illegal fishing,	1	-	-	-	1
Keeping unlicensed dog,	1	1	-	-	-
Larceny,	4	1	2	1	-
Libel,	2	2	-	1	-
Liquor, illegal keeping of,	10	7	1	13	1
Liquor, illegal sale of,	5	1	-	2	2
Liquor nuisance,	5	5	-	-	-
Murder,	1	1	-	-	-
Neglect to support minor child,	1	-	-	1	-
Nuisance,	2	2	-	-	-
Obtaining money by trick at cards,	1	1	-	-	-
Obstruction of street,	1	-	1	-	-
Receiving stolen property,	1	1	-	-	-
Selling adulterated milk,	1	1	-	-	-
Soliciting another to burn a barn,	1	-	-	1	-
Violation of municipal ordinance,	1	-	1	-	-
Totals,	54	33	5	9	7

CASES

*Argued and conducted by the Attorney-General, during the
Year ending Jan. 16, 1884.*

COUNTY OF BARNSTABLE.

Commonwealth *v.* Charles F. Freeman. S. J. C. *Murder.* Verdict, not guilty by reason of insanity. Defendant committed to Lunatic Hospital at Danvers.

Commonwealth *v.* Charles H. Manimon. S. J. C. *Unlawfully digging oysters.* Exceptions S. C. Not yet argued.

Commonwealth *v.* Sarah Ryan. S. J. C. *Illegal sale and keeping of intoxicating liquors.* Exceptions S. C. Not yet argued.

COUNTY OF BERKSHIRE.

Commonwealth *v.* James Barrett. S. J. C. *Murder.* Pending.

Commonwealth *v.* Intoxicating Liquors. S. J. C. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Maurice Murray. S. J. C. *Bribery.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Cornelia A. Rogers. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Robert H. Nefus, Jr. S. J. C. *Adultery.* Exceptions S. C. Exceptions overruled.

COUNTY OF BRISTOL.

Commonwealth *v.* John F. Nichols and Almon Ingalls. S. J. C. *Conspiracy.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Louis Peto. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Patrick H. Sullivan. S. J. C. *Receiving stolen property.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Martin Kennedy and Martin Kennedy, Jr. S. J. C. *Assault.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Edward McDonald. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Exceptions overruled.

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

Commonwealth *v.* William Mason. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

COUNTY OF DUKES COUNTY.

Commonwealth *v.* William J. Mosher. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Intoxicating liquors. S. J. C. 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.* William D. Corkin. S. J. C. *Abortion.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Benjamin F. Brown, Jr. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Joseph Gayette. S. J. C. *Assault with pistol.* Exceptions S. C. Defendant defaulted.

Commonwealth *v.* Robin Damon. S. J. C. *Libel.* Exceptions S. C. Exceptions overruled.

Charles H. Gould, treasurer Danvers Hospital *v.* Ira Morgan and C. H. Morgan. S. C. *Contract for keeping of patient.* Sum claimed collected and paid to plaintiff.

COUNTY OF FRANKLIN.

Commonwealth *v.* Walter Edwin Curtis. S. J. C. *Murder.* Plea of manslaughter accepted and defendant sentenced to the State Prison for five years.

Commonwealth *v.* Erastus W. Brayman. S. J. C. *Conveying incumbered real estate.* Exceptions S. C. Not yet argued.

In re Co-operative Furniture Company of Orange. S. J. C. *Petition for dissolution of corporation.* Not yet heard.

In re Greenfield Tool Company of Greenfield. Insolvency Court. Claim proved in the name of Daniel A. Gleason, treasurer, for taxes (\$83.73).

COUNTY OF HAMPDEN.

Commonwealth *v.* James B. Loomis. S. J. C. *Murder*. Defendant convicted of murder in the first degree and executed.

Commonwealth *v.* John Kemmler. S. J. C. *Murder*. Defendant in Worcester Hospital.

Commonwealth *v.* Mary Murphy. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Henry C. Nash. S. J. C. *Illegal sale of intoxicating liquors*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Kennedy. S. J. C. *Larceny*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* James Moriarty. S. J. C. *Breaking and entering in night time*. Exceptions S. C. Exceptions overruled.

COUNTY OF HAMPSHIRE.

Commonwealth *v.* Marion Augustus Montgomery. S. J. C. *Murder*. Convicted of murder in second degree and sentenced to State Prison for life.

Commonwealth *v.* Benjamin Eastman. S. J. C. *Murder*. Defendant in Worcester Hospital.

Commonwealth *v.* Kate Donovan and William Tebbets. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Orville M. Brailey. S. J. C. *Burning a building in the night time*. Exceptions S. C. Argued, but not decided.

COUNTY OF MIDDLESEX.

Commonwealth *v.* Rogers Amero. S. J. C. *Murder*. Pending.

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

Commonwealth *v.* Mortimer Johnson and Sarah A. Johnson. S. J. C. *Murder*. Mortimer Johnson escaped from prison and is at large. Sarah A. Johnson released on her own recognizance.

Antonio Joan *v.* Commonwealth. S. J. C. Writ of Error. *Arson*. Exceptions overruled and judgment affirmed.

Commonwealth *v.* Elizabeth S. Fenno. S. J. C. *Abortion*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Burkner F. Burlington. S. J. C. *Neglect to support minor child*. Exceptions S. C. Argued, but not decided.

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

Commonwealth *v.* Thomas G. Merriam. S. J. C. *Illegal sale of intoxicating liquors.* Exceptions S. C. Argued, but not decided.

John L. Atkins *v.* Commonwealth. S. J. C. Appeal. *Illegal keeping of intoxicating liquors.* Argued, but not decided.

Commonwealth *v.* Thomas Salmon. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Argued, but not decided.

Commonwealth *v.* James Rafferty. S. J. C. *Assault.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Timothy F. Buckley. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Argued, but not decided.

Leander A. Persons and John Whitely, Deacons of United Society of Protestant Christians *v.* Attorney-General. S. J. C. *Construction of a trust.* Not yet heard.

COUNTY OF NORFOLK.

Commonwealth *v.* Dennis Carney. S. J. C. *Murder.* Defendant in Stoughton Almshouse.

Commonwealth *v.* David Scannel. S. J. C. *Murder.* Defendant in Taunton Hospital.

Commonwealth *v.* William J. Hughes. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions waived.

In re John F. Meara. S. J. C. *Petition for writ of habeas corpus.* Petition dismissed.

COUNTY OF PLYMOUTH.

Commonwealth *v.* Asa B. Baker. S. J. C. *Murder.* Plea of murder in the second degree accepted and defendant sentenced to State Prison for life.

Commonwealth *v.* Ann Morrison. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George Churchill and Nathaniel H. Whittemore. S. J. C. *Illegal keeping of intoxicating liquors.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Matthew G. Smith. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

COUNTY OF SUFFOLK.

Commonwealth *v.* Richard Curry. S. J. C. *Murder.* Pending.

Commonwealth *v.* Thomas Brennan. S. J. C. *Murder.* Defendant escaped from Taunton Lunatic Hospital, April 30, 1880.

Commonwealth *v.* Michael O'Neil. S. J. C. *Murder.* Plea

of manslaughter accepted in the Superior Court, defendant sentenced and this indictment *not pros'd.*

Commonwealth *v.* Louis K. Palmer. S. J. C. *Keeping unlicensed dog.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* James J. Nutt. S. J. C. *Larceny.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* James O. Young. S. J. C. *Violation of municipal ordinance.* Exceptions S. C. Exceptions sustained.

James Fitzgerald in error *v.* Commonwealth. S. J. C. *Obtaining money by trick at cards.* Judgment affirmed.

Commonwealth *v.* Annie Stearns. S. J. C. *Disorderly house.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Edmund Bacon. S. J. C. *Attempt to extort money.* Exceptions S. C. Exceptions overruled.

George W. Meserve in error *v.* Commonwealth. S. J. C. *Forgery.* Not yet heard.

Commonwealth *v.* John E. Fisher. S. J. C. *Adulterated milk.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* John W. Jones, *et al.* S. J. C. *Larceny.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* George A. Rogers. S. J. C. *Assault and Battery.* Exceptions S. C. Exceptions overruled.

James Schouler, Administrator. Petitioner for instructions. S. J. C. *Escheat.* Decree for respondent, John J. Williams *et al.*

Eugene B. Hinckley *v.* Susan B. Thatcher *et al.* S. J. C. *Bill in equity for construction of a will.* Argued, but not decided.

Francis J. Stratton *et al. v.* Attorney-General. S. J. C. *Charitable trust.* Pending.

In re William J. R. Evans *et al.* S. J. C. *Petition to sell real estate.* Petition granted.

Charles H. Gould, treasurer of Danvers Lunatic Hospital *v.* Inhabitants of Marlborough. S. C. *Contract.* Judgment obtained and paid.

Boston Society of New Jerusalem *v.* James Young *et al.* S. J. C. *Charitable trust.* Decree for petitioner.

Commonwealth *v.* A. J. Bartholemew *et al.* S. C. *Suit against corporation officers for penalty for not making returns.* Judgment obtained and settled.

Commonwealth *v.* Edward Mahon *et al.* S. C. *Same cause.* Judgment obtained and settled.

Commonwealth *v.* J. O. Wetherbee *et al.* S. C. *Same cause.* Not yet tried.

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. West Boston Savings Bank. Same v. Mercantile Savings Institution. 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 the hands of receivers.

Commonwealth by Insurance Commissioner v. N. E. Marine Insurance Company. Same v. Conway Mutual Fire Insurance Company. S. J. C. Petitions for injunctions and winding up of affairs. Affairs in hands of receivers.

Commonwealth by Deputy Insurance Commissioner v. Exchange Insurance Company. Same v. Boston Insurance Company. Same v. Manufacturers' Insurance Company. Same v. Howard Fire Insurance Company. Same v. Shoe and Leather Dealers' Insurance Company. Same v. Franklin 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 the hands of receivers.

Attorney-General ex rel. Treasurer v. American Street Light Reflector Company. Same v. N. E. Scale Board Box Company. S. J. C. Information for taxes. Perpetual injunctions issued.

Attorney-General ex rel. Treasurer v. American Machine Company. S. J. C. Information for not making returns. Perpetual injunction issued.

Commonwealth by Tax Commissioner v. Rockland Mining Company. Same v. Canada Mining Company. Same v. Petherick Mining Company. S. J. C. Informations for not making returns. Perpetual injunctions issued.

Attorney-General ex rel. Treasurer v. Baker Water Motor Company. Same v. Nantucket Steamboat Company. S. J. C. Informations for taxes. Perpetual injunctions issued.

Attorney-General ex rel. Treasurer v. West India Importing and Manufacturing Company. Same v. Lawrence Worsted Mills. S. J. C. Informations for taxes. Dismissed for want of service.

Attorney-General ex rel. Treasurer v. Benson Patent Manufacturing Company. S. J. C. Information for taxes. Not yet heard.

Attorney-General ex rel. Commissioner of Corporations v. Boston and Sandwich Boot and Shoe Company. S. J. C. Information for not making returns. Dismissed for want of service.

Same v. Falmouth Wharf Company. S. J. C. Same cause. Perpetual injunction issued.

Attorney-General *v.* Proprietors of Rowe's Wharf. S. J. C. *Information for an injunction.* Not yet heard.

Albert F. Bacon *et al.* *v.* Chandler B. Ransom *et al.* S. J. C. *Charitable trust.* Not yet heard.

Daniel A. Gleason, Treasurer *v.* McKay, Trustee. Same *v.* McKay Sewing Machine Company. S. C. *Suits to test a tax.* Judgments for defendants, tax being unconstitutional.

Roland G. Usher, Warden *v.* Ira Blanchard *et al.* Same *v.* Prusha Rubber Clothing Co. S. C. *Contracts.* Pending.

North American Insurance Company *v.* Commonwealth. Springfield Fire and Marine Insurance Company *v.* Same. Boylston Mutual Insurance Company *v.* Same. Holyoke Mutual Fire Insurance Company *v.* Same. Massachusetts Mutual Fire Insurance Company *v.* Same. Washington Fire and Marine Insurance Company *v.* Same. Shoe and Leather Insurance Company *v.* Same. Manufacturers' Fire and Marine Insurance Company *v.* Same. Mercantile Fire and Marine Insurance Company *v.* Same. Gloucester Fire Insurance Company *v.* Same. Dwelling House Insurance Company *v.* Same. Fireman's Fire Insurance Company *v.* Same. First National Fire Insurance Company *v.* Same. Eliot Insurance Company *v.* Same. S. J. C. *Petitions for abatement of taxes.* Pending.

Standard Fertilizer Company *v.* State Board of Health, Lunacy, and Charity. S. J. C. *Petition for injunction.* Refused.

William Washburn *v.* Commonwealth. S. C. *Petition for compensation as architect at the State House.* Pending.

William J. R. Evans and Thomas W. Evans, Trustees. S. J. C. *Petition for allowance of account and discharge.*

Attorney-General *ex rel.* Treasurer *v.* Warner File Company. S. J. C. *Information for not making returns.* Pending.

In re Palestine Railroad. S. J. C. *Petition for dissolution.* Pending.

In re Estate of William Hale. Probate Court. *Claim of next of kin.* Pending.

In re Albert E. Hackett. S. J. C. *Petition for writ of habeas corpus.* Granted.

Compagnie de Reassurances Generales *v.* Commonwealth *et al.* S. J. C. *Petition for securities in custody of Treasurer.* Pending.

Commonwealth *v.* City of London Fire Insurance Company. Same *v.* Metropole Insurance Co. S. C. *Tort for false returns.* Judgments for Commonwealth and money paid.

COUNTY OF WORCESTER.

Commonwealth *v.* Edward Ryan. S. J. C. *Murder*. Defendant convicted of murder in the first degree and sentenced.

Commonwealth by Insurance Commissioner *v.* Lancaster Savings Bank. S. J. C. *Petition for an injunction and winding up of affairs*. Affairs in hands of receivers.

In re Winchendon Mill Company. S. J. C. *Petition for dissolution*. Petition dismissed.

Commonwealth *v.* Boston, Barre, & Gardner R. R. Corporation. S. J. C. *Exceptions S. C.* Exceptions sustained.

Commonwealth *v.* Burnham Wardwell. S. J. C. *Publishing a libel*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* James G. Forristall. S. J. C. *Larceny*. Exceptions S. C. Argued, but not yet decided.

Commonwealth *v.* William H. Goulding. S. J. C. *Appeal on question of jurisdiction of Central District Court of Worcester*. Jurisdiction sustained.

Commonwealth *v.* John E. Flagg. S. J. C. *Soliciting another to burn a barn*. Report S. C. Argued, but not yet decided.

UNITED STATES CIRCUIT COURT.

William F. Graham *v.* Boston, Hartford & Erie Railroad *et al.* Argued on demurrer. Demurrer sustained.

Henry A. Brassey *v.* New York & New England Railroad Co. *et al.* *Petition for appointment of receiver*. Pending.

CASES

Requiring the Attorney-General's Official Supervision during the Year ending Jan. 16, 1884, though not conducted or argued by him.

Attorney-General *ex rel.* v. Edward N. Perkins *et al.* v. Jamaica Pond Aqueduct Co. S. J. C. Argued on demurrer. Demurrer overruled.

Attorney-General *ex rel.* v. William F. Hart *et al.* S. J. C. Dismissed.

Commonwealth *ex rel.* v. Hiram P. Harriman. S. J. C. *Information to try title to an office.* Dismissed.

Attorney-General v. City of Boston *et al.* S. J. C. *Bill in equity to enjoin sale of Commonwealth lands by Tax Collector.* Interlocutory injunction issued.

Attorney-General *ex rel.* Mott v. Selectmen of Arlington. S. J. C. *Obstruction of an highway.* Pending.

Attorney-General *ex rel.* v. Eastern Railroad. S. J. C. *Information to enjoin the railroad against abandoning a station.* Pending.

Attorney-General *ex rel.* v. William B. Washburn *et al.* S. J. C. *Charitable trust.* Pending.

Attorney-General *ex rel.* Board of Harbor and Land Commissioners v. Henry M. Whitney. S. J. C. *Information to enjoin building.* Pending.

Attorney-General *ex rel.* v. James O. Parker. S. J. C. *Trust.* Pending.

Attorney-General v. Greenfield Library Association. S. J. C. *Violation of trust.* Dismissed.

Attorney-General *ex rel.* v. Boston & Lowell Railroad. S. J. C. *Information to prevent obstruction of street.* Pending.







