





ANNUAL REPORT

OF THE

ATTORNEY-GENERAL

FOR THE

YEAR 1885.

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18 POST OFFICE SQUARE.
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Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S DEPARTMENT, COMMONWEALTH BUILDING,
BOSTON, Jan. 20, 1886.

To the Hon. JOHN Q. A. BRACKETT,
Speaker of the House of Representatives.

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

I am, very respectfully,

Your obedient servant,

EDGAR J. SHERMAN,
Attorney-General.

Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S DEPARTMENT, COMMONWEALTH BUILDING,

BOSTON, Jan. 20, 1886.

To the Honorable Speaker of the House of Representatives :

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

The total number of cases that have required the attention of this department is 265, which is a large increase over the number attended to in 1884. The following table is a classification thereof:—

	1884.	1885.
Indictments for murder,	18	16
Exceptions and reports in criminal cases,	65	92
Information upon relation of public officers,	30	46
Information upon relation of private persons,	9	18
Miscellaneous.	21	93
Total,	143	265

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 ESSEX.

An indictment against Henry K. Goodwin for the murder of Albert D. Swan in Lawrence, Aug. 27, 1885. This was one of the most important trials that has taken place in Essex County in many years. The murdered man was one of the best known citizens of the city of Lawrence. The

prisoner was a native of Vermont, born in Tunbridge, Dec. 14, 1847, and therefore a little over 38 years of age. When a child he was taken to Lawrence by an uncle, who treated him as an adopted son. He received a fair amount of schooling, at 16 enlisted in Company H, Second Heavy Artillery, was wounded and taken prisoner by General Hoag's command at Plymouth, N. C., in 1864. He was a prisoner at Tarborough, N. C., Charleston, Savannah, and Andersonville; was paroled in January, 1865, when he entered the hospital, from which he was discharged and mustered out July 8, 1865. Subsequently, he was for a term in a Boston commercial college, after which he learned and practised the harness trade until 1878. He then took up telegraphy, becoming an efficient electrician. He became interested in the telephone when it was first introduced, and bought an interest in the Bell plant in Lawrence, which he sold in 1880 to Swan and Knox for \$12,000. He invented a switchboard and several other improvements in connection with the telephone, which were in great demand, but from which he failed to realize the profits accruing. In April, 1881, he went to Buenos Ayres under contract to introduce telephones in the Argentine Republic; but this venture proved profitless, and he was obliged to return. He came back to Lawrence, where he was employed by the Molecular Telephone Company. Suddenly Goodwin came to the conclusion that Swan, who had been his fast friend from boyhood, was intriguing and working against him. From this began their quarrel. Goodwin, in keeping with his erratic disposition, threw up his position and went West, settling first in Cleveland, then farther West, finally telegraphing to his uncle for money to get home. He arrived in Lawrence, finding his wife ill, himself out of work and money. He saw Swan once, twice, and many times, at all of which a stormy scene took place. The bond of friendship was a thing of the past, and their interviews were those of strong enemies. Goodwin claimed he had been defrauded by Swan, and that, too, to a large amount; and would always demand of him sums of money and a settlement. His excitable disposition was all aflame with his wrongs; he was gloomy, and brooded much over

his affairs. He could not work, was discouraged; and his now kindled anger, growing by what it fed on, led him, on the 27th of August, 1885, in broad daylight, between the hours of 10 and 11 in the forenoon, to enter the office of Mr. Swan; and, while his back was turned, shot him in the back of the head, killing him almost instantly. After committing the deed he stepped to the telephone in the same office, and calling up the police station said: "I have shot Al. Swan. Will you send an officer for me, or shall I come down?" To a witness who, on hearing the shot, came in, he said: "I have shot him." He then walked out, and, jumping into a passing wagon, went to his uncle's stable, rushed in, and, giving him the revolver that he had used, together with a stiletto that he had had with him, told him what he had done, and then started to walk to the police station, when, meeting with his cousin, Frank Stowell, he shook hands and said: "Good-bye; I have shot Swan. I always said I should kill the — — —, and I have, and I am now going to give myself up." Immediately proceeding to the station house, he gave himself up, saying to the officers there: "There comes a time in a man's life when he can endure no longer,—my time has come." He vowed that Swan had taken all his patents and patterns, for which he was offered \$40,000, and when he tried to sell them he could give no clear title; and that he had told Swan before that, if he did not come to some kind of a settlement he would have his heart's blood. "I have done it, and I meant to, and I am prepared to take the consequences." When asked where the pistol was, he said: "You needn't think for a moment that I will commit suicide." When arraigned November 7 in Salem, before the Supreme Court, he said: "I did it, and always said I did it." His counsel entered a plea of not guilty, basing their defence on the criminal's hope and generally sought after ground of insanity. The trial began December 28, before Justices Charles Allen and Wm. S. Gardner, General Benj. F. Butler and Col. John P. Sweeney being assigned and acting as counsel for the prisoner, and District Attorney Hurlburt assisting for the Commonwealth. It lasted eight days, being submitted to the jury on the evening of the 5th of January, who

returned a verdict on the morning of the sixth of *guilty of murder in the second degree*. Several exceptions were taken by the prisoner's counsel during the progress of the trial, but have since been waived, and the prisoner will be sentenced to State's prison for life.

IN THE COUNTY OF HAMPSHIRE.

An indictment against Allen J. Adams for the brutal murder of Moses Dickerson at Amherst in November, 1875. Mr. Dickerson, an old man at the time of his murder, was found dead on a lounge in his own house on the Northampton road, on the 27th of November of the above year. The deed was committed with an axe, with which the man's head was battered and split open in a most horrible manner; the blood and brains of the unfortunate man being spattered over the lounge and on the wall near where he lay. A tramp who had been living with Mr. Dickerson before his death was missing. Rewards were offered, but no trace could be found of the murderer. A paltry sum of money, which the murdered man had received from the sale of some tobacco, was missing; which was evidently the cause of the killing. Nothing was heard of the aforesaid tramp till December, 1884, when it was learned that Allen J. Adams had confessed (being then a prisoner confined in jail in Tennessee) to having committed the deed. He was brought to Massachusetts. The case was tried at Northampton, Dec. 7, 8, and 9, 1885, before Devens and William Allen, justices. Hon. William G. Bassett and John B. O'Donnell, Esquire, were assigned and acted as counsel for the prisoner, and District Attorney Bond assisted for the Commonwealth. The now common plea of insanity was set up, but to no purpose, the jury bringing in a verdict of *guilty of murder in the first degree*; and the prisoner was sentenced to be executed in March of the current year.

The indictments pending at the time of my last report against Samuel J. Allen, for the murder of Edwin A. Hansell, in Boston, by shooting, while under the influence of liquor; and against Edward J. Moran, for the murder of his wife, by shooting, — have been disposed of. Both pleaded

guilty to manslaughter, and were severally sentenced to the State prison, — the former for five and the latter for fifteen years.

The following indictments for murder are now pending: one against Charles Hayes, for murder, with a razor, of Matilda E. Robinson, Sept. 3, 1885, at Cambridge; one against Frank Mitchell, for murder, by choking, of Ellen Mitchell, July 20, 1885; and one against Timothy Coffee and John Coffee, for murder, with a knife, of John Cullen, Aug. 12, 1885, all in Boston; and one against Charles Johnson, for murder, with a razor, of James Burns, May 9, 1885, at Swansea.

In obedience to the resolve of the Legislature of 1884, chapter 61, I commenced bills in equity against the Boston & Albany Railroad, in the Supreme Judicial Court in Suffolk County; the same have been heard before a single justice, and the demurrers of the defendant were sustained. The cases were reserved at the request of the parties, and are now before the full bench, and will be argued the present term.

Martin Wesson, with whom the Board of Trustees of the State Workhouse at Bridgewater made a contract for the employment of the inmates thereof, made a claim against the Commonwealth, by petition to the Superior Court, as provided in chapter 195 of the Public Statutes, for, as he says, the breach of said contract at the time of the burning of the buildings of the institution. The case was tried before Pitman, Mason and Barker, J. J., Mr. T. H. Tyndale appearing for the petitioner, and Assistant Attorney-General Shepard for the Commonwealth. The court disallowed his claim. Claimant's motion for a re-hearing pending.

Under the same provisions of the Public Statutes, the town of Milford has filed a claim against the Commonwealth for the support of a State pauper. The case is not yet tried.

A case claimed by the defendant to be of much interest to the public, concerning the "freedom of worship," occurred

in Suffolk County, and has been decided during the year, — *Commonwealth v. William F. Davis*, by name. The defendant, a clergyman, was complained of for preaching on Boston Common, so called, on the 17th and 24th of May, 1885, *without a permit*, and in violation of ordinances of the city. He claimed that he had a right so to do without a permit of any sort, and that the ordinance in question was unreasonable, void and illegal. But the Supreme Judicial Court overruled all his exceptions, deciding that the ordinance was valid, and not inconsistent with the laws or constitution of the Commonwealth.

Another case of interest, as affecting the administration of the screen law, is that of *Commonwealth v. James J. Barnes*, who was complained of for violating said provisions of the law. He had been licensed to sell liquors in the "front and rear room on the first floor" of a certain building. The partition between the rooms was of matched boards, having two openings of the size of ordinary doors, which had never been screened in any way. Said partition was for many years a part of the building, was in place when defendant made application for his license, and also when a police officer, detailed for that purpose, inspected the premises, and was not required to be removed by the officials granting the license. The defendant contended that said partition was not such a maintenance of a partition as was a violation of his license. The jury found him guilty, and he alleged exceptions, which the Supreme Court have just sustained.

A civil case of much importance, and one that has been pending for some time, was that of the *Attorney-General ex. rel. Harbor and Land Commissioner v. Henry Bigelow Williams*. Said Williams purchased of the Commonwealth, through the Commissioners, a certain parcel of land in the district known as the Back Bay, and proceeded to erect a building thereon. One of the conditions of the deed by which this land was conveyed was that no bays or projections should be constructed out upon or over a certain sixteen-feet passageway forming one of the boundary lines.

Such projections said defendant was proceeding to build; whereupon I, at the request of the Harbor and Land Commissioners, filed an information for an injunction restraining such proceedings. The question as to the defendant's rights in the matter was reserved for the consideration of the full court. The court decided that the condition in the deed was a legal and reasonable one, and must be followed. This decision of the court was duly served upon the defendant, who, for reply, said he had conveyed said property to others. A decree requiring the defendant to remove said projections personally and at his own expense, within thirty days, was issued by the court, from which defendant appealed. In November last this appeal was tried, the defendant's objections pronounced frivolous, and the decree affirmed by the full court. The defendant Williams since that time has entered into an absolute unequivocal written agreement to remove said projections, satisfactory to and approved by the Board of Harbor and Land Commissioners.

The dockets of the Superior Court are greatly overcrowded with both civil and eriminal cases, and the cases are constantly increasing. Something must be done, and that at once, or there will be greater complaints of the "law's delays" than heretofore; and there will soon be such a condition of things as will amount to a substantial denial of justice to litigants in civil cases as well as to persons charged with crime.

I would recommend that the laws be so changed as to allow criminals, if they so desire, to waive their right to trial by jury, according to the practice allowed parties to civil suits. This would give every criminal his constitutional right to a trial by jury, if he availed himself of it, otherwise the trial would be before the court without a jury; generally this would result in a great saving of time and expense, and perhaps two trials of the same case.

If, in the larger counties, where the great amount of crime centres, — e. g., Suffolk, Essex, Middlesex, Worcester, and perhaps Hampden, — a court should be created with criminal jurisdiction only; it would release the Superior Court, so that its dockets would be relieved, without the appointment of additional justices.

I would recommend that the law be so changed as to allow grand juries to return indictments for *murder in the second degree*, in which event the same might be tried in the Superior Court.

I renew my recommendation of last year, concerning Rewards for Apprehending Offenders. The offer of rewards in this Commonwealth, for the purpose of securing the arrest and conviction of persons who have committed capital crimes, has worked great mischief, causing a large expenditure of money and misdirection of effort, if not utter failure in the detection of the murderers. 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 would respectfully call the attention of the General Court to the necessity of repealing sections 21, 22, 23, and 25 of chapter 150 of the Public Statutes. By the passage of chapter 384 of the Acts of 1885, the above sections are put in conflict therewith. The two statutes are incongruous and inconsistent; and, as there ought not to be any conflict upon so important a subject as capital trials, I recommend the repeal of the sections cited.

Frederick J. Stimson, Esq., was appointed and acted as Assistant Attorney-General during the illness and enforced absence of Assistant Attorney-General Shepard. Both have rendered faithful service, and have received the commendation of the department. The business of the department has increased materially. The number of exceptions and reports in criminal cases from the different counties, the number of informations filed at the relation of public officers and of private persons, and the miscellaneous cases, are about 75 per cent. in excess of previous years, as will appear by the table at the beginning of this report.

The legal business of the Troy & Greenfield Railroad and Hoosac Tunnel I fear is coming to this department, which

hitherto was performed by special counsel. I respectfully request that I be allowed to appoint a law clerk, at an annual salary of one thousand dollars.

I annex details of the work of the department, with tables.

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. 21, 1886, and the Disposition thereof by Counties.

COUNTIES.	Cases.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not decided.	Pending.
Bristol,	2	1	1	-	-
Essex,	8	7	-	1	-
Franklin,	2	1	1	-	-
Hampshire,	3	3	-	-	-
Middlesex,	26	11	6	3	6
Norfolk,	9	5	2	1	1
Plymouth,	2	1	-	1	-
Suffolk,	34	20	1	2	11
Worcester,	6	3	3	-	-
Totals,	92	52	14	8	18

TABLE

Showing the Number and Character of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year ending Jan. 21, 1886, and the Disposition thereof.

OFFENCES.	Cases.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not decided.	Pending.
Adultery,	3	2	—	—	1
Assault,	6	3	—	2	1
Breaking and entering,	1	1	—	—	—
Burning a building,	3	3	—	—	—
Conspiracy,	1	—	—	1	—
Embezzlement,	2	—	1	—	1
False pretences,	3	—	—	2	1
False registration,	1	1	—	—	—
Forgery,	2	2	—	—	—
Idle and disorderly person,	1	—	—	—	1
Illegal fishing,	1	—	—	—	1
Interfering with Ass't Milk Inspector,	1	—	—	—	1
Keeping a billiard table without license,	1	—	—	1	—
Larceny,	2	2	—	—	—
Liquor, illegal keeping of,	8	7	1	—	—
Liquor, illegal sale of,	16	12	2	—	2
Liquor nuisance,	21	10	6	—	5
Malicious poisoning,	1	1	—	—	—
Nuisance,	1	1	—	—	—
Obscene publication,	1	—	1	—	—
Polygamy,	1	—	1	—	—
Possession of adulterated milk,	4	2	—	—	2
Present at unlawful game,	1	—	—	1	—
Receiving stolen goods,	2	1	1	—	—
Selling adulterated milk,	2	1	—	1	—
Soliciting to commit perjury,	1	1	—	—	—
Violation of municipal ordinance,	5	2	1	—	2
Totals,	92	52	14	8	18

CASES

Argued and conducted by the Attorney-General, during the Year ending Jan. 20, 1886.

COUNTY OF BERKSHIRE.

West Parish in Barnstable *et al.* v. The Inhabitants of the Town of Barnstable *et al.* and Attorney-General. S. J. C. *Execution of school trust.* Pending.

COUNTY OF BRISTOL.

Commonwealth v. John Moinehan. S. J. C. *Single sale of intoxicating liquors.* Exceptions S. C. Overruled.

Commonwealth v. Philius Roy. S. J. C. *Violation of city ordinance.* Exceptions S. C. Sustained.

County of Bristol v. Franklin Gray. S. J. C. *Travelling expenses of County Commissioners.* Appeal S. C. Judgment affirmed.

Commonwealth v. Charles Johnson. S. J. C. *Murder.* Pending.

COUNTY OF ESSEX.

Commonwealth v. Augustus F. Mead. S. J. C. *Keeping intoxicating liquors with intent to sell illegally.* Exceptions S. C. Overruled.

Commonwealth v. Louis G. Hollis. S. J. C. *Procuring another to commit perjury.* Exceptions S. C. Overruled.

Commonwealth v. John G. Cheney, Jr. S. J. C. *Assault with dangerous weapon.* Exceptions S. C. Argued, but not decided.

Commonwealth v. William A. Murphy. S. J. C. *Illegal sale of intoxicating liquors.* Want of jurisdiction, violation of Art. 5, Amendment of United States Constitution. Exceptions S. C. Overruled.

Commonwealth *v.* Ellen McPherson. S. J. C. *Same.* Exceptions waived.

Commonwealth *v.* Charles S. Parker. S. J. C. *Same.* Exceptions S. C. Overruled.

Commonwealth *v.* Addie Holbrook. S. J. C. *Same.* Exceptions S. C. Overruled.

Commonwealth *v.* William Coombs. S. J. C. *Same.* Exceptions S. C. Waived.

Commonwealth *v.* William Russell. S. J. C. *Murder.* Defendant committed to the Taunton Lunatic Asylum to await the further order of the court.

Commonwealth *v.* Henry K. Goodwin. *Murder.* Defendant guilty of murder in second degree.

COUNTY OF FRANKLIN.

Commonwealth *v.* Elizabeth and Andrew J. Everson. S. J. C. *Unlawful sale of intoxicating liquors.* Exceptions S. C. Overruled.

Commonwealth *v.* Andrew Everson. S. J. C. *Same.* Sustained.

COUNTY OF HAMPDEN.

The Attorney-General *ex rel.* Tax Commissioner *v.* Hecla Card and Paper Company. *Claim in insolvency for unpaid taxes.*

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

Commonwealth *v.* Edward J. Moran. *Murder.* Plea of manslaughter. Accepted.

COUNTY OF HAMPSHIRE.

Commonwealth *v.* Richard Preece *et al.* S. J. C. *Setting fire to a warehouse.* Exceptions S. C. Overruled.

Commonwealth *v.* Mary Ayer. S. J. C. *Adultery.* Exceptions S. C. Overruled.

Commonwealth *v.* George Hagenlock. S. J. C. *Assault.* Exceptions S. C. Overruled.

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

Commonwealth *v.* Allen J. Adams. S. J. C. *Murder.* Guilty of murder in the first degree, and sentenced to be hung.

COUNTY OF MIDDLESEX.

Commonwealth *v.* Henry W. Colson. S. J. C. *Conspiracy*.
Exceptions S. C. Argued, but not decided.

Commonwealth *v.* Timothy Desmond. S. J. C. *Assault with
intent to kill. Assault*. Exceptions S. C. Not yet heard.

Commonwealth *v.* George M. Sawtelle. S. J. C. *Embezzlement
and larceny*. Exceptions S. C. Not yet heard.

Commonwealth *v.* John Rourke. S. J. C. *Illegal sale of intox-
icating liquors*. Exceptions S. C. Not yet heard.

Commonwealth *v.* Patrick Dorney. S. J. C. *Liquor nuisance*.
Exceptions S. C. Not yet heard.

Commonwealth *v.* George F. Colton. S. J. C. *Liquor nui-
sance*. Exceptions S. C. Not yet heard.

Commonwealth *v.* Loami G. Richardson. S. J. C. *Illegal fish-
ing in a great pond*. Exceptions S. C. Not yet heard.

Commonwealth *v.* Joseph E. Towle. S. J. C. *Sale of liquors
on Sunday*. Exceptions S. C. Overruled.

Commonwealth *v.* Charles Sinclair. S. J. C. *Sale of liquors to
a minor*. Exceptions S. C. Overruled.

Commonwealth *v.* James Barnes. S. J. C. *Tenement for illegal
sale of liquors*. Exceptions S. C. Overruled.

Commonwealth *v.* Joseph Uhig. S. J. C. *Liquor nuisance*.
Exceptions S. C. Overruled.

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

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

Commonwealth *v.* Owen Murray. S. J. C. *Illegal keeping of
liquors*. Exceptions S. C. Overruled.

Commonwealth *v.* Charles Jacobs. S. J. C. *Illegal keeping and
sale of liquors*. Exceptions S. C. Waived.

Commonwealth *v.* Michael McGrath. S. J. C. *Liquor nui-
sance*. Exceptions S. C. Sustained.

Commonwealth *v.* James J. Flannery. S. J. C. *Illegal sale of
liquors*. Exceptions S. C. Sustained.

Commonwealth *v.* Edward Donahue, Jr. S. J. C. *Maintaining
liquor nuisance*. Exceptions S. C.

Commonwealth *v.* Alexander McCullon. S. J. C. *Maintaining
liquor nuisance*. Exceptions S. C. Overruled.

Commonwealth *v.* Thomas Ferden. S. J. C. *Illegal sale of
liquors*. Exceptions S. C. Overruled.

Commonwealth *v.* James J. Barnes. S. J. C. *Maintaining liquor nuisance* Exceptions S. C. Sustained.

Commonwealth *v.* Thomas F. Kenney. S. J. C. *Obtaining money under false pretences.* Exceptions S. C. Argued, not yet decided.

Commonwealth *v.* Israel Sansville. S. J. C. *Maintaining a liquor nuisance.* Exceptions S. C. Sustained.

Commonwealth *v.* Edward Shedd *alias* Edward McSweeney. S. J. C. *Breaking and entering in the night time.* Exceptions S. C. Overruled.

Commonwealth *v.* Thomas Leonard. S. J. C. *Receiving stolen property.* Exceptions S. C. Sustained.

Commonwealth *v.* Annie Welch. S. J. C. *Illegal keeping intoxicating liquors.* Exceptions S. C. Overruled.

Commonwealth *v.* Walter H. Leighton. S. J. C. *Illegal sale of intoxicating liquors.* Exceptions S. C. Overruled.

Commonwealth *v.* William M. Devlin. S. J. C. *False pretences.* Exceptions S. C. Argued, not yet decided

Daniel A. Gleason, Treasurer *v.* Lowell Spool and Bobbin Company of Lowell. *Proof of claim for taxes.* Insolvency. Pending.

William H. Wilcox, executor, *et al.*, *v.* John H. Goodenow and others. *Construction of trust.* Final decree entered.

Application of Attorney-General, at request of State Board of Health, Lunacy and Charity, for the transfer of Joseph Sullivan, indicted for murder, from Taunton Lunatic Hospital to Asylum for Chronic Insane at Worcester. Granted.

Attorney-General *ex rel.* Saml. Patch and William Guinan *v.* Henry P. Sherman and Henry W. Howe, Commissioners of Public Buildings. *Quo warranto to try title of.* Pending.

Commonwealth *v.* Charles Hayes. S. J. C. *Murder.* Pending.

The Attorney-General by information *v.* Rufus H. Brigham, executor, *et als.* Report. Pending.

Petition for dissolution of Saint Mary's Orphanage. Dissolution decreed.

COUNTY OF NORFOLK.

Commonwealth *v.* Oliver H. Perry. S. J. C. *Nuisance.* Exceptions S. C. Overruled.

Commonwealth *v.* Edward McCarty. S. J. C. *Keeping a billiard hall without license.* Exceptions S. C. Argued, not yet decided.

Commonwealth *v.* Andrew F. Hanley. S. J. C. *Unlawful sale of liquors.* Exceptions S. C. Overruled.

Commonwealth *v.* Catherine Fitzpatrick. S. J. C. *Liquor nuisance*. Exceptions S. C. Overruled.

Commonwealth *v.* Mary Flaherty. S. J. C. *Keeping liquor nuisance*. Exceptions S. C. Sustained.

Commonwealth *v.* Michael Kerrissey. S. J. C. *Liquor nuisance*. Exceptions S. C. Not yet heard.

Commonwealth *v.* Wilmot F. Fisher. S. J. C. *Illegal keeping of intoxicating liquors*. Exceptions S. C. Overruled.

Commonwealth *v.* Certain Intoxicating Liquors. Wilmot F. Fisher, claimant. S. J. C. *Same*. Exceptions S. C. Sustained.

Commonwealth *v.* Seth Richards. S. J. C. *Liquor nuisance*. Exceptions S. C. Defaulted.

Commonwealth *v.* Dennis Carney. *Murder*. Defendant in Stoughton Almshouse.

Commonwealth *v.* David Scannel. *Murder*. Defendant in Taunton Hospital.

Petition of James Rowen for writ of habeas corpus, for illegal imprisonment because of arrest without warrant. Petition dismissed.

COUNTY OF PLYMOUTH.

John J. Williams, Archbishop, *v.* Attorney General. S. J. C. *Leave to mortgage church estate in Abington*. Granted.

Commonwealth *v.* Peter Hagan. S. J. C. *Illegal sale of liquor*. Exceptions S. C. Overruled.

Commonwealth *v.* William J. Foley and Thomas F. Slattery. S. J. C. *Assault with dangerous weapon*. Exceptions S. C. Pending.

COUNTY OF SUFFOLK, CRIMINAL.

Leander Bushman *v.* Commonwealth. S. J. C. Petition for writ of error. *Larceny*. Judgment affirmed.

Commonwealth *v.* John Keenan. S. J. C. *Possession of adulterated milk with intent to sell*. Exceptions S. C. Overruled.

Commonwealth *v.* Hugh J. McGuirk. S. J. C. *Liquor nuisance*. Exceptions S. C. Overruled.

Commonwealth *v.* Isaac S. Levy. S. J. C. *Forgery*. Exceptions S. C. Overruled.

Commonwealth *v.* John S. Wright. S. J. C. *Obscene publication*. Exceptions S. C. Sustained.

Commonwealth *v.* Nathaniel W. Fenton. S. J. C. *Obstructing the street*. Exceptions S. C. Overruled.

Commonwealth *v.* Charles M. Parsons. S. J. C. *Forgery*. New trial. Exceptions S. C. Overruled.

Commonwealth *v.* Joseph Driscoll and Geo. Cottell. S. J. C. *Burning a building.* Exceptions S. C. Waived.

Commonwealth *v.* James Kelley. S. J. C. *Liquor nuisance.* Exceptions S. C. Overruled.

Commonwealth *v.* Henry Swift. S. J. C. *Larceny.* Exceptions S. C. Waived.

Commonwealth *v.* John C. Hayes *et al.* S. J. C. *Receiving stolen goods.* Exceptions S. C. Overruled.

Commonwealth *v.* Edward J. Hobbs. S. J. C. *Malicious poisoning.* Exceptions S. C. Overruled.

Commonwealth *v.* John Flynn. S. J. C. *Assault and battery on an officer.* Exceptions S. C. Waived.

Commonwealth *v.* Albert Tobias. S. J. C. *Sale of adulterated milk.* Exceptions S. C. Argued, not yet decided.

Commonwealth *v.* William F. Davis. S. J. C. *Violation of city ordinance; preaching on Boston Common.* Exceptions S. C. Overruled.

Commonwealth *v.* Rose McGaffigan. S. J. C. *Assault and battery.* Exceptions S. C. Waived.

Commonwealth *v.* John Keenan. S. J. C. *Sale of adulterated milk.* Exceptions S. C. Overruled.

Commonwealth *v.* Frank Mitchell. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Timothy Coffee and John Coffee. *Murder.* Pending.

Commonwealth *v.* Wm. Hogarty. S. J. C. *Being present at an unlawful game.* Exceptions S. C. Argued, not yet decided.

Commonwealth *v.* Harrison G. O. Bowers. S. J. C. *Possession of adulterated milk, with intent to sell.* Exceptions S. C. Overruled.

Commonwealth *v.* Michael Keefe. S. J. C. *Liquor nuisance.* Exceptions S. C. Overruled.

Commonwealth *v.* James Henderson. S. J. C. *Illegal keeping of liquors.* Exceptions S. C. Overruled.

Commonwealth *v.* Albert W. Worcester. S. J. C. *Liquor nuisance.* Exceptions S. C. Overruled.

Commonwealth *v.* Maud Ruisseau *et al.* S. J. C. *Adultery.* Exceptions S. C. Overruled.

Commonwealth *v.* Charles L. Blood and John H. Evans. S. J. C. *Obtaining money under false pretences.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Daniel O. Hanson. S. J. C. *Possession, with intent to sell, adulterated milk.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Benjamin F. Holt. S. J. C. *Same.* Exceptions S. C. Not yet heard.

Commonwealth *v.* James Magee. S. J. C. *Liquor nuisance.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Karl Wachendorf. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Minnie Brown. S. J. C. *Idle and disorderly person.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Anson P. Rowe. S. J. C. *Violation of city ordinance.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Clarence A. Smith. S. J. C. *Interfering with assistant of milk inspector.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Joseph Lagorio. S. J. C. *Violation of city ordinance.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Jane A. Cameron. S. J. C. *Liquor nuisance.* Exceptions S. C. Not yet heard.

Commonwealth *v.* Samuel J. Allen. S. J. C. *Murder.* Plea of guilty of manslaughter. Accepted.

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

Commonwealth *v.* John J. Teevens. S. J. C. Report. *Suit against sureties on a recognizance.* Not yet heard.

Petition of John E. Estes for writ of habeas corpus. Refused.

James W. H. Lapworth *v.* Commonwealth. S. J. C. *Writ of scire facias to correct error in sentence.* Disposed of.

COUNTY OF SUFFOLK, CIVIL.

Attorney-General *ex rel.* Commissioner of Corporations *v.* Stoughton Boot and Shoe Company. S. J. C. *Petition for dissolution for failure to make returns.* Decreed.

Attorney-General *ex rel.* Treasurer *v.* Cold Blast Refrigerator Company. Insolvency. *Claim for taxes.* Allowed.

Attorney-General *ex rel.* Commissioner of Corporations *v.* Parker Mills. S. J. C. *Petition for dissolution for failure to make returns.* Dissolution decreed.

Attorney-General *ex rel.* Commissioner of Corporations *v.* American Door Hanger Company. S. J. C. *Petition for dissolution for failure to make returns.* Dissolution decreed.

Attorney-General *ex rel.* Harbor and Land Commissioners *v.* Henry Bigelow Williams. S. J. C. *Injunction to restrain building of bay windows over passage-way on Back Bay.* Final decree. Bay windows to be removed.

Attorney-General *ex rel.* Insurance Commissioner *v.* People's

Benefit Association. S. J. C. *Injunction against business and removal of treasurer.* Temporary injunction granted. Pending.

Attorney-General *ex rel.* Insurance Commissioner *v.* Massachusetts Relief Association. S. J. C. *Injunction against further business.* Bill dismissed.

Attorney-General *ex rel.* Insurance Commissioner *v.* American Benefit Association. S. J. C. *Injunction against further business.* Appointment of a receiver. Granted.

Attorney-General *ex rel.* Insurance Commissioner *v.* American Benefit Society. S. J. C. *Injunction against further business.* Final injunction granted.

Attorney-General *ex rel.* Commissioner of Corporations *v.* Boston Horse Shoe Company. S. J. C. *Petition for dissolution for failure to make returns.* Dissolution decreed.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* North Bridgewater Savings Bank. Same *v.* Sandwich Savings Bank. Same *v.* Reading Savings Bank. Same *v.* Scituate Savings Bank. Same *v.* Lancaster Savings Bank. S. J. C. *Petitions for injunctions and winding up of affairs.* Affairs in the hands of receivers.

Commonwealth, by Board of Savings Bank Commissioners, *v.* Mechanics' Savings Bank. Same *v.* Barnstable Savings Bank. Same *v.* West Boston Savings Bank. Same *v.* Mercantile Savings Bank. Same *v.* Rockport Savings Bank. Same *v.* Lexington Savings Bank. Same *v.* Needham Savings Bank. S. J. C. *Petition for injunctions and winding up of affairs.* Discharged and settled.

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

Commonwealth, by Deputy Insurance Commissioner, *v.* Neptune Insurance Company. S. J. C. *Petition for injunction and winding up of affairs.* In the hands of a receiver.

Commonwealth, by Deputy Insurance Commissioner, *v.* Exchange Insurance Company. Same *v.* Boston Fire 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. S. J. C. *Petitions for injunctions and winding up of the affairs.* Settled, and receivers discharged.

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

Commonwealth *v.* Boston & Albany Railroad Company. S. J. C. *Information to restrain the payment of dividends.* Demurrer sustained. Case reported to the full court. Pending.

Commonwealth *v.* Boston & Albany Railroad Company. S. J. C. *Information to restrain the issue of 6,527 shares.* Demurrer sustained. Case reported to the full court. Pending.

The Attorney-General *ex rel.* A. W. Locke, Manager Troy & Greenfield Railroad and Hoosac Tunnel, *v.* Fitchburg Railroad. S. J. C. *Complaint to enforce compliance with rule of manager.* Pending.

The Attorney-General *ex rel.* Railroad Commissioners and Selectmen of the Town of Wareham *v.* Onset Bay Grove Association and E. Gerry Brown. S. J. C. *Injunction to restrain the operation of railroad.* Pending.

Petition of Trustees of Hawes Fund in Boston for instructions under will. S. J. C. Pending.

Deposition to perpetuate testimony of Robert Caldwell, Machay and Thomas Lamb of Boston *in re* will of Thomas Thompson of New York.

Commonwealth, by Board of Savings Bank Commissioners, *v.* Emigrant Savings Bank. S. J. C. *Petition of bank for decree to pay over balance on hand to State treasury.*

Attorney-General *ex rel.* William R. Mann and others, Committee of Inhabitants of the Town of Sharon, *v.* Revere Copper Company. S. J. C. *Information for injunction against drawing water from Massapoag Pond.* Pending.

Mary J. Moore, Mary B. Thompson and Belinda A. Dolan, petitioners, *v.* Commonwealth. S. J. C. *Damages for flats taken by Harbor and Land Commissioners.* Not yet heard.

Town of Milford, petitioner, *v.* Commonwealth. S. C. *Repayment for support of pauper.* Not yet heard.

Martin Wesson, petitioner, *v.* Commonwealth. *State Workhouse contract.* Decision for Commonwealth. Motion for new trial.

Roland G. Usher, Warden, *v.* Prusha Rubber Company. *Contract.* S. C. N. P.

Roland G. Usher, Warden, *v.* Ira Blanchard. S. C. *Contracts.* Decision for Commonwealth. \$1,225.00 collected and paid to Warden.

Richard T. Parker, *et al.*, Trustee, *v.* City of Gloucester. S. J. C. *Petition to confirm sale of land.*

Metropole Insurance Company *v.* Commonwealth. S. J. C. *Petition for securities in custody of Treasurer.* Granted.

Eugene B. Hinkley, Executor, *v.* Susan Cony Thatcher and others. S. J. C. *Construction of a will.* Final decree ended in June.

George White, Executor, *v.* City of Boston *et al.* S. J. C. Pending.

Horticultural School for Women *v.* Attorney-General. S. J. C. *Construction of a trust.* Final decree entered in June.

Commonwealth *v.* J. O. Wetherbee *et al.* *Suit for penalty for not making returns.* Judgment for Commonwealth. Satisfied.

Alfred F. Bacon *et al. v.* Chandler B. Ransom *et al.* S. J. C. *Charitable trust.* Bill dismissed.

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

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

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

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

Commonwealth, by Deputy Tax Commissioner, *v.* United States Cord Company. Same *v.* United Watch Company. Same *v.* Willow Dale Company. Same *v.* Woolson Machine Company. Same *v.* Tully Mills. Same *v.* Tripp Metallic Packing Company. Same *v.* Thorp Manufacturers' Company. Same *v.* Sunapee Mill Company. Same *v.* Stone Horse Shoe Company. Same *v.* Star Company. Same *v.* Snow Paper Company. Same *v.* S. L. Wiley Construction Company. Same *v.* Prang Educational Company. Same *v.* Music Hall Association. Same *v.* Mayall Patent Company. Same *v.* Massachusetts Rolling Stock Company. Same *v.* Manufacturers' Gazette Publishers Company. Same *v.* Lechemere Rendering Company. Same *v.* Lancaster Slate Company. Same *v.* L. L. Brown Company. Same *v.* Jamaica Pond Aqueduct Company. Same *v.* Consumers' Gas Light Company. Same *v.* Citizens' Gas Light Company. Same *v.* Byfield Manufacturers' Company. Same *v.* Budget Publishing Company. Same *v.* Boston Pulp Wheel Company. Same *v.* Boston Exhaust Ventilator Company. Same *v.* Barnes Manufacturers' Company. Same *v.* American Cultivator Company. Same *v.* Adams Gas Light Company. Same *v.* Boston Gas Improvement Company. Same *v.* Boston Metallic Harness Lug Company. Same *v.* Dwight & Hoyt Construction Company. Same *v.* Eagle Mill Company. Same *v.* Columbia Rubber Company. Same *v.* Essex Steam Mill Company. Same *v.* Fitchburg Tool Company. Same *v.* Franco American Publishing Company. Same *v.* Hampden Watch Company. Same *v.*

Hotel Pemberton Company. Same *v.* Ideal Coffee Company. Same *v.* Lagoon Pond in Dukes County. Same *v.* Merrimac Navigation and Express Company. Same *v.* National Steam Boiler Company. Same *v.* Phoenix Brewing Company. Same *v.* Pittsfield Public Hall and Rink. Same *v.* South Shore Steamship Company. Same *v.* Union Bark Mill Company. Same *v.* Union Chemical Company. Same *v.* Florence Machine Company. Same *v.* Dean Steam Pump Company. *Proceedings to compel returns under chapter 13, section 38 of the Public Statutes.* Complied with. No information filed.

Commonwealth, by Tax Commissioner, *v.* Serson Kauffer Electric Battery Company. *Same.* Pending.

Attorney-General *ex rel.* Treasurer *v.* American Cultivator Publishing Company. Same *v.* Boston and Hingham Steamboat Company. Same *v.* Brockton and South Abington Street Railway Company. Same *v.* Budget Publishing Company. Same *v.* Butcher Polish Company. Same *v.* Chas. T. Bates Manufacturing Company. Same *v.* Charlestown Enterprise Company. Same *v.* Crystal Emery Wheel Company. Same *v.* Chicopee Folding Box Company. Same *v.* Currier Telephone Bell Company. Same *v.* Duplex Tag Company. Same *v.* Elliott Paper Box Company. Same *v.* Hall Elevator Safety Attachment Company. Same *v.* Knights of Labor Coöperative Publishing Company. Same *v.* Lighthall Cable Tramway Company of Boston. Same *v.* Magnes Calcite Fire Proof Company. Same *v.* Manufacturers' Gazette Publishing Company. Same *v.* Mayall Patent Company. Same *v.* Merrimac River Towing Company. Same *v.* The Mutual News Company. Same *v.* National Color Printing Company. Same *v.* Oriental Coal Oil Company. Same *v.* S. K. Smith Silk Manufacturing Company. Same *v.* S. L. Wiley Construction Company. Same *v.* United Manufacturing Company. Same *v.* Western Union Telegraph Company. Same *v.* The L. A. May Company. *Proceeding against, for failure to pay corporation tax.* Pending.

COUNTY OF WORCESTER.

Commonwealth *v.* Intoxicating Liquors, P. H. Morrison, claimant. *Illegal Keeping.* S. J. C. Exceptions. S. C. Sustained.

Commonwealth *v.* Jonathan R. Haskell. S. J. C. *Burning a building.* Exceptions. S. C. Overruled.

Commonwealth *v.* John McGrath. S. J. C. *Polygamy.* Exceptions S. C. Sustained.

Commonwealth *v.* Franklin Este. S. J. C. *Embezzlement.* Exceptions S. C. Sustained.

Commonwealth *v.* Certain Intoxicating Liquors, Palmer and Madigan, claimants. S. J. C. *Illegal Keeping*. Exceptions S. C. Waived.

Commonwealth *v.* Maurice W. Hennigan. S. J. C. *False Registration*. Exceptions S. C. Waived.

RAILROAD COMMISSIONERS.

Appeal of Fitchburg Railroad Company to annul order of A. W. Locke, Manager Troy & Greenfield Railroad and Hoosac Tunnel. Order of manager confirmed. Appeal dismissed.

UNITED STATES CIRCUIT COURT.

Henry A. Brassey *v.* New York & New England Railroad *et al.* *Petition for appointment of receiver*. Receiver appointed by Circuit Court of Connecticut, Dec. 31, 1883. Discharged Dec. 31, 1885.

Hannah B. Hall, administratrix estate George M. Hall, *v.* A. W. Locke, *et al.*, Manager Troy & Greenfield Railroad and Hoosac Tunnel. *Suit for injuries received on defendant's road*. Not yet tried.

Hannah B. Hall, administratrix estate Agnes M. Hall, *v.* Augustus W. Locke, *et al.*, Manager, etc. *Same*. Not yet heard.

CASES

*Requiring the Attorney-General's Supervision during the Year
though not conducted by him.*

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

Attorney-General *ex rel.* v. William B. Washburn *et al* *Char-*
itable Trust.

Attorney-General *ex rel.* B. H. and H. P. Nash v. City of Boston
et al. S. J. C. *Injunction to restrain the removal of sidewalk on*
Boylston Street, Boston. Pending.

Attorney-General *ex rel.* Bay State Gas Company, *quo warranto.*
Pending.







