

SENATE No. 2.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, Jan. 8, 1900.

To the Senate and House of Representatives.

I have the honor to transmit herewith to the General Court a report of the pardons granted in 1899, left with me by my predecessor in office.

W. MURRAY CRANE.

EXECUTIVE DEPARTMENT, BOSTON, Jan. 3, 1900.

To the Senate and House of Representatives.

I have the honor herewith to present, in compliance with chapter 50 of the Resolves of 1860, a report of the twenty-eight pardons issued by the Governor, with the advice of the Council, during the year of my administration just closing. Of the number thus released, four were in the State Prison, five in the Massachusetts Reformatory, one in the Reformatory Prison for Women, and eighteen in houses of correction. Sickness was the controlling reason for the discharge of nine, three of whom have since died.

ROGER WOLCOTT.

NO. 1. LEWIS PIERCE. Convicted of robbery, Superior Court, Plymouth County, June 24, 1898. Sentenced to the State Prison on a three to four years' sentence. Pardoned Jan. 18, 1899, on the ground of innocence, upon the recommendation of the district attorney, who had very carefully investigated the case since the trial and discovered evidence which led him to believe that Pierce could not have committed the crime. It was evidently a case of mistaken identity.

NO. 2. MARY GIBBONS. Convicted of adultery, Superior Court, Middlesex County, Feb. 24, 1898. Sentenced to the House of Correction for eighteen months. Pardoned Feb. 8, 1899. The prisoner had pulmonary tuberculosis, with no possible hope of cure. She died October 5.

NO. 3. MARY KENNEDY, *alias* McCARR. Convicted of adultery, Superior Court, Worcester County, August term, 1897. Sentenced to the House of Correction for three years. Pardoned Feb. 3, 1899, upon the recommendation of the district attorney, sheriff, chaplain and matron of the House of Correction, on the ground that she had been sufficiently punished and would hereafter lead a moral life. The usual sentence for such a crime does not exceed eighteen months.

NO. 4. ELLA A. BATES. Convicted of abortion, Superior Court, Suffolk County, February term, 1896. Sentenced to the Reformatory Prison for Women for seven years and transferred to the House of Correction. Pardoned March 2, 1899. This woman had been in the hospital for six months, suffering from cancer of the stomach. She was pardoned that she might die with her friends.

NO. 5. MORRIS PRELM. Convicted of violation of law prohibiting admission of minors to a pool room, Second District Court, Bristol County, Feb. 4, 1899. Sentenced on eighteen complaints to pay a fine of \$350 or to stand committed for seven hundred and ten days. Pardoned March 8, 1899. The prisoner was simply a temporary employee in

the pool room and in no way responsible for the control of the room. If he had been properly defended by counsel the cases would undoubtedly have been placed on file. The mayor and many of the city officials and prominent citizens of Fall River urged the granting of a pardon.

NO. 6. CLIFTON J. WHITE. Convicted of breaking and entering, Second District Court, Middlesex County, Nov. 30, 1898. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Pardoned April 12, 1899, upon the recommendation of the justice of the Second District Court and the Commissioners of Prisons, on the ground that the prisoner, who was but sixteen years of age and had previously borne a good reputation, had been sufficiently punished.

NO. 7. FRANK E. HERRICK. Convicted of assault, Superior Court, Worcester County, Feb. 2, 1897. Sentenced to the House of Correction for four years. Pardoned May 10, 1899. There were circumstances connected with the case which, if presented at the trial, would without doubt have lessened the sentence. The district attorney believed "that his imprisonment had worked its full reformatory effect upon him."

NO. 8. JOHN MANGAN. Convicted of drunkenness, Superior Court, Suffolk County, Feb. 18, 1899. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Transferred to the State Asylum for Insane Criminals. Pardoned May 10, 1899, to be removed to a private hospital for treatment.

NO. 9. ABRAM ORENTLICHER. Convicted of larceny, Superior Court, Suffolk County, March 17, 1899. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Pardoned May 10, 1899. The prisoner was suffering from pulmonary tuberculosis, and had recently had several hemorrhages. The reformatory physician stated that he was in the advanced stages of consumption. He died a few weeks after his release.

Nos. 10 and 11. WOO TONG and SAM SING. Convicted of rape, Superior Court, Worcester County, May 20, 1896. Sentenced to the State Prison for eight to twelve and seven to ten years respectively. Pardoned May 20, 1899, upon the recommendation of many of the best citizens of Worcester. It had been learned since the trial that the complainant and principal witness was notoriously unchaste, and that the prisoners were guilty of a far less serious crime than that for which they were sentenced. The district attorney certified that in his opinion "the men should be pardoned when a period of three years of the sentence has elapsed. If the facts now known with regard to the complainant had been known to the court, I think the sentences would not have exceeded three years."

NO. 12. JAMES FOGARTY. Convicted of violation of the license law, Municipal Court, South Boston, March 22, 1899. Sentenced to pay a fine of \$50. Pardoned June 3, 1899, upon the recommendation of Judge Fallon, who imposed the sentence. Fogarty was entirely unable to pay the fine, and had a wife and seven children suffering for the necessaries of life, owing to his imprisonment. This was his first offence.

NO. 13. LEBIE BOIARSKY. Convicted of manslaughter, Superior Court, Suffolk County, Oct. 19, 1898. Sentenced to the Reformatory Prison for Women for two years for killing her illegitimate child. Transferred to the Worcester Insane Hospital March 1, 1899. Pardoned June 10, 1899, upon the recommendation of the Commissioners of Prisons, to be sent to her home in Russia. She was probably of unsound mind when arrested and had been adjudged by experts as feeble minded.

NO. 14. WILLIAM T. LOUGHLIN. Convicted of violation of the license law, three complaints, Superior Court, Suffolk County, Sept. 29, 1898. Sentenced to five months in the House of Correction and to pay a fine of \$150. Pardoned June 14, 1899. The three cases arose at the same time and were in regard to the same subject-matter. He

had already been imprisoned more than eight months and was unable to pay the fine. The district attorney was of the opinion that he had been sufficiently punished and that he would not offend in this way again.

No. 15. HARRY V. TYLER. Convicted of breaking and entering, Superior Court, Essex County, May 18, 1899. Sentenced to the House of Correction for six months. Pardoned July 5, 1899, upon the recommendation of the district attorney and sheriff of Essex County, the prison physician and city marshal of Lynn. Tyler was in an advanced stage of consumption.

No. 16. PATRICK KILLEREN. Convicted of receiving stolen goods, Superior Court, Berkshire County, Jan. 19, 1899. Sentenced to the House of Correction for one year. Pardoned July 6, 1899, upon the recommendation of the county commissioners. The prison physician certified that this prisoner was ill with consumption and rapidly failing.

No. 17. ADAM BOCUMSKY. Convicted of assault and battery with a knife, Superior Court, Suffolk County, Sept. 19, 1898. Sentenced to the House of Correction for one year. Pardoned July 20, 1899, upon the recommendation of the district attorney, who stated that "he had previously borne a good reputation," and in his opinion "the interests of justice would not suffer by his release." The assault was made with a common pocket knife and the injury inflicted was very slight.

No. 18. LOUIS DAVIDSON. Convicted of assault, Superior Court, Suffolk County, April 28, 1899. Sentenced to the House of Correction for one year. Pardoned Sept. 6, 1899, upon the recommendation of the district attorney and the complainant. No physical injury was inflicted. The prisoner's wife (who was soon to be confined) and child were without support by reason of his imprisonment.

No. 19. FRANK J. NEY. Convicted of vagrancy, Police Court, Lowell, Sept. 2, 1898. Sentenced to the Massachu-

setts Reformatory on an indeterminate sentence. Pardoned Sept. 13, 1899. Ney was but sixteen years of age when arrested. He ran away from his home in Iowa and was arrested as a vagrant in Lowell. The pardon committee were of the opinion that he had been sufficiently punished for his escapade. He returned immediately to his home in Iowa.

NO. 20. WARREN A. SELTON. Convicted of larceny, Superior Court, Plymouth County, Feb. 16, 1898. Sentenced to the House of Correction for two years. Pardoned Oct. 5, 1899, upon the recommendation of District Attorney Harris, who certified that "it seems to me that the public interests will not suffer, and probably will be advanced, by extending clemency." His friends stood ready to give him employment as soon as released.

NO. 21. JULIA MURRAY. Convicted of lewd and lascivious cohabitation, Superior Court, Worcester County, Aug. 18, 1898. Sentenced to the House of Correction for eighteen months. Pardoned Oct. 5, 1899, upon the recommendation of the district attorney, the prison physician and probation officer. She was suffering from chronic bronchitis, probably the beginning of consumption. She was sent to her friends in Connecticut.

NO. 22. SUMNER BRUCE. Convicted of breaking and entering and larceny, Superior Court, Essex County, Feb. 2, 1899. Sentenced to the State Prison for from three to four years. Pardoned Nov. 4, 1899, upon the recommendation of the prison physician. Bruce was in the last stage of consumption, with no possible chance of his recovery. He died November 22.

NO. 23. WALTER H. POWELL. Convicted of breaking and entering, Superior Court, Essex County, Feb. 4, 1899. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Pardoned Nov. 10, 1899. The prison physician certified that Powell was suffering from pulmonary tuberculosis and that his death was a matter of a short time.

NO. 24. BURTON L. MINZEY. Convicted of felonious assault, Superior Court, Norfolk County, April 13, 1899. Sentenced to the House of Correction for two years. Pardoned Nov. 15, 1899, upon the recommendation of the district attorney, on the ground of newly discovered evidence favorable to the prisoner. He certified that "there is reasonable doubt about the justice of the verdict. I think the defendant should be given the benefit of this doubt." The prisoner has always protested his innocence.

NO. 25. JAMES RENESKI. Convicted of adultery, Superior Court, Essex County, May 17, 1899. Sentenced to the House of Correction for eighteen months. Pardoned Nov. 17, 1899. The district attorney recommended that a pardon be granted after he had served six months of his sentence, on the ground that his wife was willing to take him back to live with her and that his family needed his assistance.

NO. 26. JAMES E. WATERS. Convicted of lascivious cohabitation, Superior Court, Suffolk County, May term, 1899. Sentenced to the House of Correction for eighteen months. Pardoned Nov. 18, 1899, upon the recommendation of the district attorney and the wife of the prisoner. Previous to this offence his reputation had been good. His wife, who was in very poor health, had condoned the offence and was anxious to live with him again.

NO. 27. DENNIS F. CORCORAN. Convicted of assault, Superior Court, Worcester County, Oct. 20, 1898. Sentenced to the House of Correction for two years. Pardoned Nov. 29, 1899, upon the recommendation of nearly all the leading citizens of Millville, in the town of Blackstone, where the offence was committed. Corcoran, who was a constable of the town of Blackstone, had procured a warrant for the arrest of one Burns. In attempting to arrest Burns he was knocked down and pounded on his head with a stone. Half crazed from the blows he had received upon his head, which was then covered with blood, he took his revolver (which he carried as an officer) from his pocket and chased Burns,

firing two shots, one of which struck him in the fleshy part of the thigh, inflicting a slight wound. Corcoran pleaded guilty by advice of counsel upon the supposition that he would be released upon the payment of a light fine. It was believed that, considering the circumstances surrounding the case, the ends of justice had been served by the thirteen months' imprisonment he had already suffered.

NO. 28. GEORGE BALLENTINE. Convicted of larceny, Superior Court, Suffolk County, March 14, 1898. Sentenced to the House of Correction for three years. Pardoned Nov. 29, 1899, upon the recommendation of the district attorney. This was the prisoner's first offence and was committed when he was intoxicated. It appeared by the evidence at the trial that he had removed from a nail a coat and vest, as though about to take them away. The district attorney felt that the nineteen months' imprisonment already served was sufficient punishment.