

SENATE No. 2.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT,
BOSTON, JAN. 8, 1884.

To the Honorable Senate and House of Representatives.

I have the honor to transmit herewith to the General Court a report of the pardons granted in 1883, left with me by my predecessor in office.

GEO. D. ROBINSON, *Governor.*

EXECUTIVE DEPARTMENT,
BOSTON, JAN. 2, 1884.

I have the honor herewith to present, in compliance with chapter 50 of the Resolves of 1860, a report of the forty-nine pardons issued by the Governor and Council during the year of my administration just closing.

BENJ. F. BUTLER.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-four.

LIST OF PARDONS

GRANTED BY THE GOVERNOR AND COUNCIL DURING THE YEAR ENDING
DECEMBER 31, 1883.

No. 1. WILLIAM H. ERWIN. Convicted of manslaughter, Supreme Court, Berkshire County, Oct. 13, 1876. Sentenced to twelve years in State Prison. Pardoned Jan. 24, 1883, it appearing to the Governor and Council, by evidence produced before them, that Erwin acted in self-defence in committing the act for which he was sentenced.

No. 2. CHARLES S. WHITTIER. Convicted of embezzlement, Supreme Court, Essex County, Oct. 24, 1878. Sentenced to State Prison for six years. Pardoned Jan. 31, 1883, for the reason that he being in the last stages of consumption, it was thought best not to continue him longer in confinement. Died February 16, 1883.

No. 3. MARION GRIEVE. Convicted of drunkenness before Trial Justice Edwin C. Morse, Natick, Nov. 20, 1882. Sentenced to Reformatory Prison for one year. Pardoned Feb. 7, 1883, it appearing that the writ of commitment was issued through error, and that the sentence was imposed under a misapprehension.

No. 4. NICHOLAS STAPLES. Convicted of unlawfully selling oleomargarine for butter, District Court, Lowell,

Dec. 18, 1882. Committed in default of payment of fine of \$100. Pardoned Feb. 14, 1883, on the ground that the offence did not justify the punishment. The Justice who imposed sentence recommended the pardon.

No. 5. MORGAN O'BRIEN. Convicted of robbery, Superior Court, Suffolk County, Nov. 18, 1879. Sentenced to the State Prison for seven years. Pardoned Feb. 21, 1883, on account of the fact that the prisoner was then in an advanced stage of consumption.

No. 6. HARRIS POKESKY. Convicted of breaking and entering, Superior Court, Suffolk County, Jan. 15, 1883. Sentenced to the State Prison for three years. Pardoned Feb. 21, 1883, because of failing health, and the improbability of his surviving if continued in prison.

No. 7. SYLVESTER S. FELCH. Convicted of committing an abortion, Superior Court, Suffolk County, January Term, 1882. Sentenced to the State Prison for seven years. Pardoned Feb. 21, 1883, on account of the probability of speedy dissolution because of chronic Bright's disease of the kidneys.

No. 8. JAMES H. DONAHUE. Convicted of breaking and entering, Superior Court, Middlesex County, July 8, 1880. Sentenced to State Prison for five years. Pardoned Feb. 21, 1883, having lost the sight of one eye, and was likely to become totally blind, in order that he might have proper medical treatment with a view to restoring his sight.

No. 9. DANIEL O'BRIEN. Convicted of breaking and entering, Superior Court, Suffolk County, Oct. 22, 1875. Sentenced to State Prison for ten years. Pardoned Feb. 21, 1883, because of the fact that the prisoner was in an advanced stage of consumption from which there was no possibility of his recovery, or his survival more than a very brief period of time. Died March 20, 1883.

No. 10. WILLIAM TRACY. Convicted of robbery, Superior Court, Middlesex County, Nov. 18, 1879. Sentenced

to State Prison for seven years. Pardoned March 7, 1883, on account of permanent disability resulting from a wound inflicted by an insane convict.

No. 11. DANIEL MANY. Convicted of breaking and entering, Superior Court, Suffolk County, March Term, 1882. Sentenced to House of Correction for three years. Pardoned March 2, 1883, because of failing health which must soon result in death.

No. 12. DANIEL DONOVAN. Convicted of breaking and entering and larceny, Superior Court, Essex County, October Term, 1880. Sentenced to State Prison for four years. Pardoned because of incurable physical ailment.

No. 13. JAMES T. EDMANDS. Convicted of forgery, Superior Court, Suffolk County, December Term, 1879. Sentenced to State Prison for five and a half years. Pardoned March 29, 1883, on account of his low physical condition resulting from his confinement.

No. 14. JAMES DOLAN. Convicted of breaking and entering, Superior Court, Middlesex County, March 4, 1881, and burglary, Superior Court, Bristol County, Dec. 17, 1880. Sentenced to five and three years in State Prison. Pardoned March 30, 1883, the prisoner being in an advanced stage of phthisis.

No. 15. FREDERICK W. WYMAN. Convicted of forgery, Superior Court, Suffolk County, June Term, 1882. Sentenced to two years in House of Correction. Pardoned April 18, 1883, on recommendation of the justice who imposed sentence, there being grave doubt as to his guilt.

No. 16. LEMUEL BRADFORD. Convicted of embezzlement, Superior Court, Plymouth County, Nov. 20, 1880. Sentenced to House of Correction for three years. Pardoned April 30, 1883, on account of his extreme age and general debility, his sentence being nearly expired.

No. 17. CHARLES P. STICKNEY. Convicted of embezzlement, Superior Court, Bristol County, March 5, 1879, and sentenced to the State Prison for the term of five years. Pardoned May 7, 1883, to take effect thirty days before the expiration of his term of imprisonment, to give him in some degree the advantages of a law passed during his confinement, shortening the term of imprisonment for good conduct, by which act, if its provisions had extended to the whole period covered by his sentence, the latter would have been shortened more days than were remitted to him by the pardon.

No. 18. JOHN GILBERT. Convicted of rape, Superior Court, Berkshire County, January 26, 1878. Sentenced to State Prison for fifteen years. Pardoned May 23, 1883, because of evidence produced before the Governor and Council sufficient to raise grave doubts as to whether the crime of rape had been committed.

No. 19. FRANCIS ATWOOD. Convicted of larceny, Superior Court, Middlesex County, March 11, 1879. Sentenced to the House of Correction for six years. Pardoned May 23, 1883, because of nervous prostration, and a low condition of her system, which would probably progress beyond recovery if the remaining year of the sentence were enforced.

No. 20. WM. L. SHANNON. Convicted of larceny. Superior Court, Suffolk County, May Term, 1882. Sentenced to House of Correction for three years. Pardoned May 23, 1883, upon condition that he leave the Commonwealth, because of aggravated physical ailment which might prove fatal before the expiration of his sentence.

No. 21. GEORGE RIVERS, *alias* ENGLEHARDT, *alias* ROBERT J. DONOVAN. Convicted of breaking and entering. Superior Court, Middlesex County, October 30, 1882. Sentenced to the House of Correction for two years. Pardoned June 13, 1883, the prisoner being hopelessly ill with

phthisis, the District Attorney who prosecuted the case recommending the pardon.

NO. 22. JOHN NEWTON. Convicted of larceny. Superior Court, Worcester County, December 29, 1880. Sentenced to three years and nine months in the House of Correction. Pardoned June 13, 1883, on condition that he leave the State and remain away during the rest of the term of his sentence, upon the statement of the prosecuting officer that there was doubt about his guilt.

NO. 23. THOMAS SMITH. Convicted of violating license law. Superior Court, Norfolk County, Dec. 27, 1882. Sentenced to House of Correction for six months, and to pay a fine of \$50.00 and costs. Pardoned June 13, 1883, upon request of prosecuting parties, he having pledged himself to refrain from the sale and use of intoxicating liquors during his natural life.

NO. 24. FRANK GIBBS. Convicted of breaking and entering. Superior Court, Hampden County, Dec. 23, 1881. Sentenced to the House of Correction for two years. Pardoned July 24, 1883, on account of the extreme youth of the convict at the time of the commission of the crime, and the influences of others upon him.

NO. 25. KIMBALL PERRY. Convicted of indecent assault. Superior Court, Essex County, May 20, 1881. Sentenced to the House of Correction for three years. Pardoned July 14, 1883, for the reasons that the sentence was deemed excessive by the prosecuting officer.

NO. 26. PETER MCGEE. Convicted of assault. Superior Court, Middlesex County, June 15, 1880. Sentenced to the House of Correction for four years. Pardoned July 28, 1882, because of the fact that was made manifest to the Governor and Council, that the convict was not of sound mind.

NO. 27. WILLIAM BELL. Convicted of breaking and entering, and larceny. Superior Court, Suffolk County, January term, 1883. Sentenced to one year in jail. Pardoned Aug. 16, 1883, the prisoner being very low with phthisis, and the serving of the full term of his sentence, in the opinion of the Prison Physician, being likely to shorten his days.

28. THOMAS O'CONNORS. Convicted for violating the license law. Superior Court, Middlesex County, June 20, 1883. Sentenced to three months in the House of Correction, and to pay a fine of \$100.00 and costs. Pardoned September 4, 1883, his term of sentence being nearly ended, it being the opinion of the Governor and Council that the sentence in the case was an excessive one.

NO. 29. JOHN DANAHY, JR., *alias* JOHN F. DANAHY. Convicted of assault and battery, before Trial Justice Hemmenway, of Hopkinton, July 13, 1883. Sentenced to ninety days in House of Correction. Pardoned Sept. 4, 1883, because of his previous good character, and the fact that he was by reason of misapprehension on his part, and the influence of others over him, induced to plead guilty.

NO. 30. MICHAEL COADY, *alias* FITZGERALD, *alias* McCARTHY. Convicted of larceny. Superior Court, Middlesex County, Oct. 27, 1882. Sentenced to two years in the House of Correction. Pardoned September 4, 1883, because of failing health.

NO. 31. JOHN SULLIVAN. Convicted of adultery. Superior Court, Hampden County, June 9, 1883. Sentenced to House of Correction for two years. Pardoned September 4, 1883, it being shown to the Governor and Council that Sullivan was ill beyond recovery with tuberculosis.

NO. 32. TIMOTHY KIRBY, *alias* HENRY HASKELL. Convicted of breaking and entering. Superior Court, Suffolk County, January term, 1882. Sentenced to two years in the House of Correction. Pardoned Sept. 12, 1883, in view

of the fact that he was ill with consumption, from which fatal results in a brief period of time were apprehended.

No. 33. PHILIP CHANDLER, *alias* P. RUSSELL. Convicted of larceny from the person. Superior Court, Suffolk County, June term, 1882. Sentenced to House of Correction for three years. Pardoned September 12, 1883, it being affirmatively shown to the Governor and Council that the prisoner had borne an excellent character previous to the act for which he was convicted, and that he was not a criminal in the general acceptation of the term. The sentence was also considered excessive.

No. 34. JAMES ELDRED. Convicted of larceny. First District Court, Plymouth County, July 18, 1883. Sentenced to one year in the House of Correction. Pardoned Oct. 5, 1883, the fact being shown to the Governor and Council that Eldred was weak minded, and that his physical condition was one of debility.

No. 35. CHARLES SCOTT. Convicted of larceny. Superior Court, Suffolk County. November Term, 1881. Sentenced to the House of Correction for four years. Pardoned Oct. 5, 1883, the prisoner being ill with consumption, upon condition that his family remove him from the Commonwealth.

No. 36. TIMOTHY J. LYONS. Convicted of rape. Superior Court, Hampden County, December Term, 1876. Sentenced to State Prison for fifteen years. Pardoned Oct. 5, 1883, upon evidence adduced before the Governor and Council unattainable at the time of trial, sufficient to raise grave doubts as to the guilt of Lyons of the crime of which he was convicted.

No. 37. THOMAS HAYES. Convicted of breaking and entering. Superior Court, Essex County, Feb. 2, 1882, and sentenced to the House of Correction for two and a half years. Pardoned Oct. 5, 1883, that he might be removed

to a hospital, where he could have proper medical treatment for a severe disease of the eyes and eye-lids.

No. 38. NELLIE PEARSON, *alias* NELLIE SHAW. Convicted of extortion. July Term, 1883, Superior Court, Suffolk County, and sentenced to the House of Correction for two years. Pardoned Oct. 16, 1883, it appearing that the prisoner was weak-minded.

No. 39. JOHN RILEY. Convicted of rape. Superior Court, Bristol County, Oct. 18, 1882, and sentenced to the House of Correction for three years. Pardoned Oct. 31, 1883, because of the fact that Riley was in an advanced stage of phthisis pulmonalis, there being a probability of speedy death.

No. 40. STEPHEN HENNESSEY. Convicted of breaking and entering. Superior Court, Suffolk County, April Term, 1881, and sentenced to State Prison for four years. Pardoned Nov. 19, 1883, to take effect at the expiration of three years of his sentence, it appearing that the sentence imposed was excessive.

No. 41. BERNARD BOLAND *alias* RICHARD HUGHES. Convicted of murder in the second degree, Feb. 13, 1873. Supreme Judicial Court, Suffolk County, and sentenced to State Prison for life. Pardoned Nov. 20, 1883, because of error of the Court in imposing sentence contrary to the provisions of chapter 215 of the Public Statutes.

No. 42. WILLIAM H. MAY. Convicted of robbery, Superior Court, Worcester County, October term, 1878, and sentenced to State Prison for life. Pardoned November 29, 1883, because of the doubt in the minds of the Governor and Council of the guilt of May.

No. 43. ELLEN DUNCAN. Convicted of maiming, Superior Court, Hampden County, December 26, 1882, and sentenced to a term of ten years' confinement in the Reformatory Prison for Women. Pardoned December 5, 1883,

because it appeared by evidence produced before the Council that it was impossible that she could have committed the crime in the manner it was alleged against her.

No. 44. SAMUEL B. KENNEDY *alias* WHITE, *alias* HARRIS. Convicted of setting fire to a building, Superior Court, Middlesex County, February, 1867, and sentenced to the State Prison for life. Pardoned July 18, 1877. Convicted of larceny, Superior Court, Suffolk County, November term, 1879. Sentenced to State Prison for three years, which sentence expired July 2, 1882. Kennedy was then remanded to the State Prison for the term of his natural life for violating the conditions of his pardon. Pardoned December 20, 1883.

No. 45. CHARLES POTTER. Convicted of adultery, Superior Court, Essex County, January term, 1883, and sentenced to the House of Correction for two years and three months. Pardoned December 20, 1883, because of errors on the part of the prosecution at the time of trial and conviction.

No. 46. WILLAM H. PORTER. Convicted of larceny and receiving stolen goods, Superior Court, Essex County, November 1, 1877, and sentenced to State Prison for nine years. Pardoned December 20, 1883, it appearing that the sentence was an excessive one.

No. 47. JAIRUS P. KEENE. Convicted of larceny, Superior Court, Suffolk County, May Term, 1882. Sentenced to the House of Correction for two years. Pardoned Dec. 20, 1883, upon the recommendation of the Board of Public Institutions and the probation officer, there being, in the judgment of the Governor and Council, circumstances tending to a mitigation of the offence.

No. 48. GEORGE H. RICHARDSON. Convicted of murder in the second degree, Supreme Judicial Court, Worcester County, Dec. 19, 1882, and sentenced to State Prison for life. Pardoned Dec. 20, 1883, it appearing to the Governor

and Council that the death was the result of accident, and that Richardson was not therefore guilty of the crime of murder in the second degree.

No. 49. JOHN MORAN. Convicted of murder, Supreme Judicial Court, Suffolk County, Jan. 12, 1867. Pardoned Dec. 21, 1883, it being the belief of the Governor and Council that his case was not fully presented to the court and jury through accident requiring change of counsel.

