

HOUSE No. 169.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 13, 1876.

The Committee on Claims, to whom was referred the petition of James H. Look for compensation for damages sustained by reason of unjustifiable arrest, by one Daniel Dean, a state constable, have considered the same, and make the following

R E P O R T :

They find that Look was arrested by Dean, he believing him to be a religious monomaniac; but the supreme judicial court decided that the arrest and restraint were unjustifiable (see 108 Mass. Reports, page 117), and Look recovered judgment against Dean to the amount of \$331.24, and costs amounting to \$267.02, amounting in all to \$598.26, with interest from the 9th of July, 1872. Dean, after paying to Look all the money he had,—\$127.50,—took the poor debtor's oath. Look now asks that the Commonwealth pay him the balance. The legislature of 1875 reported a Resolve, allowing Look the sum of \$471.66, with interest from the 9th of July, 1872 (House Doc. 291, 1875), but it failed to pass. Your Committee see no reason why the State should be held responsible, as Dean has already paid all the money he had, and is still liable to be arrested at any time for the balance, in reparation of any injuries done to Look. We also wish to state that Look has received from Dr. Choate, of Taunton,

\$100 and costs for damages proceeding from the same arrest. Neither do your Committee think it wise, in a case such as this, to establish the precedent of the State being held responsible for the acts of a state constable, unless indemnification for such arrests is provided for by special statutes. Your Committee, therefore, report that the petitioner have leave to withdraw.

For the Committee,

MICHAEL J. CROAK.