

HOUSE No. 227.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 22, 1877.

The Committee on the Liquor Law, who were instructed by an Order of the House "to inquire into and report as to the operation of the License Law in the municipal courts of Boston and in the superior court for Suffolk County, with a view of ascertaining what proportion of the cases begun in the lower courts are prosecuted to final judgment" ; and also to "ascertain and report what methods are pursued by the district-attorney of Suffolk County, in *nol. prosing* or laying on file cases for violation of the License Law," have attended to the duty imposed on them and make the following

R E P O R T :

That in the municipal courts of the city of Boston from May 1, 1875 to September 1, 1876, about 2,200 actions were commenced for alleged violations of the license law ; that of this number in only 22 cases were fines paid and 1,250 appealed to the superior court for Suffolk County. These figures were obtained for the Committee by W. F. Spaulding, Esq., and the Committee believe them to be substantially correct. As to the proportion of cases begun in the lower courts, that are prosecuted to final judgment in the superior court, the Committee would refer to two reports of John P. Manning, Esq., clerk of the Suffolk superior court for the transaction of criminal business, which reports are annexed to

this Report and made part of it. The district-attorney for Suffolk County, who appeared before your Committee, stated, as to the time covered by the first report of the clerk, viz., from May 1, 1875, to September 1, 1876, that during that time much confusion existed about licenses, and that many cases were *nol. pros'd* because the dealers obtained licenses as soon as the commissioners investigated their cases. The law being a new one during the time which is covered by the clerk's first report, the district-attorney would prefer that the operation of the law in Suffolk should be judged by the second report, covering the time from September 1, 1876, to March 1, 1877. The district-attorney for Suffolk, Oliver Stevens, Esq., stated to the Committee very fully the methods pursued by him in *nol. prosing* or placing on file liquor cases. The Committee found that he had no general plan for dealing with such cases, but disposed of each case as the equities of that particular case seemed to demand, taking into consideration the chances of obtaining a conviction. He lays on file those cases where the defendant gets a license, where he goes out of the business, and where the defendant is too poor to pay a fine. His endeavor is to make conviction where he goes to trial so certain that the defendants will prefer to plead "guilty," and pay a fine rather than stand a trial.

For the Committee,

T. M. BABSON.

Disposition of Cases for Violation of Liquor Law entered from May 1, 1875, to September 1, 1876, in the Superior Court for the Transaction of Criminal Business within and for the County of Suffolk.

Number of cases entered,	1,250
tried and convicted,	75
tried and acquitted,	42
in which juries disagreed,	11
pleaded guilty,	100
continued,	450
<i>nol. pros'd</i> ,	232
laid on file before conviction,	470
laid on file after conviction,	5
quashed,	3
appealed to supreme court,	2
paid fines,	67
sentenced to imprisonment,	10
Amount of fines and costs paid,	\$16,554 15
Number of liquor dealers' bonds put in suit,*	None.

JOHN P. MANNING, *Clerk of Court.*

* Bonds given by dealers for compliance with provisions of license law.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

SUPERIOR COURT FOR THE TRANSACTION OF CRIMINAL BUSINESS.

Liquor cases disposed of before this court from September 1, 1876, to March 1, 1877:—

Placed on file,	855
<i>Nol. pros'd</i> ,	43
Judgment of court,	350

From September 1, 1876, to March 1, 1877,—

Amount of fines paid,	\$19,330 00
Amount of costs paid,	13,474 00

Attest:

JOHN P. MANNING, *Clerk.*

