

**PUBLIC DOCUMENT NO. 12. THE
COMMONWEALTH OF
MASSACHUSETTS. REPORT OF THE
ATTORNEY GENERAL FOR THE
YEAR ENDING JANUARY 15, 1913**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649690824

Public Document No. 12. The Commonwealth of Massachusetts. Report of the Attorney General for the Year Ending January 15, 1913 by James M. Swift

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JAMES M. SWIFT

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The Commonwealth of Massachusetts.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE

YEAR ENDING JANUARY 15, 1913.



BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
1913.

The Commonwealth of Massachusetts.

DEPARTMENT OF THE ATTORNEY-GENERAL,
BOSTON, Jan. 15, 1913.

To the Honorable Senate and House of Representatives.

I have the honor to transmit herewith my report for the year ending this day.

Very respectfully,

JAMES M. SWIFT,
Attorney-General.

The Commonwealth of Massachusetts.

DEPARTMENT OF THE ATTORNEY-GENERAL,
State House.

Attorney-General.

JAMES M. SWIFT.

Assistants.

FREDERIC B. GREENHALGE.

ANDREW MARSHALL.

HENRY M. HITCHINGS.

WALTER A. POWERS.

Engineer of Grade Crossings.

HENRY W. HAYES.

Chief Clerk.

LOUIS H. FRESE.

STATEMENT OF APPROPRIATION AND EXPENDITURES.

Appropriation for 1912,	\$45,000 00
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Expenditures.

For law library,	499 88
For salaries of assistants,	13,873 39
For expert services,	511 33
For clerks,	3,788 67
For office stenographers,	2,500 00
Telephone operator,	472 00
For messenger,	1,200 00

For expenses in the abolition of grade crossings:—

Salary of engineer,	\$3,288 15	
Other expenses incidental thereto,	878 00	
	4,166 15	

For advertising unclaimed deposits,	4,487 31
For office expenses,	2,617 14
For court expenses,	6,423 73

Total expenditures,	\$40,539 60
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Costs collected,	1,914 31
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Net expenditures,	\$38,625 29
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The Commonwealth of Massachusetts.

DEPARTMENT OF THE ATTORNEY-GENERAL,
BOSTON, Jan. 15, 1913.

To the Honorable Senate and House of Representatives.

In compliance with Revised Laws, chapter 7, section 8, I submit my report for the year ending this day.

The cases requiring the attention of this department during the year, to the number of 6,793, are tabulated below:—

Corporate franchise tax cases,	587
Extradition and interstate rendition,	104
Grade crossings, petitions for abolition of,	99
Indictments for murder,	29
Inventories and appraisals,	233
Land Court petitions,	11
Land-damage cases arising from the taking of land by the Harbor and Land Commission,	4
Land-damage cases arising from the taking of land by the Charles River Basin Commission,	23
Land-damage cases arising from the taking of land by the Massachusetts Highway Commission,	15
Land-damage cases arising from the taking of land by the Metropolitan Park Commission,	1
Land-damage cases arising from the taking of land by the Metropolitan Water and Sewerage Board,	14
Land-damage cases arising from the taking of land by the State Board of Insanity,	7
Land-damage cases arising from the taking of land by the Mt. Everett Reservation Commission,	1
Miscellaneous cases arising from the work of the above-named commissions,	31
Miscellaneous cases,	460
Petitions for instructions under inheritance tax laws,	28
Public charitable trusts,	140
Settlement cases for support of persons in State Hospitals,	19
All other cases not enumerated above, which include suits to require the filing of returns by corporations and individuals and the collection of money due the Commonwealth,	4,987

CAPITAL CASES.

Indictments for murder pending at the date of the last annual report have been disposed of as follows:—

CHARLES ALESSANDO, indicted in Hampden County, December, 1911, for the murder of Dominic Salvatore, at Russell, on June 24, 1911. He was arraigned Dec. 26, 1911, and pleaded not guilty. Richard J. Morrissey, Esq., was assigned by the court as counsel for the defendant. The defendant was ordered to recognize in the sum of \$1,000 for appearance from time to time. The case was in charge of District Attorney Christopher T. Callahan.

HARRY H. BUTTS, indicted in Suffolk County, July, 1911, for the murder of Robert Williamson, at Boston, on June 21, 1911. He was arraigned July 12, 1911, and pleaded not guilty. Joseph A. Dennison, Esq., and David E. Crawford, Esq., were assigned by the court as counsel for the defendant. The defendant later retracted his former plea, and pleaded guilty to manslaughter. This plea was accepted by the Commonwealth, and the defendant was sentenced to State Prison for a term not exceeding fourteen nor less than twelve years. The case was in charge of District Attorney Joseph C. Pelletier.

PETER CASSETTI, indicted in Norfolk County, December, 1911, for the murder of Nicholas Cassetti, at Weymouth, on Oct. 1, 1911. He was arraigned Dec. 22, 1911, and pleaded not guilty. John E. Crowley, Esq., was assigned by the court as counsel for the defendant. On April 11, 1912, the defendant retracted his former plea, and pleaded guilty to manslaughter. This plea was accepted by the Commonwealth, and the defendant was sentenced to State Prison for a term not exceeding nine nor less than seven years. The case was in charge of District Attorney Albert F. Barker.

HARRY MARSHALL and LENA CUSUMANO, indicted in Plymouth County, October, 1910, for the murder of Fran-

cisco Cusumano, at Hull, on Sept. 18, 1910. They were arraigned Nov. 29, 1910, and pleaded not guilty. Thomas J. Grady, Esq., and William J. Coughlan, Esq., were assigned by the court as counsel for the defendants. In February, 1911, the defendants were tried by a jury before Schofield, J. The result was a verdict of guilty of murder in the first degree. Motion of defendants for a new trial was denied, and the defendants' exceptions were overruled by the Supreme Judicial Court. The defendants were thereupon sentenced to death by electrocution during the week beginning June 2, 1912. In the case of Lena Cusumano this sentence was commuted to imprisonment for life by the Governor, by and with the advice of the Council. In the case of Harry Marshall sentence was executed June 6, 1912. The case was in charge of District Attorney Albert F. Barker.

CHESTER S. JORDAN, indicted in Middlesex County, March, 1909, for the murder of Honora C. Jordan, at Somerville, Sept. 1, 1908. He was arraigned April 15, 1909, and pleaded not guilty. Charles W. Bartlett, Esq., Harvey H. Pratt, Esq., and Jeremiah H. Sullivan, Esq., were assigned by the court as counsel for the defendant. In April, 1909, the defendant was tried by a jury before Stevens and Bell, JJ. The result was a verdict of guilty of murder in the first degree. The defendant's motion for a new trial was denied, and exceptions were overruled by the Supreme Judicial Court. The defendant was thereupon sentenced to death by electrocution during the week beginning March 12, 1911. The case was taken to the Supreme Court of the United States on writ of error. June 19, 1912, the writ of error was dismissed, and the defendant remanded to the Superior Court for sentence. June 21, 1912, the defendant was sentenced to death by electrocution during the week beginning Sept. 22, 1912, which sentence was executed Sept. 24, 1912. The case was in charge of District Attorney John J. Higgins.

SILAS N. PHELPS, indicted in Franklin County, July, 1910, for the murder of Emmet F. Haskins, at Monroe, on June 12, 1910. He was arraigned July 12, 1910, and rear-