Chapter 11: Criminal Law, Procedure and Administration

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§11.1. Crime in Massachusetts. The crime trends in Massachusetts present a generally brighter picture for the calendar year 1959 than they did for either 1957 or 1958.\(^1\) In four categories of major offenses, murder and non-negligent manslaughter, robbery, larceny of over $50, and auto theft, there was reported for 1959 an absolute decrease in the number of offenses committed as compared with both of the two prior years. Burglaries were below the 1958 figure but above that for 1957. Of the seven categories of offenses for which three consecutive annual reports are available, only aggravated assault showed a persistent rise to a new high. Table I presents the details of this picture.

### Table I

<table>
<thead>
<tr>
<th></th>
<th>Number of Major Offenses Committed in 1957, 1958, and 1959(^3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and</td>
<td>Non-negligent Forcible</td>
</tr>
<tr>
<td>Non-negligent</td>
<td>Manslaughter 62</td>
</tr>
<tr>
<td>Forcible Rape</td>
<td>217</td>
</tr>
<tr>
<td>Aggravated</td>
<td>Robbery 950</td>
</tr>
<tr>
<td>Assault</td>
<td>753</td>
</tr>
<tr>
<td>Burglary over $50</td>
<td>18,594</td>
</tr>
<tr>
<td>Larceny</td>
<td>8,790</td>
</tr>
<tr>
<td>Auto Theft</td>
<td>10,771</td>
</tr>
</tbody>
</table>

Even more significant than fluctuations in the absolute number of offenses, however, are changes in the crime rates, which take into con-
sideration population growth in indicating whether major crime is becoming more or less of a problem. Here, five of the seven offenses were committed at a lower rate in 1959 than in 1958, while one offense rate showed no change over this period and one showed a startling increase. The diminished rates in 1959 for the homicides, robberies, burglaries, larcenies, and auto thefts all reversed 1957-1958 rate increases.\(^4\) Aggravated assault, the lone offense that appears to be outstripping population, increased more than tenfold, from an increase of less than 2 per cent for 1958 over 1957 to a jump of 22 per cent for 1959 over 1958.\(^5\) Table II contains the complete figures.

### Table II

Number of Major Offenses per One Hundred Thousand of Population: 1957, 1958, and 1959\(^6\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Murder and Non-negligent Manslaughter</th>
<th>Forcible Rape</th>
<th>Robbery</th>
<th>Aggravated Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>1.3</td>
<td>4.5</td>
<td>19.7</td>
<td>15.6</td>
</tr>
<tr>
<td>1958</td>
<td>1.4</td>
<td>4.5</td>
<td>21.3</td>
<td>15.9</td>
</tr>
<tr>
<td>1959</td>
<td>1.2</td>
<td>4.5</td>
<td>16.5</td>
<td>19.4</td>
</tr>
</tbody>
</table>

**Rate Change**

<table>
<thead>
<tr>
<th>Year</th>
<th>Murder and Non-negligent Manslaughter</th>
<th>Forcible Rape</th>
<th>Robbery</th>
<th>Aggravated Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957-1958</td>
<td>+ 7.7%</td>
<td>+ 8.1%</td>
<td>+ 1.9%</td>
<td></td>
</tr>
<tr>
<td>1958-1959</td>
<td>- 14.3%</td>
<td>- 22.5%</td>
<td>+ 22.0%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Burglary</th>
<th>Larceny over $50</th>
<th>Auto Theft</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>281.6</td>
<td>182.1</td>
<td>223.1</td>
</tr>
<tr>
<td>1958</td>
<td>318.8</td>
<td>187.0</td>
<td>226.5</td>
</tr>
<tr>
<td>1959</td>
<td>287.5</td>
<td>169.5</td>
<td>209.6</td>
</tr>
</tbody>
</table>

**Rate Change**

<table>
<thead>
<tr>
<th>Year</th>
<th>Burglary</th>
<th>Larceny over $50</th>
<th>Auto Theft</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957-1958</td>
<td>+ 13.2%</td>
<td>+ 2.7%</td>
<td>+ 1.5%</td>
</tr>
<tr>
<td>1958-1959</td>
<td>- 9.8%</td>
<td>- 9.4%</td>
<td>- 7.5%</td>
</tr>
</tbody>
</table>

Making some brief comparisons with New England as a whole and the country as a whole reveals the Massachusetts changes in rates to be generally more substantial than for both of these other two reporting areas.\(^7\) That is, where Massachusetts showed decreases in the commis-

\(^4\) There is no three-year rate comparison for forcible rape. See note 2 supra.

\(^5\) That is, the 15.9 aggravated assaults per 100,000 of population in 1958 was an increase of 1.9 per cent over the 1957 rate of 15.6 offenses per population unit. The 19.4 rate for 1959, however, is 22 per cent more than the 1958 figure.

\(^6\) Compiled from 1958 Uniform Crime Reports 64-65 and 1959 Uniform Crime Reports 34-35.

\(^7\) There is always a substantial risk of inaccuracy when crime statistics are compared geographically because such variables as efficiency and methods of local reporting or variations in the legal definitions of offenses may be measured by the
§11.2 CRIMINAL LAW, PROCEDURE AND ADMINISTRATION

§11.2. Juvenile delinquency. A desirable change in the definition of "delinquent child" 1 was enacted during the 1960 SURVEY year. Chapter 353 of the Acts of 1960 removed the exception heretofore found in the definition for those who committed an offense punishable by death (first degree murder). 2 Now a "delinquent child" is "a child between seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the Commonwealth." 3

The result of excising the "except for offenses punishable by death" provision is to make the juvenile procedures initially applicable to all statistics rather than the actual incidence of crime that they purport to describe. See Beattie, Criminal Statistics in the United States, 51 J. Crim. L., C. & P.S. 49 (1960). Nevertheless, it does seem safe to assume that over a two-year period reporting procedures and offense definitions are likely to remain relatively constant within each reporting unit so that focusing on the change in the statistics during that period would appear to be a reliable indicator of geographic variation in offenses known to the police.

8 Compiled from 1958 Uniform Crime Reports 64-65 and 1959 Uniform Crime Reports 34-35.


2 G.L., c. 119, §52.

3 Ibid.
within the age span who violate any local or state law.  

This is eminently sensible since it is assumed that the juvenile courts can normally best inhibit incipient criminal careers and there is no basis for believing that any class of juveniles, defined solely by the nature and degree of offense charged, is less amenable to the inhibiting forces available to the court.

Also noteworthy in the field on juvenile delinquency is the organization of a Committee on Juvenile Delinquency of the Massachusetts Bar Association in May 1960. This vital step toward focusing the attention and skills of the lawyers of the Commonwealth on the problem of youthful offenders cannot help but be a salutory development.

§11.3. Reduction of sentence on parole. A prisoner in a correctional institution of the Commonwealth is normally eligible for release on parole at the expiration of two-thirds of his minimum sentence, computed by first deducting from the minimum awarded by the court the amount of good conduct time earned. If parole is not granted, the prisoner must be discharged unconditionally upon his having served the maximum minus the good conduct time. When parole has been granted the law gives the Parole Board discretion to decree unconditional freedom either at the expiration of the term for which he was sentenced or at the date computed by deducting good conduct time from the maximum or earlier. When, however, all the rules of parole have been observed and there has been no return to prison for violation of parole, a parolee has the right to have his parole terminated at the maximum less good conduct date.

Ever since 1947, however, there have been exceptions to this system applicable to a prisoner convicted of unlawful carnal knowledge and abuse of a female under the age of sixteen. If he is released at the expiration of the maximum less good conduct deductions, that is, without having been granted parole, he must nonetheless be placed under parole supervision rather than be discharged. This supervision must last until the date marking the end of the maximum period for which he was committed. If, on the other hand, he has been released earlier on parole the exact period of supervision is in the discretion of the Parole Board since there is no sex offender exception to the delegation to the board relating to termination of parole. This year the legisla-

4 The new law does not, of course, affect the discretion of the juvenile court to dismiss a delinquency complaint against a child between fourteen and seventeen when it appears that it would be proper to have a regular criminal trial (G.L., c. 119, §61) for first degree murder as well as for any other criminal offense.

§11.3. 1 This does not include municipal or county institutions such as city jails or county houses of correction.

2 G.L., c. 127, §133.
3 Id. §129.
4 Id. §130.
5 Id. §129.
6 Ibid. The offense is made punishable by G.L., c. 265, §23.
7 G.L., c. 127, §129.
8 See text at note 4 supra.
ture expanded this class of exceptions to the parole laws by adding eight more sex offenses.9

As a general proposition, it is undoubtedly the course of wisdom to provide “mandatory parole” for all prisoners so that guidance is available for the transition from the regimented and, in many ways, relatively secure institutional setting to the difficult and frustrating life of freedom facing most released prisoners. To the extent that these particular offenders benefit from the guidance and are led to useful lives the community itself also benefits.

But why should these particular offenders not be able to shorten this mandatory parole by use of good conduct time? It would seem that the Parole Board could properly be given discretion in regard to early termination of mandatory as well as permissive sex offender parole. They have the discretion in regard to all parole of other offenders. Perhaps it invariably takes longer to readjust sex offenders to a free life than it does other offenders. Perhaps — but the writer has been unable to discover any studies that indicate this to be so. Related assumptions, such as that the sex offender is more amenable to “treatment” (here post-incarceration supervision) than other offenders or that he is more likely to repeat his offense than are other offenders have been declared by a leading authority to be simply not true.10

It is somewhat more plausible to believe that this addition of exceptions to the parole laws is part of the legislature’s campaign against those who have committed sex offenses.11 It is difficult to accept a bona fide intention to assist these people back to a useful and happy life in freedom. Certainly, if the average parole officer has about 75 cases, each case can get a full day’s attention only once every two or three months.12 Add to this case load the burden imposed by the new mandatory parole law and it is difficult to believe, in the absence of appropriations for more parole officers, that useful supervision was intended.

This scepticism is supported by another statute that requires the release of sex offenders to be reported to police authorities.13 Police officers are not parole officers; they are in the business of apprehending criminals. The report of release merely provides them with a list of suspects — just in case. But why single out the sex offender to be picked up when there is an offense committed resembling his past offense? Involuntary visits to interrogation rooms are of but question-

9 Acts of 1960, c. 524. The offenses are indecent assault on a child under fourteen, G.L., c. 265, §13B; rape, id. §22; forcible rape of child under sixteen, id. §22A; assault with intent to rape, id. §24; assault with intent to rape child under sixteen, id. §24B; incest, G.L., c. 272, §17; unnatural and lascivious acts, id. §35; unnatural and lascivious acts with a child under sixteen, id. §35A; or attempt to commit any of these offenses.


11 The impression that such a campaign is in fact being waged and is based only partly on hard thinking is re-enforced by a reading of the Sexually Dangerous Persons Law, G.L., c. 123, §§1-ll, discussed in 1959 Ann. Surv. Mass. Law §10.3.


13 G.L., c. 147, §4B.
able rehabilitative value. In the absence of evidence indicating sex offenders to be relevantly different from other offenders there seems to be little justification for treating them more harshly.

§11.4. Use of telephone by arrested persons. The curious statute granting persons detained by the police “not charged with a felony” the right to use a telephone has finally been replaced by the legislature with one applicable to any person held in custody or arrested. Now those charged with the commission of a felony have the same right to communicate with family, friends, or lawyer as do those charged with a misdemeanor.

The new act provides, as did the former one, both that the detained person must be informed of his right to use the telephone “immediately upon being booked” and that he must be given access to the telephone within one hour thereafter. It must not be assumed, however, that these provisions prevent the police from legally keeping an arrested person from the telephone. All the officers must do is delay “booking” and thereby postpone the duty to inform as well as the running of the hour during which calls must be permitted.

There is no statutory or case law definition of being “booked.” There are indications that it refers to charging a crime against an arrested person in the records of the police. The cases dealing with speed by the police in this regard relate to bringing a person before a court, not to making the entry at the station house. Theoretically, there is no reason why the booking cannot take place immediately prior to appearance in court, and that may be several days after the arrest. Until then he may be held incommunicado since the present statute does not operate until booking is accomplished.

In addition, there is reason to suspect that many arrested persons are not booked at all, in the sense of having a substantive crime formally charged against them, and as to whom, therefore, the police are never required to grant telephone access while they are being held. In the year ending November 30, 1958, the Boston police made over one thousand arrests for “safekeeping” and discharged or released all of the persons so arrested, holding none for trial. While there is no assurance that persons arrested for the nonexistent offense of “safekeeping” were not, after arrest, charged with some bona fide crime, the fact that none of the arrests resulted in detention for trial augers strongly for the belief that few, if any, were in fact so booked. For the rest, the statute under discussion was completely useless.

During the same year, there were also nearly five thousand arrests of “suspicious persons,” all of whom were similarly released or discharged


2 Acts of 1960, c. 269, enacting a new G.L., c. 276, §33A.


without being held for trial. From the facts that no known offense prompted the arrest and that there were no detentions for trial, one may infer that the police probably did not charge any of the persons involved.

The total for 1958 in Boston alone, therefore, may run to six thousand instances of arrest and, at worst, outright nonapplicability of the telephone statute, and, at best, applicability within uncontrolled police discretion. In 1959 the method of reporting arrests by the Boston police was changed, but there are still indications that many persons may have been arrested but not booked, or were booked only when the police deemed it wise to do so.

Thus, delayed booking and nonbooking can be, and appear in fact to be, effective and legal means of severely limiting the impact of the statute. One negative conclusion appears outstanding: It is not true that a person arrested in this Commonwealth has a legal right to use a telephone to communicate with those whose aid he might require. If the legislature deems it prudent that this right exist it should enact a statute that says so, repealing the present absurdity that does little more than forbid the police to hold an arrested person incommunicado when and if they, the police, desire to be so forbidden. Since the statute at first glance appears to be a firm supporter of individual liberty, though in fact it is not, the deception should be quickly eliminated, one way or the other. Matters of such great public concern ought not to be left to prediction after the manner of a Delphic oracle.

§11.5. Right to examination by own physician. In 1958, a statute was enacted giving a person arrested by the police and charged with operating a motor vehicle while under the influence of intoxicating

7 Ibid. The number is 4918.
8 Even if there is a practice to “book” as a suspicious person there is still the fact that the law requires no particular speed in doing so.
9 No arrests for “safekeeping” are reported. Query whether this means none were made. There were 1353 arrests for “suspicion” but, unlike the 1958 report, there is no tabulation of how many persons, if any, were held for trial. Fifty-fourth Annual Report of the Police Commissioner for the City of Boston 77 (Pub. Doc. 49, 1959). The 1959 report also differs from that for 1958 by including, for many offenses, the number of persons released by the police, implying that these people were arrested for such offenses. Separate entries for the number charged for each offense, equal to the sum of those arrested and those summoned, leads again to the implication that those released were not charged. Query whether they were “booked.” There were 1322 reported in this released category. Id. at 76.

The 1958 report, on the other hand, contained the fantastic tabulation that all arrests for designated offenses resulted in detention for trial, except for 40 arrests for being disorderly that led to release rather than detention for trial and the “safekeeping” and the “suspicious persons” arrests that, as has been noted in the text, produced no detentions for trial (Fifty-third Annual Report 86-94). Perhaps those who were arrested for a specific offense, other than being disorderly, and who were subsequently released were tabulated with the “safekeeping” or “suspicious persons” groups. If this were so it would indicate that many of them were not carried on the “books” for the suspected offense and may not have been “booked” at all. The central point of the text, that many arrested persons do not have a right to use the telephone because they are not booked, would be valid under either interpretation of the cryptic report of the commissioner.
liquor the right to immediate examination by a physician of his choice. In addition, the law provided that "The police official in charge of such place of detention shall inform him of said right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it."

During the 1960 Survey year this statute was replaced by a similar one containing the additional requirement that the arrested person be given a copy of the law, unless a copy of it is conspicuously posted in a place to which he has access.

The change is an obvious attempt to make more effective the right granted in 1958. But since that right is largely illusory the effort to preserve individual rights represented by the new law must be classed as an empty gesture, one that fails to give persons arrested for this offense the legal right to meaningful examination by their own physicians.

As has already been pointed out in this chapter, the police are not required by law to use haste in booking persons whom they arrest. When the arrest is for an offense involving intoxication the passage of time involves the process of de-intoxication so that the less haste used in booking, the more worthless becomes the right granted by the statute. This is true because the physician's testimony of relative sobriety at the time of his examination can be perfectly consistent with police evidence of intoxication at an earlier point in time. And one who was in fact sober when arrested, therefore, obtains no support from a physician who finds him sober many hours later. It is only when the police examination and the physician's examination more or less coincide that there is an opportunity to test the issue from more than one point of view.

This is not to say that the police are always, or often, purposefully tardy in booking; there is no reliable data from which this could be determined. But the fact that the new amendment was deemed necessary does seem to indicate that the 1958 law was being applied with less than wholehearted enthusiasm.

The underlying concept of fair play is indeed laudatory. An opportunity for both sides to observe the evidence before it disappears is no more than what an impartial system of criminal justice demands. It is perfectly clear, however, that this demand is not now required by law to be fulfilled.

If the law is amended, as it should be, to provide for examination upon arrest, there is no reason why it should not include the offense of intoxication or any other offense in which the police estimate that a state of intoxication may be of some importance.

The same comment concerning forthrightness and clarity in the law

§11.5. 1 Prohibited by G.L., c. 90, §24.
4 See §11.4 supra.
5 G.L., c. 272, §44.
§11.6. Narcotics offenses. Chapter 94 of the General Laws provides a comprehensive scheme for the regulation of use and abuse of narcotic drugs.\(^1\) New penal legislation has affected this regulation in several ways.\(^2\)

Former Section 217, punishing illegal sales of narcotics other than heroin, provided a mandatory minimum prison term of five years for a first offense and ten years for second and subsequent offenses, no suspended sentence, probation or parole being permitted until the minimum had been served. One of the new amendments removes the mandatory imprisonment for first offenders, thus permitting a court to order probation with no incarceration at all or the parole board to order release upon the completion of less than the statutory minimum.\(^3\) This brings the "illegal sale" penalty into line with other narcotics penalties for which imprisonment is required for second and subsequent infractions.\(^4\)

There are, however, several penal provisions of the narcotic drug laws that do not so limit administrative and judicial discretion concerning multiple offenders, six of these being found in the law prior to 1960\(^5\) and three being provided by 1960 legislation.\(^6\)

If all of the offenses in the statutory scheme are designed to lessen the risks of drug addiction it is difficult to comprehend why the legislative "threat" to one type of multiple offender is different from what it is to another. Query whether there is a factual basis to the legislative judgment that one who illicitly manufactures narcotics a second time is a safer probation risk than one who persistently steals narcotics.

Serious questions of criminal law policy are raised by one of the proscriptions for which probation and parole discretion continues. This proscription punishes heavily (up to five years in prison) one who

\(^1\) G.L., c. 94, §§197-217E.

\(^2\) Acts of 1960, c. 204.

\(^3\) Id. §3, enacting a new G.L., c. 94, §217.

\(^4\) G.L., c. 94, §212A (illegal sale of heroin); G.L., c. 94, §217A (inducing another to violate the narcotic drugs laws), §217B (illegal possession of narcotic drugs for sale), and §217C (theft of narcotic drugs), added by Acts of 1960, c. 204. The 1960 legislation also contains a general penalty provision, including mandatory imprisonment for second and subsequent offenses, applicable to G.L., c. 94, §§198-217D, for which a specific penalty is not provided. Acts of 1960, c. 204, §3, enacting a new G.L., c. 94, §217E.

\(^5\) G.L., c. 94, §198A (manufacture of narcotics without a license), §201 (violation of sales regulations by manufacturer or wholesaler), §202 (failure to label narcotics container), §205 (illegal possession of narcotics other than heroin), §211 (illegal possession or sale of instruments for administration of narcotic drugs), and §212 (illegal possession of heroin).

\(^6\) Acts of 1960, c. 455, amending G.L., c. 94, §199F (receiving narcotics with intent to violate the law); Acts of 1960, c. 204, §2, enacting a new G.L., c. 94, §213A (being present where a narcotic drug is illegally kept, being in the company of a person knowing him to be in illegal possession of narcotic drugs, or conspiring to violate narcotic laws); Acts of 1960, c. 204, §3, enacting a new G.L., c. 94, §217D (illegal procurement of narcotics from physician).
does nothing but be present where a narcotic drug is illegally kept or deposited. Although this portion of the act merely repeats a prior provision it is not too late to inquire into the soundness of this statute. There is no requirement that one know or even suspect that there are illegal narcotics about in order to be eligible for the five-year term.

This is greatly different from other so-called "public welfare" crimes, such as selling adulterated milk without knowledge of the adulteration, since in the latter cases there is a reasonable legislative intention to stimulate care on the part of those in a position to do a great public harm if they do not take all possible precautions in their business affairs. It may be deemed prudent to punish a subjectively innocent milk dealer in order to stimulate other dealers to inspect the cleanliness of their plants more often and more diligently so as to minimize the possibility of encountering a similar fate.

Here there is the threshold question of what public harm is produced or made likely by being in the presence of an illegally-kept narcotic drug. What community interest is protected by preventing such events? An answer that would justify this law eludes inquiry. But even if there were a satisfactory answer, one must yet look into how the law is to accomplish its aim of inducing people to avoid producing that harm. What is the analogy to the induced diligence of the milk dealers? It can be only to make a thorough search of every place in which one is present to make sure it is "clean." This may be an efficient means of uncovering caches of illegal narcotics and it suggests other interesting possibilities, such as making it a crime to be in the presence of counterfeit money. All would then have to exchange billfolds upon every coming together and compare each other's cash with the latest Treasury Department flyers, that is, if one wanted to diminish the risk of being sent to prison.

But this is bizarre, more befitting an Orwell or Huxley fantasy than a system of criminal justice that ought to be able to offer its society reasonable protection without leading that society to the brink of paranoia.

Another portion of this same statute authorizes arrest without a warrant for violation of any of its three proscriptions (being in the presence of illegally-kept narcotics, being in the company of a person knowing him to be in illegal possession of narcotics, or conspiring to violate the narcotics laws). The intended effect of this provision is not clear. The offenses are all felonies and the arrest authorization extends only to officers. In the absence of statutory authorization to arrest without a warrant the common law permits such arrests where the officer has a

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9 See Sayre, Public Welfare Offenses, 32 Colum. L. Rev. 50 (1932).
10 Commonwealth v. Farren, 91 Mass. 489 (1864).
11 There are, of course, many other statutory authorizations for arrest without warrants. See statutes cited in Note, Arrest Without a Warrant in New England, 40 B.U.L. Rev. 58, 73 n.99, 74 nn. 3, 4 (1960). Most of these refer to misdemeanors.
12 G.L., c. 274, §1.
reasonable belief that an individual has committed one of the felonies. Judicial interpretation must be awaited to learn if the statute is a restatement of the common law or permits arrests on less than a reasonable belief. It may be suggested that only the most extreme circumstances requiring prompt action (and, therefore, the danger of unreasonable action) ought to justify arrests on less than reasonable belief.

§11.7. Counsel for indigent accused. During the 1960 Survey year the legislature created a Massachusetts Defenders Committee charged with the duty of providing counsel for indigent defendants in noncapital cases in which the law or rules of the Supreme Judicial Court require representation by counsel. The committee is composed of eleven persons appointed by the Judicial Council for four-year terms.

Since the rules of the Court require assignment of counsel to indigent and unrepresented criminal defendants in the Superior Court, the duty of the new committee extends to all noncapital felony cases. The magnitude of this duty may be estimated by noting that from 1956 to 1958, inclusive, there was an annual average of more than nine thousand criminal prosecutions in the Superior Courts of the Commonwealth, some five thousand of which were guilty pleas, leaving an annual trial case load of approximately four thousand. The committee will require, and deserves, the wholehearted cooperation of the bar to accomplish its important and difficult task.


§11.7. 1 Acts of 1960, c. 565.
2 The initial appointments are for varying terms of less than four years so as to have vacancies occur annually rather than all at once.
3 Supreme Judicial Court Rule 10.
5 Statistical Reports of the Commissioner of Corrections for 1956 (p. 56), 1957 (p. 54) and 1958 (p. 54) (Pub. Doc. No. 115).