

# MAINE STATE LEGISLATURE

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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

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**Augusta:**  
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

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**TWENTY-FIRST LEGISLATURE.**

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**NO. 17.**

**HOUSE.**

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**ANNUAL REPORT**

**OF THE**

**ATTORNEY GENERAL,**

**TO THE**

**GOVERNOR AND COUNCIL.**

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**SEVERANCE & DORR,.....Printers to the State.**



# R E P O R T .

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*To his Excellency, Edward Kent,  
Governor of the State of Maine,  
and the Honorable Council.*

In making the following Annual Report, it is due to the undersigned to state, that he has been delayed, beyond the time contemplated by law, in consequence of ill health, and the tardiness of the returns of the County Attorneys, some of which have not been received until within a few days past, and others as yet have not come to hand. Under these circumstances, an entire view of the statistics of crime in our State, during the year past, cannot be presented, and it only remains to present, somewhat in detail, so much as it is in the power of the undersigned to give.

The following is an exhibit of the cases in the Supreme Judicial Court, in the several counties :

## CUMBERLAND COUNTY—APRIL TERM, 1840.

### *Continued cases on the docket.*

State v. Inhabitants of New Gloucester. Bad road: continued.  
State v. Adam Pride. Retailing without license: law—cont'd.  
State v. Isaac Sturtevant, Ap't. Nuisance: verdict guilty—  
exceptions—law—continued.

## NOVEMBER TERM, 1840.

State v. Inhabitants of New Gloucester. Road repaired—  
costs paid—nol. pros.  
State v. Adam Pride. Retailing: indictment adjudged good—  
remitted to District Court for sentence.

State v. Isaac Sturtevant. Nuisance: law—continued. This case awaits the decision of Court.

*New case.*

State v. James G. Dow. Forgery: continued on motion of defendant.

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YORK COUNTY—APRIL TERM, 1840.

State v. Theodore Wilson. Murder: acquitted on the ground of insanity—retained in prison as dangerous.

No new indictments at this Term.

SEPTEMBER TERM, 1840.

Two new indictments at this Term.

State v. ———.\* Adultery: defendant defaulted on his recognizance.

State v. ———.\* Felonious Assault: verdict guilty—judgment arrested—defendant discharged.

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OXFORD COUNTY—MAY TERM, 1840.

*Old cases.*

State v. Perez Andrews—sci. fac. Continued.

State v. James Bicknell—sci. fac. Continued.

State v. Marshal Andrews et al. Passing counterfeit money: defendants defaulted on their recognizance.

State v. Moses Bartlett. Counterfeiting coin: defaulted on his recognizance.

*New cases.*

State v. Eli Hume et al.—sci. fac. as bail in last case: cont'd.

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\* These cases were attended to by Mr. Leland, County Attorney, the Attorney General attending Court at Somerset at the same time, and the names of defendants have not been furnished.

State v. Jedediah Thomas, Jr. Adultery: defendant avoided—  
defaulted on his recognizance—continued.

State v. Daniel Richardson. Verdict guilty—sentence.

No new cases at October Term, 1840.

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LINCOLN COUNTY—MAY TERM, 1840.

State v. Samuel Davis et al. Lewd and lascivious cohabitation: ordered not to be brought forward until further order of Court.

State v. Stover Smart. Larceny: same order as in preceding.

State v. David B. Douglass. Larceny: death of defendant suggested—indictment dismissed.

State v. Benjamin Stinson. Retailing: law—continued.

State v. James Plummer. Perjury: continued.

State v. Benjamin Bailey. Nuisance: law—continued.

SEPTEMBER TERM, 1840.

No new cases at this Term.

In the case State v. James Plummer, for perjury, some of the material witnesses for Government had gone a voyage to Europe, and a nol. pros. was entered.

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KENNEBEC COUNTY—JUNE TERM, 1840.

Five continued cases, in all which were questions of law, argued and continued.

*New cases.*

State v. John Roper. Manslaughter.

State v. Moses C. Cummings. Forgery.

State v. Peter Shields. Burglary.

State v. Harriet J. Folsom. Adultery.

These four cases were all tried at an adjourned Term, the last Tuesday of July, 1840. In the first and last, defendants

were acquitted. Verdict against Cummings, guilty—sentence two years in State Prison: against Shields, guilty of larceny only—sentence.

OCTOBER TERM, 1840.

*Old.*

Four continued cases—law.

*New.*

State v. Peter Rollins. Forgery: defendant defaulted on his recognizance—and continued.

State v. Alfred McAllister. Perjury: warrant issued—continued.

State v. Daniel Evans. Felonious assault: verdict guilty—sentence.

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FRANKLIN COUNTY—JUNE TERM, 1840.

No indictment found.

State v. ——— Bachus. Retailing: on exceptions from District Court; submitted without argument, and continued.

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SOMERSET COUNTY—JUNE TERM, 1840.

Three new indictments.

State v. Fidelia Hubbard. Burning house by day.

State v. Hannah Pettingill. Accessory to the foregoing.

State v. Adam Loan. “ “ “

All continued to September Term.

SEPTEMBER TERM, 1840.

In the three foregoing, the first two plead guilty, and were used as witnesses against Loan, who was deemed the chief in criminality, but was acquitted, and by advice of Court a nol. pros. was entered in the other two cases.



*New.*

State v. David P. Palmer. Forgery: warrant to issue—continued.

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PISCATAQUIS COUNTY—JUNE TERM, 1840.

No bills found at this Term.

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PENOBSCOT COUNTY—JULY TERM, 1840.

Eleven continued cases; six ordered not to be brought forward until further order of Court; three law and continued; two other cases continued.

*New.*

State v. Alden G. Handy. Forgery: warrant to issue—continued.

State v. Amos Davis, Ap. Nuisance: exceptions from District Court—law—continued.

OCTOBER TERM, 1840.

State v. Handy. Acquitted of the forgery, but ordered to appear next Term; case continued on report of the Judge.

*New.*

State v. George W. Innman. Robbery: nol. pros.

State v. same. Adultery: verdict guilty—sentence three y'rs State Prison.

State v. Asa L. Ficket. Forgery: continued, on motion of defendant.

State v. James Steward. Burglary: verdict, guilty of larceny, not of burglary—sentence three months in County Jail.

Cases of law, continued.

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WASHINGTON COUNTY—JULY TERM, 1840.

No bills found at this Term.

## HANCOCK COUNTY—JULY TERM, 1840.

*New.*

State v. John Patten and John Patten, Jr. Murder: verdict, guilty of manslaughter: sentence, ten years each in State Prison.

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 WALDO COUNTY—JULY TERM, 1840.

The case State v. Waldo Bank—law, on facts agreed—was argued, and continued.

## DECEMBER TERM, 1840.

*New.*

State v. Eleazer Manter. Perjury: continued, on motion of defendant.

State v. Hannah Weeks. House burning, by day.

*Old.*

State v. Nathan Longfellow. Assault with intent to ravish.

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A large number of cases were investigated by the Grand Jury, in the several Counties, in which no bills were found, a particular statement of which is deemed unnecessary.

*The following are abstracts from the returns of the County Attorneys, as far as received.*

CUMBERLAND COUNTY.

Number of cases on the Docket, March Term, 1840,		38
New cases,	March Term, “	49
“ “	June Term, “	22
“ “	Oct. Term, “	26
		135

—TO WIT—

Larcenies,	30	Breach of City By-Laws,	3
Receiving stolen goods,	1	Sabbath breaking,	5
Assault and battery,	8	Keeping house of ill fame,	2
Riot,	2	Retailing without license,	29
Counterfeiting,	2	Breach of election law,	1
Nuisance,	5	Bad roads,	24
Threats,	1	Keeping gaming house,	1
Libel,	1	Rescue,	2
Breaking Bank,	1	Bills &c. sent in by Mag-	
Common Drunkard,	2	istrates,	11
Scire facias,	2		

The cases *finally* disposed of during the year, are as following, viz:—

Larceny—	1	defendant insane—dismissed.
	1	verdict guilty—sentenced 2 years State Prison.
	3	“ “ against a minor—1 year Co. gaol.
	1	“ “ sentence—1 year State Prison.
	1	“ “ defaulted in recognizance.
	1	“ “ (v. 2)—one 3 years State Prison, the other nol. pros.
	1	“ “ 3 years State Prison.
	3	plea. “ 30 days each, County gaol.
	2	“ “ (v. same person)—7 mos. ea. St. P.
	5	“ “ 60 days ea. Co. gaol.

- 2 plea. guilty—(v. same person)—1 yr. ea. St. P.  
 3 “ “ 1 year State Prison.  
 1 “ “ 5 years “ “  
 2 “ “ 3 “ “ “  
 1 verdict “ defaulted on recognizance.
- 1 Receiving stolen goods—defaulted on recognizance.  
 2 Assault &c.—fine and costs paid, defendants discharged.  
 1 Plea. nolo con.—fine \$10 and costs.  
 1 Discharged.  
 1 Riot v. 3 persons, 2 plea. nol. con.—fine \$5—nol. pros.  
 as to the other.  
 1 Counterfeiting, verdict guilty—2 years State Prison.  
 1 “ “ not guilty.  
 2 Nuisance—nol. pros.  
 1 “ verdict guilty—exceptions filed.  
 1 Threats—ordered to find sureties.  
 1 Libel—nol. pros.  
 Breaking Bank v. 2 persons—nol. pros. as to one—other not  
 apprehended.  
 1 Scire facias—amount paid into Court.  
 2 “ “ defaulted.  
 3 Breach of City By-Laws—2 defaulted on recognizance—1  
 nol. pros. on payment of cost.  
 2 Sabbath breaking—defaulted on recognizance—1 fine and  
 costs paid—1 nol. pros. on payment.  
 1 Keeping house of ill fame—verdict guilty—4 mos. Co. gaol.  
 1 “ “ “ “ “ 3 “ “ “
- Retailing &c.—1 defendant dead—dismissed.  
 7 nol. pros. on payment of costs.  
 1 “ “  
 2 plea. guilty—fine \$50 each.
- Bad roads—1 fine \$25—1 fine \$50—8 repaired—cost paid—  
 nol. pros.  
 2 nol. pros. on payment of costs—1 dismissed—  
 1 mis-entry.

1 Keeping Gaming House—1 fine \$20.  
 Rescue—2 defaulted on recognizance.  
 Eleven cases examined by Grand Jury and no bills found.

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YORK COUNTY.

47 New cases during the year.  
 Bad roads 17—and all continued.  
 Larceny 10—2 plea. guilty—1 year each State Prison.  
     1 “ “ 30 days Co. gaol.  
     2 verdict, guilty—30 and 60 days Co. gaol.  
 Teaching School without certificate 1—nol. pros.  
 Assault &c. 10—1 verdict, guilty—fine \$5 and costs.  
     1 discharged as non compos.  
     2 plea. guilty—60 days each Co. gaol.  
     3 nol. con.—30 “ “ “ “  
 Retailing &c. 3—1 nol. pros. on payment of costs.  
 Nuisance 2.  
 Malicious mischief 1—plea. guilty—fine \$10 and costs.  
 Log stealing 1.  
 Illegal voting 2.  
 In all 47—14 cases disposed of—33 cases continued.

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OXFORD COUNTY.

Old cases, June term, 1840,	22
viz. Bad roads	20
Counterfeiting	1
Retailing &c.	1
New indictments during the year,	11
viz. Bad roads	5
Larceny	2
Cheating	1
Assault &c.	3
Appealed cases brought up from magis- trates,	3
	36 cases in all.

## CASES DISPOSED OF.

Larceny 1—plea. guilty—3 years State Prison.  
1 acquitted.

Assault &c. 1—nol. pros.—1 acquitted.

Counterfeiting 1 “ “

Retailing &c. 1 “ “ on payment of costs.

Bad roads 6 “ “ “ “

1 fined.

Log stealing 1—defaulted on recognizance. \$30 paid into Court.

## FRANKLIN COUNTY.

Old indictments 10

New during the year 12

—22 viz.

Retailing	11
Bad roads	5
Conspiracy	1
Mal. mischief	2
Cheating	2
Larceny	1

20 cases disposed of as follows, viz :

1 acquitted,	} offence not stated.
1 fine \$1 and 20 days Co. gaol,	
1 fine \$50,	
1 “ \$20,	
11 Retailing and nol. pros. on payment of costs.	
5 Bad roads—fine 1 cent and costs.	

## WALDO COUNTY.

Old cases 14

New 22—36.

## CASES DISPOSED OF.

1 appealed case—nol. pros.	} offence not stated.
2 “ cases—quashed,	
1 plea. guilty—fine \$9,93,	
1 acquitted,	

1 Larceny—acquitted.

1 “ v. 2 persons—1 acquitted—1 convicted, 1 year State Prison.

1 Assault &c.—nol. pros.

1 “ quashed.

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### HANCOCK COUNTY.

New indictments during the year, 13.

Larceny 3—1 escaped; 1 acquitted; 1 convicted, 1 year State Prison.

Cheating 1—acquitted.

Retailing 2—1 convicted, fine \$50 and costs; 1 not arrested.

Bad roads 7—3 defaulted and continued for judgment; 3 continued; 1 fined.

On the old docket, November Term, 1839, 20 cases, viz:

Retailing &c. 13—5 nol. pros.; 2 fined, \$50 and costs, and \$10 and costs; 6 continued for judgment.

Bad roads 7—6 fined; 1 defaulted and continued for judgment.

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### KENNEBEC COUNTY.

6 Bad roads—4 continued; 2 nol. pros. on payment of costs.

13 Retailing &c.—8 continued; 1 nol. pros.; 2 plea. guilty, costs paid and continued for judgment; 1 verdict, guilty, exceptions filed; 1 acquitted.

12 Larceny—2 nol. pros.; 2 acquitted; 3 convicted, 1 year each State Prison; 1 v. 2 persons, convicted, 3 months and 30 days Co. gaol; 2 plea. guilty, 2 months Co. gaol, 8 months State Prison; 1 continued for judgment.

2 Riot—1 acquitted; 1 plea. guilty; one defaulted fined \$17 and costs, continued for judgment as to the others.

1 Conspiracy to cheat—nol. pros.

1 Concealing birth of bastard child—acquitted.

1 Uttering counterfeit money—acquitted.

2 Assault &c.—1 nol. pros. on payment of costs; 1 plea. guilty, fine \$5 and costs.

No returns have been received from the Counties of Lincoln, Somerset, Piscataquis, Penobscot, Washington, and Aroostook. Some deficiencies occurred the last year. It is to be regretted that any cause should prevent a prompt and full compliance with the requisitions of the law in this respect. The system of regular returns is deemed highly important; if carried out, it could not fail to furnish numerous aids to wise and enlightened legislation in this department of jurisprudence. The undersigned was about to issue circulars to the several County Attorneys, prescribing the form of returns, embracing particulars considered useful in developing the causes and sources of crime, and pointing the labors of the statesman and philanthropist to the best methods in seeking for a remedy. Nothing, indeed, short of Infinite Wisdom and Goodness can be expected to remove crime entirely from the world; but as instruments in ameliorating public and private morals, in bringing home to the hearts and lives of men the great and affecting truth, that crime necessarily leads to misery and degradation, men high in office, legislators, and all who exert or might exert much influence on society, have solemn duties and responsibilities resting upon them, in a faithful discharge of which great good may be justly anticipated. Hearts, as well as heads, should be engaged in this work, warm with philanthropy and high hope, anxiously wishing, if not confidently anticipating, that the time is yet to be when, from the "Tree of Life," shall drop into the "Fountain of Bitterness" something that shall sweeten its waters, and make clear and pure the springs of human life.

STEPHEN EMERY,

*Attorney General for the State of Maine,  
for the year 1840.*

PARIS, January 28, 1841.



# STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 5, 1841. }

ORDERED, That the foregoing Report be laid on the table,  
and 600 copies be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST:                   GEO. C. GETCHELL, *Clerk.*