

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

STATE OF MAINE.

1860.



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REPORT.

*To the Honorable Governor and Council
of the State of Maine:*

In compliance with the statute, I herewith transmit my annual report, together with an abstract of the reports made to me by the several County Attorneys.

I prepared new blanks for the County Attorneys, in order to carry out the suggestions in the report of the Attorney General for 1859. Those officers have generally made full returns, according to the blanks furnished, and have thus enabled me to present a more accurate statement of the criminal statistics of the State, than is usually obtained.

I respectfully suggest that legislation is required in some particulars.

In cases of *demurrers* to indictments, the practice in some counties is to mark such cases "Law" at once, and carry them to the Law Court on the demurrer; in other counties, the presiding Judge adjudicates upon the demurrer, and the prisoner, if aggrieved by such adjudication, carries the case to the Law Court by exceptions. Thus in all cases, the case goes to the Law Court without a trial upon its merits. In cases in which the judgment upon the demurrer is final, there is no objection to this course. But in cases in which the accused has the right to a trial by the jury after the judgment on the demurrer, there are serious objections to this course.

It allows the prisoner, in all cases, to postpone his trial until the term succeeding the next Law Court, in some instances a full year, and that, too, when there is no pretense of any defect in the indictment.

It is for the interest of the public that persons accused should be tried as soon as possible after the commission of the crime. If the person accused is innocent, a speedy trial is for his interest, as well as his constitutional right. If he is guilty, and the proof is likely to be strong against him, delay may enable him to escape. Witnesses may die or remove from the State; and they *will* forget many material facts. Delay cannot prejudice his chances of escape, and may increase them. It is obviously not good public policy, to place it in the power of persons accused of crime to delay their trial. But as the law now stands, a prisoner indicted for a felony, and arraigned at the August term of the Court, may demur to the indictment, however groundless the demurrer, and obtain at least a year's delay. Legislation in this respect is more particularly required since the act of 1860, allowing capital cases to be tried by a single Judge, as, now, persons indicted for capital offences may delay their trial perhaps more than a year, by demurring to the indictment.

I recommend the passage of a law providing that the presiding Judge shall adjudicate upon demurrers in criminal cases, and after such adjudication proceed and close the trial in all cases in which the judgment upon the demurrer is not by law final, in the same manner as if no demurrer had been filed; and then, if exceptions have been taken to the ruling upon the demurrer and not waived, the case shall be marked "Law" and continued. In this manner all the prisoner's rights will be preserved, without interfering with the public interests.

Exceptions are often taken in criminal cases for the mere purpose of delay. Frequently such cases are not entered in the Law Court. The law officer of the State has heretofore entered such cases, and had the judgment at *nisi prius* affirmed. In civil cases, the law imposes treble costs upon parties who fail to enter their cases in the Law Court.

I respectfully suggest that in all such cases in which the sentence is the imposition of fine and costs, that treble costs, after the filing of the exceptions, should be taxed.

As the law now is, persons convicted of capital offences are sentenced to death by the Court, while it is well understood that such sentence is not to be inflicted. I would respectfully suggest that either the law should provide for the execution of the sentence the

Court is compelled by law to impose, or that the Court should be authorized to impose the sentence which is to be executed. The policy of having the solemn sentence of death pronounced upon a man, when, at the same time, he and all who look on, know it is a *solemn farce*, may well be questioned. It tends to bring the law and the courts into contempt; and it surely cannot have the effect of deterring men from crime. The law, if construed as it is practically construed, is a disgrace to our statute book. It imposes the death penalty, but practically with the proviso that the sentence is never to be executed!

Further legislation seems to be required in reference to coroner's inquests. It is well known that in nearly all cases of suspected homicide, great difficulty is experienced in collecting proof. Especially is this the case where the evidence is circumstantial. The coroner's inquest affords the best opportunity of ascertaining the facts, as they have then recently transpired. It should be attended by some person in behalf of the government to gather all the facts and circumstances bearing on the case. This cannot be well done by those unskilled in legal proceedings. But as the practice now is, it rarely happens that any person connected with the proceedings has had any experience in criminal prosecutions. Consequently it becomes very difficult and often impossible for the prosecuting officer to obtain the proofs which actually exist.

I recommend that, in all cases of suspected unlawful homicide, in which an inquest is held, it be made the duty of the Coroner to notify the County Attorney, whose duty it shall then be to attend the inquest on behalf of the State; and that he be allowed a suitable compensation therefor by the County Commissioners, to be paid as other expenses in such cases are paid.

An instance has occurred during the year, strongly illustrating the necessity of the provision above recommended. An inquest was held on the body of a person supposed to have died from the effects of poison, wilfully administered by another person. A *post mortem* examination was held. The result was that the party accused was committed to jail on a charge of wilful murder. I deemed it my duty to attend the session of the Grand Jury before whom the case was to be presented. I had previously directed that the stomach of

the deceased, with its contents, which had been preserved, should be submitted to Dr. A. A. Hayes, of Boston, for examination. He found no traces of poison, and there was not the slightest evidence to show guilt on the part of the accused. The *post mortem* examination had been conducted by two quacks, who were both witnesses before the coroner's jury, and at the same time members of the jury. Had the examination been made by competent persons, or the County Attorney been present at the inquest, the County would have been saved the expense, and the party accused from several months imprisonment. I am obliged also to say that, had the party died from the effects of poison, the probability is very great that the evidence of it would have been lost by the ignorance of those who made the examination. If the County Attorney had been present, he would have had competent physicians with him.

It is not within my province to complain that the law allows grossly ignorant men and women to dub themselves "M. D.," and experiment on people *alive*; but when such persons undertake to interfere with the execution of criminal law, and by their ignorance manufacture evidence against the innocent, or destroy evidence against the guilty, it is my duty to ask for the interposition of the Legislature.

An indictment for murder found at the last term of the court in Oxford county, was quashed for informality in the drawing of the Grand Jury which presented it. The law in relation to the drawing of jurors provides that the constable, on receiving the venire, "shall notify the inhabitants of the town qualified to vote for representatives, *in the manner annual town meetings are notified*, and especially the municipal officers and town clerk, unless a different mode has been adopted at a legal town meeting," &c.

It is believed that the practice is generally very loose throughout the State, in respect to the notice given of meetings for the selection of jurors. Much expense is liable to be incurred by the quashing of indictments found by grand jurors illegally selected. In the county of Oxford, it is exceedingly doubtful whether enough of the persons now acting as grand jurors were legally selected to constitute a grand jury of the number required by the constitution.

Some remedial legislation is necessary, so that that grand jury

may be authorized to act as such at the next term of the court; or some provision should be made for discharging that, and selecting another legally authorized to act.

I recommend that the manner of calling and notifying meetings for the selection of jurors, be fixed by law; be made as simple as possible, and as nearly conformable to the present practice as may be. The provision allowing towns to adopt a different mode, should be repealed. For when a question is now made in relation to the regularity of the draft, the Court cannot come to a correct conclusion without an examination of the records of every town, from which a juror has been taken. The returns on the *venires* show that the statute notice has not been given. The government officer must then show by the records of each town that "a different mode has been adopted at a legal town meeting." Failing to do this, the indictment is quashed, delay on the part of the prisoner is obtained, and much needless expense incurred.

CASES

Argued by the Attorney General in 1859, and decided the present year.

In order that the Reports from this Department may show the disposition of all the cases conducted or argued by the Attorney General, I submit a list of the cases argued in 1859, which had not been disposed of at the date of last year's Report.

LAW TERMS.

EASTERN DISTRICT.

Washington County.

State *v.* inhabitants of Calais. Not argued.

Waldo County.

State *v.* Elias Jones and al. Larceny. Exceptions overruled.

State *v.* Moses Young. Assault and Battery. Exceptions overruled.

State *v.* Benjamin Barstow. Assault and Battery. Exceptions overruled.

Penobscot County.

State *v.* John J. Atkins. Exceptions overruled.

State *v.* Samuel G. Stimpson and al. Exceptions overruled.
Judgment on verdict.

State *v.* Morris Herring. Exceptions overruled. Judgment on verdict.

State *v.* Edward Tibbetts and al. Exceptions overruled.

State *v.* David Tenney. Exceptions overruled.

State *v.* Edward Tibbetts and al. Exceptions overruled.

State *v.* same, appl'ts. Exceptions sustained. Judgment arrested.

MIDDLE DISTRICT.

Somerset County.

State *v.* Albert B. Witham. Forgery. Exceptions sustained.
Judgment arrested.

State *v.* John Merrill. Larceny. Exceptions overruled.

State *v.* Edwin Noyes, appl't. Violation of Railroad Law of 1858. Exceptions sustained. Deft's. plea adjudged good. Def't. discharged.

Kennebec County.

State *v.* David L. Estes. Exceptions sustained. Indictment quashed.

WESTERN DISTRICT.

Franklin County.

State *v.* Benjamin Learned. Exceptions sustained. Judgment arrested.

State *v.* John Pillsbury. Exceptions overruled.

Cumberland County.

State *v.* William Mayberry and al. Cheating by false pretences. Exceptions overruled. Judgment on the verdict.

State *v.* John Foley. Liquor Law. Exceptions overruled.

State *v.* Ficket and al. Scire facias on recognizance. Exceptions sustained. Leave to amend granted.

CASES

Argued and conducted by the Attorney General during the year 1860.

LAW TERMS.

EASTERN DISTRICT.

Argostook County.

State *v.* inhabitants of Ashland. Indictment for bad road. On report, dismissed from this docket.

Washington County.

State *v.* city of Calais. Indictment for bad road. On report, continued to be argued in writing.

Hancock County.

State *v.* James R. Pinkham. Burglary. Exceptions, and motion to set aside the verdict as being against evidence, and motion for new trial, on account of newly discovered evidence. Exceptions and motions overruled.

Waldo County.

State *v.* Franklin Wentworth. Assault and Battery. Exceptions to rulings. Exceptions overruled.

Penobscot County.

State *v.* Benjamin R. Scribner. Burglary. On exceptions. Exceptions overruled.

State *v.* Henry G. Thaxter. Common seller of intoxicating liquors. Exceptions overruled.

State *v.* Jeremiah Burnham. Common seller of intoxicating liquors. Exceptions overruled.

State *v.* Mary Ridley. Same offence. Exceptions overruled.

State *v.* Jarman Perry. Same offence. Exceptions overruled.

State *v.* David Tenney. Same offence. Second conviction. Exceptions overruled.

State *v.* William H. Greenough. Same offence. Exceptions overruled.

State *v.* David Tenney. Same offence. Exceptions overruled.

State *v.* Albion K. Daggett. Same offence. Exceptions overruled.

State *v.* William A. Hanson. Same offence. Exceptions overruled.

State *v.* Owen McCann. Same offence. Exceptions overruled.

State *v.* Daniel Leathers. Same offence. Exceptions overruled.

State *v.* Henry G. Thaxter. Same offence. Exceptions overruled.

State *v.* George O. Cram. Same offence. Exceptions overruled.

State *v.* Jefferson Spencer, Jr. Larceny. Motion to set aside verdict as being against evidence. Motion overruled.

State *v.* Benjamin Kimball. Forgery. Exceptions, motions &c. Exceptions and motions overruled. Judgment on the verdict.

MIDDLE DISTRICT.

Somerset County.

State *v.* Chandler Hall. On exceptions. Argued by Co. Att'y.

State *v.* William Towle and als. Argued by Co. Att'y. Demurrer overruled. Indictment good.

State *v.* Jason C. Mallery and als. Argued by Stewart, who was Co. Att'y. when indictment was drawn.

State *v.* Gardiner Bonney. On demurrer. Argued by Co. Att'y. Demurrer overruled. Indictment good.

Lincoln County.

State *v.* Benjamin W. Plummer. Perjury. Argued in writing.

State *v.* same. Forgery. Argued in writing.

State *v.* same. Forgery. Argued in writing.

State *v.* James Gallagher. Common seller of intoxicating liquor. Exceptions overruled. Judgment for State.

State *v.* same. Same offence and same decision.

State *v.* Lincoln Leavitt. Same offence and same disposition of the case.

State *v.* William Coffin. Same offence and same disposition.

State *v.* William Holbrook. Keeping drinking house and tipping shop. Exceptions overruled. Judgment for State.

Kennebec County.

State *v.* Moses Healey, app't. Search and seizure. Argued by Co. Att'y.

State *v.* Naomi F. Runnells, app't. Selling intoxicating liquor.

State *v.* Edwin Tibbetts, app't. Search and seizure. Exceptions overruled.

State *v.* Augustus P. Stevens. Search and seizure. Argued by Co. Att'y.

State *v.* Thomas S. Bartlett, app't. Search and seizure.

State by libel *v.* same, app't. and claimant. Claim to liquors seized.

State *v.* Patrick Shehan. Keeping common gambling house.

State *v.* Arthur L. Getchell. Violation of liquor law.

Exceptions overruled.

State *v.* same. Same offence and same disposition.

State *v.* George A. Dingley. Search and seizure. Argued by Co. Att'y.

WESTERN DISTRICT.

York County.

State *v.* inhabitants of Biddeford. Indictment to recover penalty for loss of life by defect in highway.

State *v.* Noah Phillips. Common seller of intoxicating liquors. Exceptions overruled. Judgment on the verdict.

Cumberland County.

State *v.* John Yorke. Keeping drinking house and tippling shop. Exceptions overruled. Judgment for State.

State *v.* James Rogers. Same offence and same disposition.

State *v.* James Carlin. Same offence and same disposition.

State *v.* Dennis Conley. Same offence and same disposition.

State *v.* James O. Jaques. Same offence and same disposition.

State *v.* John Williams. Common seller. Exceptions overruled.

State *v.* John Yorke. Same offence and same disposition.

State *v.* Richard R. Robinson. Same offence and same disposition.

State *v.* Catharine Touro. House of ill fame. Exceptions overruled. Judgment for State.

State *v.* Patrick Deehan.

State *v.* Thomas Costellon.

State *v.* Richard R. Robinson.

State by libel *v.* same.

State *v.* Thomas Collins.

State *v.* Andrew McGlinchy.

State *v.* James O. Jaques.

State *v.* same.

State *v.* Thomas Collins.

State *v.* Ellen Goodrich.

The ten preceding cases were "search and seizure" under the liquor law of 1858. In all of them the exceptions were overruled, and judgment ordered on the verdicts against the respondents.

State *v.* Thomas Collins. Keeping drinking house and tipping shop. Exceptions overruled. Judgment on the verdict.

State *v.* David Hill. Malicious mischief. Motion for new trial, on account of verdict being against evidence.

State *sci. fac. v.* Henry Masterton and als. Scire facias on a recognizance taken in a case in which Masterton was bound over to answer to a charge of forgery. Argued in writing.

CAPITAL CASES.

CUMBERLAND COUNTY, JULY T., 1860.

State *v.* John Damery. Indictment for murder of Patrick Cassity. Trial commenced Sept. 11, and continued until Sept. 15, when the jury rendered a verdict of "*Guilty of murder in the first degree.*"

Exceptions were taken to rulings of the presiding judge, and the case marked "law," and continued.

The questions raised by the exceptions will be argued at the law term in July 1861.

KNOX COUNTY, OCTOBER T., 1860.

State *v.* Ezekiel Bowley. Indictment for murder of Elbridge Cunningham. Trial commenced Nov. 8, and continued until Nov. 13, when the jury returned a verdict of "*Not guilty.*"

REPORTS OF COUNTY ATTORNEYS.

The following tables contain abstracts from the reports of the county attorneys. I have received none from Lincoln county, and of course no statistics for that county are given.

Table A. exhibits the number of indictments and appeals pending Nov. 1, 1859, the number of indictments found and appeals entered during the year, and the number of indictments and appeals pending at the end of the year, Nov. 1, 1860, and the crimes alleged, so far as the reports of the county attorneys exhibit them.

The number of cases pending at the beginning of the year was 610; of new cases during the year, 651; total, 1261.

Table B. shows the disposition of these cases during the year. It appears that 37 were quashed; 129 "nol pros'd" on payment of costs; 220 "nol pros'd" or dismissed: that there were 31 acquittals; conviction and sentence in 183; and the disposition of 33 does not appear. There are 628 pending at the end of the year, of which 43 are marked law, and 105 continued for sentence.

Many cases have been dismissed on account of failure to arrest the accused, his death, or his absconding.

From Table C. it will be seen that the total costs of prosecution in the supreme judicial court is	\$26,156 39
The amount of fines, &c., collected,	7,166 37

Excess of expenses,	\$18,990 02
To which add costs allowed by county commissioners,	10,300 68

Whole expense of criminal prosecutions for the year, \$29,290 70

This is not accurate. In some counties the expenses &c., of grand jurors are included, and in others they are not. The expense of traverse jurors while engaged in criminal trials is not included. On

the other hand, the fees formerly allowed to the attorney acting for the State, and which now go, when collected, to the county, are included, though of course never paid out by the county. The fines &c., received by magistrates and jailers are not deducted. The "costs allowed by county commissioners" include costs and expenses of criminal prosecutions before magistrates, expenses of coroners' inquests, and all costs of a criminal nature. The fines received by magistrates and jailers should be deducted from this sum. In some counties this deduction is quite large; in others small. For example, Mr. Butler, in his very full and accurate report for the county of Cumberland, says:

"The county is re-imbursed in large part for this sum, by fines and costs received from the municipal court of Portland, and from the jailer, to whom a large number of fines of small amount is paid immediately after the committal of the prisoners. It is impracticable to ascertain these amounts for the year embraced in this report, but for the year ending Dec. 31, 1859, the county received from the municipal court \$934.18; from the jailer, \$681.94; and from *one* justice of the peace, \$60.00. In so large a county as Cumberland, it would seem that magistrates had imposed and collected fines and costs to a considerable amount, but have failed to pay them over as required by law. This is a matter which it behooves counties which, under the present law, pay all the expenses of criminal prosecutions and receive all the fines and costs imposed within their respective limits, to look after."

The sums thus received are within about \$300.00 of the amount of costs allowed by county commissioners.

In Washington county, the amount received from the same source, was \$45.78.

The expense of supporting prisoners in jail is not included in this table.

In Cumberland county, it was for the past year, between \$5,000 and \$6,000; in Washington county, \$1,041.42.

Formerly the State paid the costs of criminal prosecutions in the supreme court, and the support of prisoners in jail, while the counties paid the jurors' bills and costs, &c., before magistrates. The State received all fines imposed in the supreme court, and the counties

those imposed by magistrates. The amount paid by the State in 1857, was \$38,000. All the costs, &c., were then devolved upon the counties, and the result has been a very great diminution in such costs, &c.

The exact cost of criminal prosecutions cannot be ascertained in any manner now provided by law. It might be ascertained accurately from the county treasurers. It is a subject of much importance. These expenses are a heavy burden upon the people of the State, and they have a tendency to increase. And in no way can they be kept within their proper limit as well as by being subjected to the scrutiny of the public.

I recommend that county treasurers be required to report to the attorney general the amount paid by them during the year for costs and expenses of criminal prosecutions in the supreme court; the amount paid on bills of costs allowed by the county commissioners; the amount paid for support of prisoners; the amount paid grand jurors; the amount received from fines, &c., imposed by the supreme court, or paid them by the clerk of courts, and the amount received from fines, &c., imposed by magistrates.

It is believed that considerable sums received by magistrates as fines, are retained by them and not accounted for. The law is stringent enough to prevent such delinquency, if it were enforced. But it is difficult to enforce, and the attention of prosecuting officers is rarely called to it. Perhaps the evil might be avoided, by restricting the jurisdiction in criminal cases to trial justices, and requiring them to exhibit their docket annually to the county treasurer, and to settle annually with him.

The statute requires the County Attorneys to report to the Attorney General in the month of November; and the Attorney General to report to the Governor and Council by the first of December, annually. This gives no time for the Attorney General to make up his report after the reports of County Attorneys are received, as they are delayed until the last of November, and often even later. This report is delayed several days by the failure to receive the reports from some of the County Attorneys. I recommend that County Attorneys be required to report by the twentieth of November, annually; that it be made the duty of the Attorney

General to report to the Governor and Council any failure to receive such reports at that date; that, unless the delinquent shall show good cause for such failure to the Governor and Council, he shall forfeit one-half of his salary for the then current quarter, and the Governor and Council shall deduct such half and draw their warrant for the remainder only.

All which is respectfully submitted.

JOSIAH H. DRUMMOND,

Attorney General.

Dec. 8, 1860.

Table A.

COUNTIES.	CASES, &c.	CRIMES.																			
		Whole number.	Homicide.	Arson.	Perjury, &c.	Forgery and Counterfeiting.	Compound Larceny.	Larceny.	Burglary.	Kidney.	Rape.	Assault with felonious intent.	Assault and Battery.	Affrays and Riots.	Offences against Chastity, Morality and Decency.	Malignant Mischief.	Obtaining and Conspiracy, &c.	Defects in Highway.	Nuisances.	Violation of Liquor Law.	Other Offences.
<i>Androscoggin.</i>	Indictments pending Nov. 1, 1859,	20					2	5		1					2	1	2	1	5		
	Appealed cases pending Nov. 1, 1859,	8																	3		
	Indictments found during year,	26			2		3				1	2	1		4		1	1	9		2
	Appealed cases entered during year,	9									6								2		1
<i>Aroostook.</i>	Indictments pending Nov. 1, 1860,	14									1								2		
	Appealed cases pending Nov. 1, 1860,	5																			
	Indictments pending Nov. 1, 1859,	0																			
	Indictments found during year,	7				1	2				1					2		1			
<i>Cumberland.</i>	Indictments pending Nov. 1, 1860,	2				1	1														
	Indictments pending Nov. 1, 1859,	66	1		4	2	6		1	1	1	4		5	1	2	6	3	26		4
	Appealed cases pending Nov. 1, 1859,	29									2	5		5					20		2
	Indictments found during year,	72	2	3	2	8	1	1			2	3		10	1	1	1	1	32		5
<i>Franklin.</i>	Appealed cases entered during year,	19				1	1				3								14		
	Indictments pending Nov. 1, 1860,	60	1	1	2	7	3				2		1	3	3	1	2	2	32		2
	Appealed cases pending Nov. 1, 1860,	18					1												14		
	Indictments pending Nov. 1, 1859,	24	1								3						7	2	10		
<i>Hancock.</i>	Appealed cases pending Nov. 1, 1859,	2									1								2		
	Indictments found during year,	13				1					2			4		1			3		1
	Indictments pending Nov. 1, 1860,	19									1			4		1	6		6		
	Appealed cases pending Nov. 1, 1860,	2	1								1								1		

Table A, (Continued.)

COUNTIES.	CASES, &c.	CRIMES.																		
		Whole number.	Homicide.	Arson.	Perjury, &c.	Larceny and Counterfeiting.	Compound Larceny.	Larceny.	Burglary.	Robbery.	Rape.	Assault with felonious Intent.	Assault and Battery.	Affrays and Riots.	Offences against Chastity, Morality and Decency.	Malicious Mischief.	Cheating and Conspiracies.	Defects in Highway.	Nuisances.	Violation of Liquor Law.
<i>York.</i>	Indictments pending Nov. 1, 1859,	37					3	1				2			1		2	2	24	3
	Appeals pending Nov. 1, 1859,	14									1	1							10	3
	Indictments found during year,	36					7	2			1	3			2		4		12	3
	Appeals entered during year,	20										9			2				12	3
<i>Waldo.</i>	Indictments pending Nov. 1, 1860,	37										3								
	Appeals pending Nov. 1, 1860,	14										3							4	4
	Indictments pending Nov. 1, 1859,	21					5	1				3							12	5
	Appeals pending Nov. 1, 1859,	17					1					2			1				2	3
<i>Somerset.</i>	Indictments found during year,	18		1								3							6	2
	Appeals during year,	22					1					3			4				2	3
	Indictments pending Nov. 1, 1860,	24										3							6	
	Appeals pending Nov. 1, 1860,	9																		
<i>Penobscot.</i>	Indictments pending Nov. 1, 1859,	51																		
	Appeals pending Nov. 1, 1859,	8																		
	Indictments during year,	40																		
	Appeals during year,	2																		
<i>Penobscot.</i>	Indictments pending Nov. 1, 1860,	87																		
	Appeals pending Nov. 1, 1860,	2																		
	Indictments pending Nov. 1, 1859,	66																		
	Appeals pending Nov. 1, 1859,	54																		
	Indictments during year,	63	1		1	7	5	12		1	1	2	3	1	3		2	23	1	

Table B.

Disposition of Cases during year, and condition of those not disposed of.

COUNTIES.	CASES.	Disposition during yr. ending Nov. 1, '60.					Condition at end of year.			Sentences.				REMARKS.
		Quashed.	"Not pros'd." on payment of costs.	Not pros'd. or dismissed.	Conviction and sentence.	Aquittals.	Continued open.	Continued for sentence.	Continued, marked "Law."	State Prison.	County Jail.	Reform School.	Fine and Costs.	
<i>Androscoggin.</i>	Indictments, } Appeals, }	5	7	21	15	1	14	4		2	4	9		
<i>Aroostook.</i>	Indictments, }					2		1		2				
<i>Cumberland.</i>	Indictments, } Appeals, }		7	27	47	4	28	24		9	12	4	51	Twelve committed to jail for non-payment of fine and costs.
<i>Franklin.</i>	Indictments, } Appeals, }		2	9	8		17	2		2	2	4	One	" " " " "
<i>Hancock.</i>	Indictments, } Appeals, }		40	4	5	1	24			3	2			
<i>Kennebec.</i>	Indictments, } Appeals, }	2	10	20	9	4	17	24	3	2	5	12	Seven	" " " " "
<i>Knowlton.</i>	Indictments, } Appeals, }	10	2	17	10	2	22	6	9					
<i>Oxford.</i>	Indictments, } Appeals, }	1	2	4	1		24	1			1			
<i>Oxford.</i>	Indictments, } Appeals, }		8	3	5	1	23	3		4	1	1	One	" " " " "
<i>Piscataquis.</i>	Indictments, } Appeals, }			12	1		24	2				3	One	ordered into custody of Superintendent of Insane Hospital, on plea of insanity.
<i>Sagadahoc.</i>	Indictments, } Appeals, }	1		3	1		1	1						
<i>Sagadahoc.</i>	Indictments, } Appeals, }		2	1	1	1	1	4			1			
<i>Waldo.</i>	Indictments, } Appeals, }	12	1	1	1	1	1	2						
<i>Waldo.</i>	Indictments, }	1	2	12		5	25					5	One	committed to jail for non-payment of fine and costs.

Table C.

COUNTIES.	Costs and expenses of prosecution.	Fines on forfeitures imposed.	Fines, &c., collected.	Costs and expenses allowed by County Commissioners.	Fines on towns for defective highways.
Androscoggin,	\$1,816 29	\$323 63	\$323 63	\$769 41	-
Aroostook,	179 87	-	-	-	-
Cumberland,	*3,570 58	4,386 21	3,412 86	1,973 38	-
Franklin,	1,281 24	545 92	193 92	235 68	-
Hancock,	1,269 16	175 00	327 35	-	\$800 00
Kennebec,	4,050 60	870 57	504 53	2,079 21	-
Knox,	473 00	15 00	15 00	423 13	-
Lincoln,	-	-	-	-	-
Oxford,	2,534 58	169 54	69 54	587 35	-
Penobscot,	†2,807 78	921 64	263 92	-	-
Piscataquis,	283 66	15 00	15 00	121 81	-
Sagadahoc,	605 60	146 52	146 52	430 34	-
Somerset,	1,938 17	156 32	146 32	322 63	1,000 00
Waldo,	1,514 75	177 38	177 38	1,206 75	-
Washington,	1,420 69	1,067 20	1,103 07	1,032 56	-
York,	2,380 42	467 33	467 33	1,068 43	13 85
Total,	\$26,156 39	\$9,437 26	\$7,166 37	\$10,300 68	\$1,813 85

* This sum does not include the bills and expenses of juries in criminal cases, amounting to

† Jurors' bills, amounting to \$2,335.72, not included; but it does include costs, &c., allowed by the County Commissioners, except the jailer's bills.

JOSIAH H. DRUMMOND,

Attorney General.