

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE



STATE OF MAINE.

1862.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1862.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

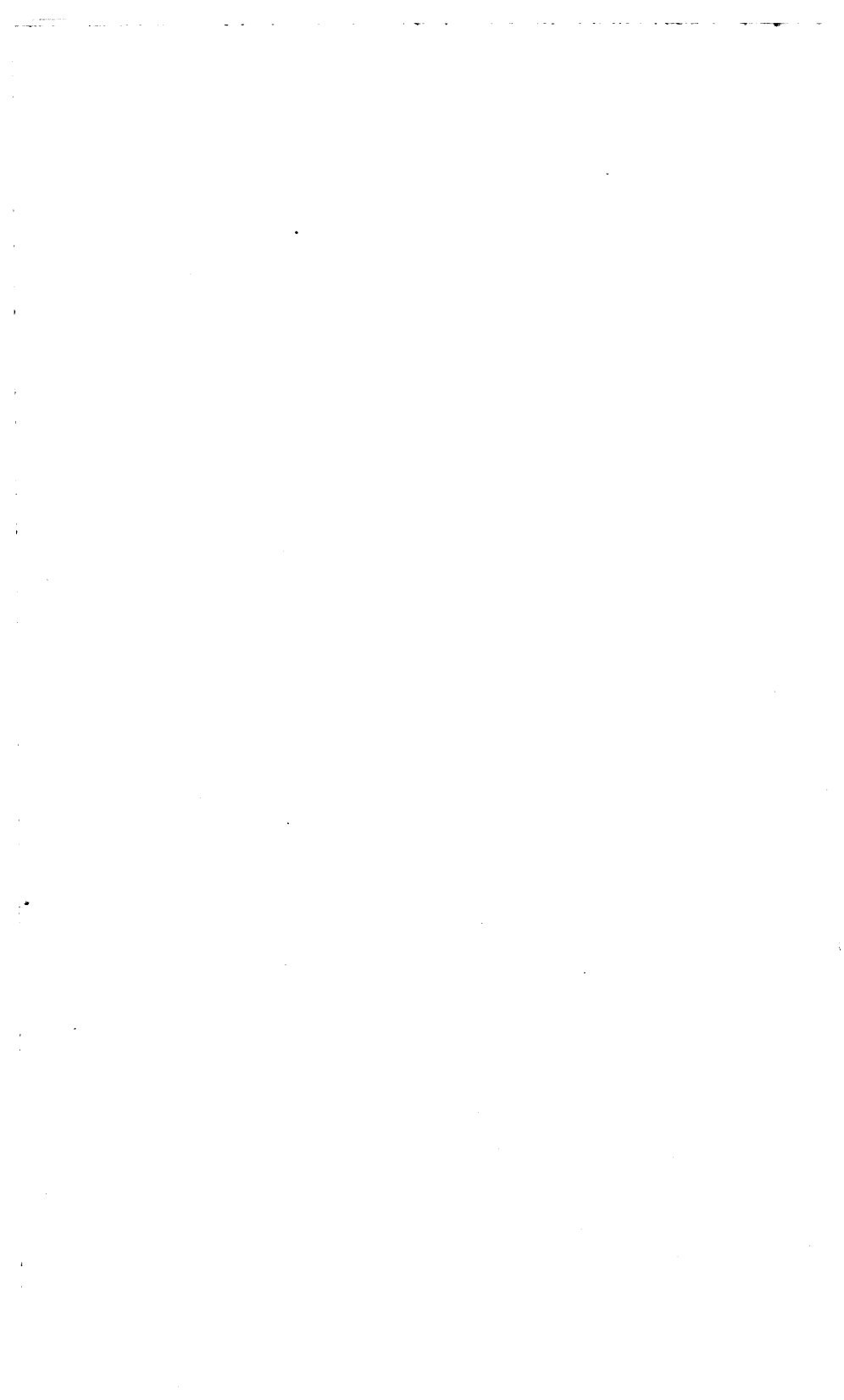
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REPORT.

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

I have the honor to submit my Annual Report, with an abstract of the reports made to me by the several County Attorneys, and such other information of a useful character and pertaining to the administration of the criminal law as I have been able to obtain.

The experience of another year has confirmed me in the opinion of the need of legislation upon the subjects referred to in my report of last year. I respectfully refer to that report, and urge the necessity of further legislation, especially in respect to *demurrers to indictments*, and *the sentence to be imposed in what are now called CAPITAL CASES*.

The law of last winter in relation to the draft of grand jurors has, in a great measure, remedied the evils alluded to in my last report. I prepared and sent out to the Clerk of Courts in each county, forms for *venires*, *notices*, and *returns*, which conformed to the statute of 1861. Nevertheless, the practice of drawing jurors without any formality in calling the meeting, has become so universal, that even now many mistakes are made. There are several cases now pending in the Law Court on motions to quash indictments for informalities in the draft of the grand jury. There is no pretence in any case, that there has been any fraud, or injustice to any one. It seems almost a reproach to the law that the course of justice should be impeded by such mere technicalities.

In some instances, after the grand jury have returned indictments into court, officers who served the *venires*, and at the time made return of a legal service, have come into court for leave to amend their returns according to the facts, and, under leave, have amended their returns so as to show that the service was illegal.

To remedy these evils, I recommend the passage of a law making it the duty of the presiding Judge to examine the *venires* and *returns* before empanelling the grand jury, and determine upon their sufficiency; that his determination shall be conclusive; and that no objection to the draft of any grand juror shall avail, unless taken before such juror is sworn—except that the court, upon allegation and proof of fraud in the draft of any grand jury, may, in its discretion, quash any indictment found by such grand jury.

While the utmost care should be taken that the proceedings of our grand juries should in no manner whatever be tainted with fraud, it is almost equally important that criminals should not escape or retard justice, on account of the lack of form, in cases in which they have had their substantial rights protected.

My attention is called in the report of Mr. Butler, the Attorney for the County of Cumberland, to an error in section 11, chapter 131 of the Revised Statutes. It accidentally crept in, in the revision of the statutes. The statute now reads—"When an intent to defraud is necessary to constitute any offence, it shall be sufficient to allege generally in the indictment an attempt to defraud, &c." The word "*attempt*" should be "*intent*." The error destroys the intended effect of that provision of the statute, and should be remedied.

In accordance with instructions from you, I have commenced an action on the Bond of B. D. Peck, State Treasurer, for the defalcation occurring during his second term of office. The action is still pending, not having been reached for trial. No arrangements have been made for a reference of the case under the Resolve of last session. At the same term I commenced actions against Messrs. Neal Dow, Walter Brown, and John Wyman, on the respective claims of the State against them. These actions are also still pending.

On the twelfth day of October last, an order of Court was served on me, as Attorney General, commanding me to appear before the Justices of the Supreme Judicial Court, to be holden at Bangor, in and for the County of Penobscot, on the first Tuesday of January, A. D. 1862, to shew cause why a mandamus should not issue to Hon. Nathan Dane, Treasurer of State, commanding him to pay to George M. Weston the one thousand dollars charged in his account

under the Resolve of March 19, 1860. This resolve was based upon the report of the Investigating Committee of the Legislature of 1860, that B. D. Peck, the State Treasurer, had advanced to said Weston the sum of one thousand dollars, in part payment for his services as Agent of the State at Washington. Peck was credited with this sum in his Treasurer's account, and the Legislature directed it to be charged to Weston, as an advance, and to be deducted from whatever sum should be allowed him for his services. Without entering into any discussion, I may say, that I have no serious apprehensions that any mandamus will issue in the case. I shall see that the rights of the State are protected. No action at law can be maintained by a person against the State upon *any* claim. And this proceeding is a very ingenious attempt to do indirectly, what cannot be done directly. But, in my judgment, it cannot avail.

I submit a statement of the criminal cases which have come under my charge the past year.

CASES IN THE LAW COURT

Argued previously to 1830, and not decided at the date of my last Report.

EASTERN DISTRICT.

Aroostook County.

State v. inhabitants of Ashland. Indictment for bad road.

Washington County.

State v. city of Calais. Indictment for bad road. Decision :
“ Verdict set aside, and new trial granted, unless the Attorney for
the State enters a nol. pros. as to that part of the road between
Nevens’ road and outlet of Eastern lake. Election to be made at
the next nisi prius term of the court in Washington county.”

I am informed that the county attorney did elect to enter a nol.
pros. as to a portion of the road, and judgment was rendered on
the verdict.

State v. John Underwood. Argued in 1858. Exceptions over-
ruled. Judgment on the verdict.

MIDDLE DISTRICT.

Somerset County.

State v. Chandler Hall. Indictment for perjury. On exceptions.
Exceptions sustained. New trial granted.

State v. Jason C. Mallory and als. Exceptions overruled.

Lincoln County.

State v. Benjamin W. Plummer. Demurrer to an indictment for
perjury. Exceptions sustained. Indictment adjudged bad.

State v. same. Demurrer to an indictment for forgery. Not
decided.

State v. same. Demurrer to an indictment for forgery. Not
decided.

Kennebec County.

State v. Moses Healey, app't. Search and seizure. Exceptions overruled. Judgment on the verdict.

State v. Naomi F. Runnells, app't. Selling intoxicating liquor. Exceptions overruled. Judgment on the verdict.

State v. Augustus P. Stevens, app't. Search and seizure. Exceptions overruled. Judgment on verdict.

State v. Thomas S. Bartlett, app't. Search and seizure. Exceptions sustained. Verdict set aside, and new trial granted.

State, by libel, v. same, app't and claimant. Exceptions overruled. Judgment on the verdict.

State v. Patrick Shehan. Keeping common gambling house. Indictment adjudged good. Judgment for the State.

State v. George A. Dingley. Search and seizure. Exceptions overruled. Judgment on the verdict.

WESTERN DISTRICT.

York County.

State v. inhabitants of Biddeford. Indictment to recover penalty for loss of life by defect in highway. On exceptions, &c.

Cumberland County.

State v. David Hill. Indictment for malicious mischief. Motion to set aside verdict as being against the evidence. Motion dismissed.

State scire facia v. Henry Masterton, and als. On exceptions, &c. Exceptions overruled. Declaration adjudged good. Judgment for the State.

CASES

Argued and conducted by the Attorney General during the year 1861.

CASES BEFORE THE FULL COURT.

EASTERN DISTRICT.

Aroostook County.

State *v.* George W. Hackett and al. Indictment for obstructing a highway. Argued in writing. Not decided.

Penobscot County.

State *v.* John W. Wood.

State *v.* Henry Morgan and al.

State *v.* William H. Greenough.

State *v.* John Lynch and al.

State *v.* Charles Aldrich.

State *v.* Hugh Gillogly.

State *v.* Jeremiah Leballister.

State *v.* John D. Pierce.

State *v.* Thomas Kelley.

State *v.* Charles Dolan.

State *v.* Greenleaf Elder.

State *v.* George O. Cram.

The twelve preceding cases were before the court on demurrer to indictments against the defendants as common sellers of intoxicating liquors. But one of them was argued on behalf of the defendants. The demurrers were unquestionably intended solely to delay sentence. The demurrers were overruled, the indictments adjudged good, and judgment for the State ordered.

State *v.* Asa H. Field. Search and seizure case. Exceptions overruled.

State *v.* Vinson Litchfield and al. Indictment for incest. Exceptions overruled. Judgment on the verdict.

State *v.* Philip M. Carpenter. Indictment for forgery. Exceptions overruled. Judgment on the verdict.

State v. John Welch, Jr., app't. The def't was convicted of assault and battery before a magistrate, and appealed. Failing to enter his appeal, he was brought into court on a *capias*, and the sentence of the magistrate affirmed. To this he excepted, claiming a trial by jury. The exceptions were overruled.

I commend this case to the attention of County Attorneys, as appellants frequently fail to enter their appeals, and the recognizances often are found to be defective or insufficient. Besides, this remedy is more speedy and certain.

State v. James G. Bennett, app't. Violation of Sunday law by keeping open a barber's shop. Exceptions overruled. Judgment for the State.

State v. Fanny Jones. Indictment for keeping a house of ill fame. Exceptions overruled. Judgment for the State.

State, by libel, v. certain intoxicating liquors, claimed by George G. Hathaway, app't. On report to decide certain preliminary questions. The objections were overruled, and the case ordered to stand for trial.

MIDDLE DISTRICT.

Somerset County.

State v. David S. Tozier, and al. Larceny. Exceptions overruled. Judgment on the verdict.

Knox County.

State v. Angelina G. Edgartin. Larceny. On demurrer to the indictment. Demurrer overruled.

Lincoln County.

State v. Sumner Mayers. The question raised in this case was whether the office of County Attorney in Lincoln county was vacant or not, at the time the indictment was found. Argued in writing.

State v. James E. Fernald. Libel. Argued in writing. Before the arguments were completed, the respondent died. Of course, no further action in the case was taken.

Kennebec County.

State scire facia v. Joseph Baker. On demurrer to the declaration.

State v. John Osgood and al. Common sellers. Exceptions overruled. Judgment on the verdict.

State v. Naomi F. Runnells. Common seller. Exceptions overruled. Judgment for the State.

State v. Benjamin D. Peck. Indictment for using &c., the money of the State contrary to law, while he was State Treasurer. On demurrer. Argued in writing.

State v. Nathan C. Prescott. Common seller. On exceptions. Exceptions overruled. Judgment on the verdict.

State v. Ephraim Ballard. Common seller. On demurrer, &c. Indictment adjudged good. Judgment for the State.

State v. Lewis H. Dudley, app't. On exceptions, &c. Exceptions overruled. Judgment on the verdict.

State v. Nathan C. Prescott, app't. On exceptions.

State v. George Gordon. Indictment for illegal voting. The defendant having enlisted and gone into the service of the United States, a "nol. pros." was entered.

State v. Hiram Judkins. Larceny, &c. Dismissed from docket of law court.

State v. Hezekiah Leard and als. A question concerning the construction of chap. 104 of laws of 1859 "relating to witnesses and evidence."

State v. Patrick Welch, app't. Exceptions overruled. Judgment on the verdict.

State v. Patrick Maher. On exceptions to the overruling of a motion to quash an indictment for informalities in the draft of the Grand Jury.

State v. Isaac Clough. Indictment for perjury. On report to determine the validity of the indictment to which the same objections were made as in the preceding case.

State v. George Carver and al. Larceny, &c.

State v. Amelia O'Connor. Common seller.

In these two cases, respondents were tried and verdicts rendered against them. They moved to arrest the judgment for informalities in the draft of the Grand Jury which found the indictment. The motion was overruled by the presiding judge, and they filed exceptions. Argued, but not yet decided.

WESTERN DISTRICT.

Franklin County.

State *v.* Noah G. Cofren. Common seller. On exceptions. Argued.

Oxford County.

State *scire facia v.* John G. Burns and al. On demurrer to the declaration. Argued.

York County.

State *v.* Noah Phillips. Common seller. Exceptions overruled. Judgment for State.

State *v.* Jeremiah Lord.

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

State *v.* Rufus M. Lord. Search and seizure. On exceptions. Argued in writing.

State *v.* Joseph Kimball. On exceptions. Case involving the constitutionality of the law concerning the disturbance of religious meetings. Argued in writing.

Cumberland County.

State *v.* John Brackett. Common seller. Exceptions overruled. Judgment on the verdict.

State *v.* John Damery. Indictment for murder. On exceptions. "Exceptions overruled. Judgment on the verdict."

State *v.* Charles Sweetsir. Indictment for arson. Capital case. On exceptions, &c. Exceptions overruled. Judgment on the verdict.

CAPITAL CASES, &C.

CUMBERLAND COUNTY, NOVEMBER TERM, 1860.

State v. Charles Sweetsir. Indictment for arson by burning the dwelling-house of George H. Bailey of Scarboro', on the night of the tenth day of June, A. D. 1860.

The trial continued three days and resulted in the disagreement of the jury.

State v. Elbridge Lewis. The respondent was committed to jail on a charge of murder. The Grand Jury found an indictment for manslaughter, to which the prisoner pleaded guilty, and was sentenced to three years imprisonment in the State Prison.

MARCH T., 1861.

State v. Charles Sweetsir. This case was tried a second time, and the jury returned a verdict of "Guilty."

The prisoner filed exceptions, which were argued at the Law Term and overruled by the court; and the sentence of death was pronounced against the prisoner at the July T. 1861.

JULY T., 1861.

State v. Albert S. Foster. Indictment for burning a dwelling-house in Portland in the night time. Upon examination of the evidence, I found it insufficient to warrant my presenting the case to the jury, and I therefore entered a "nol. pros."

NOVEMBER T., 1861.

State v. Richard Hill. The respondent was committed to jail to answer to a charge of murder by wilfully killing his father. His friends interposed in his behalf with the plea of insanity. The fact of the homicide under such circumstances as made the prisoner, if sane, guilty of wilful murder, was susceptible of the clearest proof.

At the October term of the court in this county, for the trial of civil causes, the counsel for the prisoner notified Judge Kent, who presided, of the fact of the commitment of the prisoner charged

with a criminal offence, and that the plea of insanity would be made in his behalf; and requested the judge to order him into the custody of the superintendent of the Insane Hospital. I had previously requested Dr. T. A. Foster, the jail physician, to observe Hill with a view of determining whether he was sane or not. Dr. Foster's report left the matter in great doubt. I therefore concurred in the request to Judge Kent, and he, on the ninth of November, ordered Hill into the care of the superintendent of the Insane Hospital, under the provisions of chap. 137, sect. 1, of the revised statutes, till the further order of court; that the truth or falsity of the prisoner's plea might be ascertained.

State v. William H. Johnson. The prisoner was committed to jail on the charge of the murder of Levi G. Brown. The Grand Jury found an indictment for manslaughter. This was in accordance with my view of the evidence.

State v. John Damery. The respondent was indicted March term, 1860, for murder; was tried July term, 1860, and a verdict of guilty rendered by the jury; and the case was carried to the law court on exceptions, as stated in my last report. The decision was announced the present term, overruling the exceptions and ordering judgment on the verdict. Thereupon the prisoner was brought into court, and sentenced to be hung.

ANDROSCOGGIN COUNTY, OCT. T., 1861.

State v. Joel C. Preble. Indictment for the murder of his wife. He pleaded guilty, and the presiding judge, after examining the witnesses, adjudged him guilty of murder in the first degree, and sentenced him to be hanged.

State v. John Ford. Indictment for the murder of Michael Dwyer. The County Attorney, T. A. D. Fessenden, Esq., upon an examination of the testimony, entered a nol. pros. as to the *malice*, and the prisoner pleaded guilty of manslaughter, and was thereupon sentenced to five years' imprisonment.

FRANKLIN COUNTY, APRIL T., 1861.

State v. Sidney B. Dyke. The respondent was accused of murder. In this case, I attended the session of the Grand Jury. They finding an indictment for manslaughter only; I was not present at the trial, which was conducted on the part of the government by Hon. R. Goodenow, acting County Attorney, and resulted in a disagreement of the jury.

OXFORD COUNTY, AUGUST T., 1861.

State v. John B. Coffin. Indictment for the murder of Calvin B. McKeen. I attended court for the purpose of trying this case, but before the trial came on I was prostrated with sickness. I was confined to my bed for several days after the trial commenced, and took no part in it. I regret it the less, as the case was very ably managed by William Wirt Virgin, Esq., the County Attorney. After a protracted trial, the jury rendered a verdict of "Guilty of manslaughter." The prisoner was sentenced to five years' imprisonment.

NOVEMBER T., 1861.

State v. Ephraim Gilman. Indictment for the murder of Harriet B. Swan. On the day assigned for trial, the prisoner was pronounced by the physicians too sick to be brought into court; and the date of his recovery being uncertain, the case was continued.

State v. William W. Oliver. Indictment for arson. Continued.

There is also a person in jail at Alfred committed on a charge of arson and murder.

Of the sixty-six cases argued in 1860 before the law court, *four* are still pending, *fifty-nine* have been decided against the respondents, and in the other *three*, the exceptions were sustained.

Of the cases argued in 1861, *fourteen* are still pending, and *thirty-two* have been decided against the respondents.

The court has decided that motions in criminal cases, to set aside the verdict because it was against the evidence, must be disposed of at *nisi prius*, and cannot be entertained by the law court. The law is different in civil cases, and the distinction did not exist previous to the late revision of the statutes. I am not prepared to recommend any change in the law, but deem it my duty to call attention to the fact for the consideration of the Legislature.

REPORTS OF COUNTY ATTORNEYS.

The following tables contain abstracts of the reports of the County Attorneys.

Table A exhibits the number of indictments and appeals pending Nov. 1, 1860, the number of indictments found and appeals entered during the year, and the number of indictments and appeals pending Nov. 1, 1861, and the crimes alleged, so far as the reports of the County Attorneys exhibit them.

The number of indictments pending at the beginning of the year, was 592; the number of appeals was 153; the number of indictments found during the year, was 454; the number of appeals entered, 212; total, 1,411.

Table B shows how these cases were disposed of during the year. It appears that 4 indictments and 11 appeals were quashed; 112 indictments and 14 appeals were "nol pros'd" on payment of costs; 236 indictments and 99 appeals were "nol pros'd" or dismissed; that there were 29 acquittals; conviction and sentence in 200 cases, and the disposition of 86 cases does not appear.

There are pending at end of year, 500 indictments and 120 appeals; total, 620. Of these, 100 stand continued for sentence, and 56 marked "Law."

It will be observed that a large number of cases have been "nol pros'd," or dismissed. It often happens that several indictments are found against the same person, upon the same facts; and that he is tried and convicted upon one; the other indictments are then dismissed. Many indictments are dismissed or "nol pros'd" on account of the death or absence of witnesses, failure to arrest the accused, his death, or absconding.

Table C shows the costs of prosecutions in criminal cases.

The total in Supreme Court is	\$26,363 78; in 1860 it was	\$26,156 39
Amount of fines, &c., collected,	7,097 21; " "	7,166 37
Excess of expenses,	\$19,266 57; " "	\$18,990 02
Costs allowed by the County Commissioners,	13,384 10; " "	10,300 68
Total, - - - -	\$32,660 67; " "	\$29,290 78

The statement for 1860 does not include the County of Lincoln.

Although there has been, during the past year, an unusual number of cases involving large expense, yet after a careful examination, I am satisfied that the expenses of the administration of the criminal law have not been so large as in former years. Yet there may be still greater reduction, and County Attorneys should give special attention to this subject.

I extract the following from the report of Mr. Butler, County Attorney of Cumberland, and commend it to the careful attention of Attorneys in other counties. His suggestions in regard to coroner's inquests, and costs in cases of libels of intoxicating liquors, deserve the attention of the Legislature :

“ While the criminal business for the last year has not been less on the whole, I think, than that of former years, I have been enabled, by devoting special pains to the subject to make the expenses less, while, at the same time, the receipts from criminal matters by the County have been more. It will be perceived that the receipts by the County exceed its expenditures in the administration of criminal justice the present year, except the jury fees.

“ One of the chief sources of economy, I have found, is in respect to witnesses' fees. I have endeavored, first, to summon as few as possible, particularly before the grand jury ; and second, to arrange my business and docket so as to keep them in attendance the shortest possible time.

“ A considerable amount has also been saved in the item of officers' fees.

“ I have felt it my duty to enforce payment strictly on forfeited recognizances. My experience is that in a majority of cases in which the condition of recognizances has been broken, the privilege of bail has been abused to screen offenders from justice, and there seems no good reason why the full amount of the penal sum should not be exacted, to be appropriated towards payment of the criminal expenses of the County.

“ There have been held in this County fourteen coroners' inquests, at an expense of nearly three hundred dollars to all. It is believed that in many of the cases an inquest was entirely unnecessary. Where it is *notorious* that a person came to his death by accident, or where there is no doubt as to the offender in cases of felonious

homicide, and an examination before a magistrate can take place at once, there seems no necessity of holding an inquest.

“Under the provisions of act of 1858, for suppression of drinking houses and tippling shops, several valuable lots of liquors have been declared forfeited to the city of Portland. Where no claimant intervenes, the expenses of the proceedings are paid by the County. It would seem that they ought to be paid by the town or city which receives the benefit of the forfeiture.

“There were pending Nov. 1, 1860, 5 actions of scire facias on forfeited recognizances, two of which have been entered nol. pros. on payment of costs, and in three judgment has been entered for the State.

“At the Nov. Term, 1860, two additional actions of scire facias were entered, in one of which judgment has been entered for State, and the other continued for judgment.

“At the Nov. Term, 1860, there were three cases for contempt for not obeying the summons of the court, in two of which fines were imposed, and in the other the witness satisfactorily explained the cause of his absence, and was discharged.”

In order to ascertain the amount *actually paid* in the administration of the criminal law, I addressed a letter to each of the County Treasurers, desiring them to inform me,

1. How much they had paid during the year ending Nov. 1, 1861, for costs, &c., of prosecution in the Supreme Court.

2. How much they had paid on bills of costs allowed by the County Commissioners.

3. How much they had paid for support of prisoners.

4. How much they had paid to grand jurors.

5. How much they had received from fines, costs, &c., imposed in the Supreme Court.

6. How much they had received from magistrates.

7. How much, not included in the above, they had received from the jailer.

They kindly complied with my requests, and I received the desired information, so far as was practicable, from all the counties except Hancock, Knox and Somerset.

The information thus obtained I have embodied in table D.

The total expense in the thirteen counties named in the table, is,	\$63,007 96
Total receipts,	8,444 28
	<hr/>
Excess of expense,	\$54,563 68

The expense in the other three counties would unquestionably swell this amount to over \$60,000.

The expense of traverse juries, (except in the County of Cumberland,) of summoning jurors, of officers while attending court, lights, fuel, &c., are not included. These expenses, together with the salaries of County Attorneys, &c., must bring the total expenses (without including those of the State Prison and Reform School,) nearly up to the sum of \$75,000.

Before the law requiring all costs, &c., in criminal prosecutions to be paid by the respective counties, the State paid the costs, &c., in the Supreme Court and the expense of supporting prisoners in jail, and received the fines, &c., imposed in the Supreme Court. Those items of expenditure in this table amount to	\$43,146 60
The receipts,	6,733 95
	<hr/>
Excess of expenditures,	\$36,412 65

It is now impossible to ascertain with accuracy the amount of these expenses. The returns from the County Treasurers are in many instances evidently inaccurate. As public attention is called to this subject, more accurate data are obtained, and many abuses corrected.

The expenses of prosecutions, &c., depend very much upon the management of the prosecuting officers. They should, in all cases, see that the fees of witnesses and officers are kept within the legal limits. By arranging their trials so as to have witnesses in attendance as short time as possible; by enforcing the collection of fines and forfeited recognizances; and by correcting all abuses, they may do much to reduce the expenses and increase the receipts of the County.

It would undoubtedly tend to increase the care of County Attorneys, if a statement of these expenses, &c., could be published annually, so that those of one year might be compared with those of

another year, and those of one county with those of the other counties.

County Treasurers are now required to publish, annually, in the month of January, a statement of the financial condition of their respective counties, showing their receipts and disbursements. With a very little labor, these reports might show with great accuracy the expenses and receipts in the criminal department.

If these reports should be made in that manner, and a copy forwarded to the Governor, or Attorney General, a full exhibit might be made, and annually submitted to the scrutiny of the people.

In 1852, and for several years previously, *twenty thousand dollars* only were required to pay that part of these expenses, then paid by the State. But in 1857, *thirty-eight thousand dollars* were appropriated for the same purpose; and during the past year the same expenses have amounted to quite as large a sum.

The difference is to be attributed in part to the large increase in the expense of supporting prisoners in jail. The price allowed the jailer for board of prisoners, was formerly limited to one dollar a week; in 1856, that limit was extended to two dollars and a quarter a week. The increase in the cost of breadstuffs rendered this change necessary. The increase of expense on this account was probably about \$10,000. There must, therefore, have been a large increase in the costs of criminal prosecutions in the Supreme Court.

The law formerly required the Attorney General to report by the first day of *January*, and the County Attorneys to report to him during the month of *November*. Afterwards the law was changed so as to require the Attorney General's report to be made by the first of *December*, but no change was made respecting the reports of County Attorneys. The report of the Attorney General cannot be made until he receives those of the County Attorneys. If it is desirable, therefore, to have his report by the first of *December*, County Attorneys must be required to make their reports by the twentieth of *November*.

All which is respectfully submitted.

JOSIAH H. DRUMMOND,

Attorney General.

Dec. 16, 1861.

Table A.

COUNTIES.	CASES.	CRIMES.																
		Whole number.	Homicide.	Arson.	Perjury, &c. Forgery and Counter- feiting.	Compound Larceny.	Larceny.	Burglary.	Robbery.	Rape.	Assault with felonious intent.	Assault and Battery.	Afrays and Riots Offences against Chastity, Morality and Decency.	Malicious Mischief. Cheating and Conspira- cies.	Defects in Highway.	Nuisances.	Violation of Liquor Law.	Other Offences.
AROOSTOOK.	Indictments pending Nov. 1, 1860,	11																
	Indictments found during year,	5																
	Appealed cases entered during year,	3																
	Indictments pending Nov. 1, 1861,	9					2											
ANDROSCOGGIN.	Appealed cases pending Nov. 1, 1861,	3																
	Indictments pending Nov. 1, 1860,	15			1	2												
	Appealed cases pending Nov. 1, 1860,	5																
	Indictments found during year,	47	2		1	1	7	10										
CUMBERLAND.	Appealed cases entered during year,	6																
	Indictments pending Nov. 1, 1861,	27			1	4	4											
	Appealed cases pending Nov. 1, 1861,	4																
	Indictments pending Nov. 1, 1860,	60	1	1		2	7	3										
FRANKLIN.	Appealed cases pending Nov. 1, 1860,	18					1											
	Indictments found during year,	65	1	3		4	9	11	1									
	Appealed cases entered during year,	8						1										
	Indictments pending Nov. 1, 1861,	66	1			3	6	8										
CUMBERLAND.	Appealed cases pending Nov. 1, 1861,	12																
	Indictments pending Nov. 1, 1860,	15																
	Appealed cases pending Nov. 1, 1860,	2																
	Indictments found during year,	8	1							1								

	Indictments pending Nov. 1, 1861,	15	1							1		2		1	4	1	4	1
	Appealed cases pending Nov. 1, 1861,	1															1	
HANCOCK.	Indictments pending Nov. 1, 1860,	63	1		2				1	1	1	1			3		53	
	Appealed cases pending Nov. 1, 1860,	5								2							3	
	Indictments found during year,	10	1		2	1			1	2	1	1						1
	Appealed cases entered during year,	5			1					1	1						2	
	Indictments pending Nov. 1, 1861,	23	1		2				1	2							16	1
	Appealed cases pending Nov. 1, 1861,	2															2	
KENNEBEC.	Indictments pending Nov. 1, 1860,	41			2	6				1				2	2	3	23	2
	Appealed cases pending Nov. 1, 1860,	34				2				6		5					21	
	Indictments found during year,	48	3	2		10	1	1		5	2	1		3			18	2
	Appealed cases entered during year,	46				5				3		7					26	5
	Indictments pending Nov. 1, 1861,	36	1	2		7				2		1		2	3	1	16	1
	Appealed cases pending Nov. 1, 1861,	25								2		2					21	
KNOX.	Indictments pending Nov. 1, 1860,	24	1			11				3				3	1		4	1
	Appealed cases pending Nov. 1, 1860,	2								1							1	1
	Indictments found during year,	22	1		1	3	1	1		1	2	1		3			6	2
	Appealed cases entered during year,	19				3				9							7	
	Indictments pending Nov. 1, 1861,	24			1	4		1		4		1		2	3		8	
	Appealed cases pending Nov. 1, 1861,	12				1				5							6	
OXFORD.	Indictments pending Nov. 1, 1860,	27	1		1	5		2	1	1		1	1	9			4	1
	Indictments found during year,	19	3	1		1		2		2			2	6			2	
	Appealed cases entered during year,	7								2							5	
	Indictments pending Nov. 1, 1861,	30	1	1		4		3	1	3			3	8			6	
	Appealed cases pending Nov. 1, 1861,	7								2							5	
PENOBSCOT.	Indictments pending Nov. 1, 1860,	94			7	13		1	4	1		5		3	5		22	
	Appealed cases pending Nov. 1, 1860,	34																
	Indictments found during year,	62			2	13		3	4		4	2	2	1			25	6
	Appealed cases entered during year,	46																
	Indictments pending Nov. 1, 1861,	68																
	Appealed cases pending Nov. 1, 1861,	27																
PISCATAQUIS.	Indictments pending Nov. 1, 1860,	26	1	1		1	1	1		2		1		15			2	1
	Appealed cases pending Nov. 1, 1860,	1								1								
	Indictments found during year,	5						1		1			1	1				1
	Indictments pending Nov. 1, 1861,	29	1	1		1	1	1		3		1		15	1		2	2
LINCOLN.	Indictments pending Nov. 1, 1860,	35	4	1	7	2		1	1	1	2			2			15	
	Appealed cases pending Nov. 1, 1860,	8								5				1			2	
	Indictments found during year,	21				2				1					3		12	2
	Appealed cases entered during year,	11								7				1			3	

Table A, (Continued.)

COUNTIES.	CASES.	CRIMES.																			
		Whole number.	Homicide.	Arson.	Perjury, &c.	Forgery 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.	Other Offences.
LINCOLN, (Cont'd.)	Indictments pending Nov. 1, 1861, . . .	28																			
	Appealed cases pending Nov. 1, 1861, . . .	4																			
SAGADAHOC. . .	Indictments pending Nov. 1, 1860, . . .	5							1		1			1						2	
	Appealed cases pending Nov. 1, 1860, . . .	1																		1	
	Indictments found during year, . . .	15			1	8		4			2										
	Appealed cases entered during year, . . .	5					1					1			1					2	
	Indictments pending Nov. 1, 1861, . . .	4			1	1					1					1				2	
SOMERSET. . .	Appealed cases pending Nov. 1, 1861, . . .	2																		2	
	Indictments pending Nov. 1, 1860, . . .	87																			
	Appealed cases pending Nov. 1, 1860, . . .	10																			
	Indictments found during year, . . .	32		4	1		2					2		2	1	1	1	2	15	1	
	Appealed cases entered during year, . . .	4					1					3									
	Indictments pending Nov. 1, 1861, . . .	67			3		5	1			3	1		4	2	1	6	3	32	6	
	Appealed cases pending Nov. 1, 1861, . . .	6					1				3								2	2	
WALDO. . .	Indictments pending Nov. 1, 1860, . . .	22				1	2				1						10	1	6	1	
	Appealed cases pending Nov. 1, 1860, . . .	9									3								6	6	
	Indictments found during year, . . .	23			1		8				1	1			2		2		9	1	
	Appealed cases entered during year, . . .	21										12							6	1	
	Indictments pending Nov. 1, 1861, . . .	16					2										6		7	1	
	Appealed cases pending Nov. 1, 1861, . . .	5									3								2		

WASHINGTON.	Indictments pending Nov. 1, 1860,	28			1	2	3	5			1	2		3	10	1
	Appealed cases pending Nov. 1, 1860,	1									1					
	Indictments found during year,	27	2			2	4	1			2			2	13	1
	Appealed cases entered during year,	8									4				4	
YORK.	Indictments pending Nov. 1, 1861,	23														
	Indictments pending Nov. 1, 1860,	49			2		7	2		1	3	1	2	1	3	25
	Appealed cases pending Nov. 1, 1860,	23					1				1					15
	Indictments found during year,	45			3	3	10	1		1	9	1	1	2	1	10
	Appealed cases entered during year,	23					3				7					9
	Indictments pending Nov. 1, 1861,	35			3		2				4	1	1	2	2	14
	Appealed cases pending Nov. 1, 1861,	9								3				1	2	3
TOTAL.	Indictments pending Nov. 1, 1860,	592														
	Appeals pending Nov. 1, 1860,	153														
	Indictments found during year,	454														
	Appeals entered during year,	212														
	Indictments pending Nov. 1, 1861,	500														
	Appeals pending Nov. 1, 1861,	120														

Table B.

Disposition of Cases during the 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.	"Nol pros'd" on payment of costs.	"Nol pros'd" or dismissed.	Convictions and sentences.	Acquittals.	Continued open.	Continued for sentence.	Continued, marked "Law."	State Prison.	County Jail.	Reform School.	Fine and costs.	To be hanged.	
<i>Androscoggin.</i>	Indictments, Appeals,	2	4	15	15	1	26	1		12	1		1	1	One committed to jail for non-payment of fine and costs.
<i>Aroostook.</i>	Indictments, Appeals,	1		7			6		2						
<i>Cumberland.</i>	Indictments, Appeals,		7	18	32	2	28	20	9	12	8	1	16	2	Six committed to jail for non-payment of fine and costs.
<i>Franklin.</i>	Indictments, Appeals,		2	6	7	1	3	6	3						
<i>Hancock.</i>	Indictments, Appeals,		21	24	5		22		1	1	2		2		The fines were in cases of defective highways.
<i>Kennebec.</i>	Indictments, Appeals,	1	19	19	9	5	16	8	12	3	4	1	15		Five committed to jail for non-payment of fine and costs.
<i>Knox.</i>	Indictments, Appeals,	3	7	27	13	5	4	18	3						
<i>Lincoln.</i>	Indictments, Appeals,		12	9	7	1	22	2	5				7		Five committed to jail for non-payment of fine and costs.
<i>Oxford.</i>	Indictments, Appeals,	1	1	13			4								
<i>Penobscot.</i>	Indictments, Appeals,	1	8	5	2		30			2					
	Indictments, Appeals,		8	65	31	4	84	11	3	12	10		16		Five committed to jail for non-payment of fine and costs.

<i>Piscataquis.</i>	Indictments,				1	2			29											6	
	Appeals,																				
<i>Sagadahoc.</i>	Indictments,				7	9			4				7	2							
	Appeals,	1	2						1	1										1	
<i>Somerset.</i>	Indictments,				13	7	1		50	14	3		1								
	Appeals,				2	3															
<i>Waldo.</i>	Indictments,	1	7	10		15	3		15	5	1			1	5	9					
	Appeals,																				
<i>Washington.</i>	Indictments,				3	12	16	2	20	3			5	4	1	6					
	Appeals,				2	4	2		1							2					
<i>York.</i>	Indictments,				8	12	20	2	25	1		9	9	4		3					
	Appeals,	4			21				6			4									
TOTAL, . .	Indictments,	4	112	236	167	23	415	74	46								65	36	8	85	3
	Appeals,	11	14	99	33	6	47	26	10								42	46	4	119	
	Sentences,																				
	“ in 1860,																				

Five persons were indicted together in one case, and all sentenced.

Five of the cases “ nol pros’d ” were indictments against persons convicted and sentenced on other indictments.

The report shows the disposition of the indictments, &c., found during the year, and not of those pending Nov. 1, 1860. It shows, however, the condition of those pending Nov. 1, 1861.

The two appeals were libels of liquors, and the liquors were declared forfeited.

One person, indicted for a felonious assault, was acquitted on the ground of insanity; another charged with arson, was found by the grand jury to be insane, and no indictment was found; both these persons were thereupon committed to the Insane Hospital.

The sentences to State Prison, are—for adultery, 1; “ attempt to break and enter,” 2; arson, 2; burglary, 9; compound larceny, 16; counterfeiting, &c, 2; felonious assault, 1; forgery, 5; larceny, 22; malicious mischief, 1; manslaughter, 3; and polygamy, 1.

The terms of imprisonment are as follows:—For one year, 9; for eighteen months, 5; for two years, 17; for two years and a half, 1; for three years, 14; for five years, 4; and one each for three years and one month, three years and two months, three years and three months, for eight years, for eleven years, and for life. In this statement, the aggregate is given in cases in which the same person is sentenced on two or more indictments.

The sentences to imprisonment in county jail, are—for larceny, 20; for assault, &c., 11; and for other offences, 7.

The fines, &c., imposed, are—for violation of liquor law, 50; assault, &c., 15; larceny, 3; other offences, 17.

Table C.

COUNTIES.	Costs and expenses of prosecutions.	Fines or forfeitures imposed.	Fines, &c., collected.	Costs and expenses allowed by County Commissioners.	Fines imposed on towns for defective highways.
Androscoggin,	\$1,803 95	\$65 86	\$48 94	\$1,460 49	-
Aroostook,	132 48	-	-	189 19	-
Cumberland,	2,303 06	1,877 94	*2,513 14	1,201 00	-
Franklin,	758 25	36 81	36 81	257 30	-
Hancock,	661 41	-	136 17	760 40	\$700 00
Kennebec,	3,479 93	2,186 87	615 72	388 91	-
Knox,	1,915 97	-	-	1,481 47	-
Lincoln,	1,540 54	432 71	432 71	455 64	-
Oxford,	3,174 59	-	24 00	753 82	-
Penobscot,	2,745 35	1,162 89	292 08	1,362 04	-
Piscataquis,	446 81	142 74	192 74	145 14	-
Sagadahoc,	476 33	38 91	38 91	482 38	-
Somerset,	1,034 90	-	250 09	377 45	600 00
Waldo,	1,828 35	213 44	208 44	913 53	-
Washington,	1,693 21	755 28	888 83	1,437 48	-
York,	2,368 25	418 76	418 76	1,727 86	-
Total, .	\$26,363 38	\$7,332 21	\$7,097 21	\$13,394 10	\$1,300 00

* This item includes \$1,200 00 collected by the County Attorney on forfeited recognizances.

Table D.

Amount paid by the several County Treasurers for costs, &c., of Criminal Prosecutions.

COUNTIES.	Amount in S. J. C.	Amount al- lowed by C. C.	Amount paid for support of prisoners.	Amount paid Grand Jurors.	Amount re- ceived from Fines, &c., in S. J. C.	Amount re- ceived from fines and Magistrates.	Amount re- ceived from jailer.	Total ex- penses.	Total re- ceipts.
Androscoggin, .	\$1,893 95	\$1,460 49	\$1,638 09	\$569 88	\$48 94	\$116 10	\$124 22	\$5,472 41	\$289 26
Aroostook, .	133 08	319 41	139 32	-	-	27 00	-	591 81	27 00
Cumberland, .	2,303 06	1,201 00	6,218 55	*2,354 02	2,513 14	760 06	- 501 75	12,076 63	3,774 89
Franklin, .	399 63	257 30	40 34	214 62	16 81	26 00	-	911 89	42 81
Hancock, .									
Kennebec, .	2,489 93	2,264 91	2,479 44	442 56	535 46	83 45	140 60	7,076 78	759 41
Knox, .									
Lincoln, .	1,184 57	592 16	1,090 00	533 10	432 71	15 00	-	3,309 83	447 71
Oxford, .	3,870 66	424 83	261 82	547 92	26 06	20 00	-	5,105 23	46 06
Penobscot, .	2,925 34	1,362 04	5,251 63	715 52	292 08	254 97	378 58	10,264 53	925 63
Piscataquis, .	187 12	145 14	-	159 32	140 00	8 00	-	491 58	148 00
Sagadahoc, .	476 37	482 38	823 29	283 00	38 91	40 00	-	2,065 04	78 91
Somerset, .									
Waldo, .	1,828 35	913 53	457 73	372 64	208 44	67 50	-	3,572 25	275 94
Washington, .	1,448 08	1,345 48	1,112 75	515 64	868 92	194 80	-	4,421 95	1,063 72
York, .	2,380 42	1,840 25	2,293 08	534 28	467 33	97 51	-	7,048 03	564 54
Total, .	\$21,430 56	\$12,608 92	\$21,716 04	\$7,252 44	\$5,588 80	\$1,710 33	\$1,145 15	\$63,007 96	\$8,444 28

* This item includes the expenses of Traverse Jurors at the criminal terms.

The statement for Androscoggin County embraces a period of thirteen months; that for Lincoln County is estimated from the amounts paid during a part of the year.

JOSIAH H. DRUMMOND,

Attorney General.