

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Stevens & Sayward
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1863.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1863.

REPORT

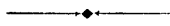
OF THE

ATTORNEY GENERAL

OF THE

STATE OF MAINE.

1862.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1862.

REPORT.

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

I have the honor to submit my Annual Report, embracing such information as I have been able to abstract from the reports of the County Attorneys, and a statement of the official business done by me during the year.

At the last January Term of the Supreme Court for the County of Penobscot, I appeared in answer to the order of court mentioned in my last report, in the case of George M. Weston, petitioner for *mandamus*, against Nathan Dane, State Treasurer.

The order was served on the Treasurer, and upon me as the Law officer of the State, thus virtually making the State a party to the suit. I put in an answer in behalf of the Treasurer, and also in behalf of the State, protesting that the State could not be summoned to answer in its own tribunals. Whereupon, the petitioner sought his remedy against the Treasurer alone.

To arrive at a speedy decision, an agreed statement *for the purposes of that case* was made up, and the whole matter carried at once to the Law Court.

For the convenience of counsel, it was argued at the Law Term, held in the Western District.

Among other grounds of defence, I insisted in behalf of the Treasurer, that no appropriation having been made, or warrant drawn for the sum claimed, he was not authorized to pay it, and the Court had no constitutional power to compel him to do so.

This view was sustained by the Court, and the decision was recently announced: "*Writ denied; petition dismissed.*"

This is in accordance with the opinion I expressed in my last report.

In the case of *State vs. Benjamin D. Peck, et als.*, the suit upon the State Treasurer's bond for 1858, a trial was expected at the last term of the court, but in consequence of a change in the coun-

sel for the defendants, it was necessarily continued. It will undoubtedly be tried at the January Term.

In *State vs. Neal Dow*, referred to in my last report, no progress has been made in consequence of the absence of Gen. Dow. A statement of the facts was drawn up by me at an early date, with a view of presenting the case to the Law Court, but it has not been agreed to. It has been sent to Gen. Dow, who returned it, saying he expected to be at home in the spring, when he would attend to it. As the case cannot be argued until the July Term, the postponement until spring will not delay the decision.

In *State vs. Walter Brown*, and *State vs. John P. Wyman*, there have as yet been no trials. There is a prospect of presenting these cases to the Law Court on a statement of facts. If this is not done, they will be reached in order for trial at the the next term of the court.

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 1862, and not decided at the date of my last report.

EASTERN DISTRICT.

Aroostook County.

State vs. Inhabitants of Ashland. Indictment for defective highway. Not decided.

State vs. George W. Hackett and al. Indictment for obstructing a highway. Exceptions overruled. Judgment on the verdict.

MIDDLE DISTRICT.

Lincoln County.

State vs. Benjamin W. Plummer. Demurrer to an indictment for forgery. Not decided.

State vs. Same. Demurrer to an indictment for forgery. Not decided.

State vs. Sumner Mayers. Not decided.

Kennebec County.

State, *scire facias*, vs. Joseph Baker. Demurrer overruled. Judgment for the State.

State vs. Benjamin D. Peck. Demurrer to first count sustained; to second count overruled. Case to stand for trial on second count.

State vs. Nathan C. Prescott, appl't. Exceptions overruled. Judgment on the verdict.

State vs. Hezekiah Leard and als. Exceptions overruled. Judgment on the verdict.

State vs. Patrick Maher. Exceptions overruled. Judgment on the verdict.

State vs. Isaac Clough. Indictment quashed for informality in the draft of the Grand Jury.

State vs. George Carver and al. Exceptions overruled. Judgment on the verdict.

State vs. Amelia O'Connor. Exceptions overruled. Judgment on the verdict.

WESTERN DISTRICT.

Franklin County.

State vs. Noah G. Cofren. Exceptions overruled. Judgment on the verdict.

Oxford County.

State, *scire facias*, vs. John G. Burns and al. Demurrer overruled. Judgment for the State.

York County.

State vs. Inhabitants of Biddeford. Not decided.

State vs. Rufus M. Lord. Search and seizure case. Exceptions overruled. Judgment for the State.

State vs. Joseph Kimball. Exceptions overruled. Judgment on the verdict.

CASES

Argued and conducted by the Attorney General during the year 1862.

CASES BEFORE THE FULL COURT.

EASTERN DISTRICT.

Piscataquis County.

State *vs.* inhabitants of Orneville. Indictment for defective highway. On exceptions. Exceptions overruled.

State *vs.* James Weymouth, Jr. Assault and battery. On motion in arrest of judgment. Argued, but not decided, at date of this report.

Waldo County.

State *vs.* William R. Mathews. Indictment for perjury. On exceptions to the instructions to the jury and to overruling a motion in arrest of judgment.

I am informed that while this case was pending, after the verdict indeed, but before judgment, the respondent applied for a pardon, and that he was pardoned. It is very questionable, whether a pardon before conviction and sentence, is of any validity.

State *vs.* Andrew J. Biather. Search and seizure case. On Report. Decision, "Dismissed from this Docket as not properly here."

The attention of County Attorneys is called to the practice of carrying criminal cases to the Law Court "on Report." *Criminal* cases can properly come before the Law Court on *exceptions* only, except, possibly, in cases of demurrers to indictments, &c. Criminal cases "on Report" will not be heard by the Court.

Penobscot County.

State, on libel of H. B. Farnham, *vs.* Intoxicating liquors seized from George G. Hathaway, claimant and appl't. On exceptions

and motion to set aside verdict. Exceptions and motion overruled.

State vs. Joseph W. P. Smith. Indictment for embezzlement. On exceptions and motion. Exceptions and motion overruled.

State vs. William H. Chase.

State vs. Patrick Moran.

State vs. David Tenney.

State vs. John D. Pierce.

State vs. Ruth Page.

State vs. John Marco.

State vs. David Tenny.

The seven preceding cases were demurrers to indictments against the respondents as common sellers of intoxicating liquors. In all the cases, the indictments were adjudged good, and judgment for the State ordered.

State vs. Harrison McDonald. Indictment for passing counterfeit money. On exceptions. The exceptions were withdrawn and judgment on the verdict ordered.

MIDDLE DISTRICT.

Lincoln County.

State vs. Benjamin W. Plummer.

State vs. Same. Indictments for forgery. On demurrer to the indictments.

These cases were argued in behalf of the State in 1860.

The arguments for respondent had not been presented at the last Law Term, when, for good reasons, sixty days were allowed for argument by the respondent's counsel.

State vs. Sumner Mayers. On exceptions. Argued in writing.

Sagadahoc County.

State vs. Otis P. Rice. Assault and battery. Exceptions overruled. Judgment on the verdict.

State vs. Samuel L. Webber. Burglary. On demurrer. Demurrer overruled. Indictment adjudged good.

Kennebec County.

State vs. Job Roundy appl't. Liquor case. On exceptions.

State vs. John Burns. On exceptions. Nol. pros entered.

State vs. George W. Booker. Keeping a gambling shop. On exceptions. Exceptions overruled. Judgment on the verdict.

State vs. Cummings E. Jordan.

State vs. Amos P. Rollins.

State vs. Michael Costellow. Liquor cases. On exceptions. Exceptions overruled. Judgment on the verdicts against the respondents.

State vs. Otis Roberts. Indictment for obtaining goods under false pretences. The respondent demurred to the indictment, and his demurrer being overruled by the presiding Judge, he filed exceptions. Not decided.

WESTERN DISTRICT.

Franklin County.

State vs. James S. Ramsdell. Liquor case. On exceptions to overruling motion in arrest of judgment, and also to the instructions to the jury.

The first exceptions were overruled. The second were sustained, the verdict set aside, and a new trial granted.

Oxford County.

State vs. Ephraim Gilman. Indictment for murder. On exceptions to the admission, as evidence, of the testimony of the respondent before the coroner's inquest. Argued in writing.

Cumberland County.

State vs. John Campbell. Indictment for receiving stolen goods. On exceptions. Exceptions overruled.

State, by libel, vs. Intoxicating Liquors, claimed by Samuel Chadwick. Dismissed from Law Docket.

State vs. Charles O'Neal and al. Indictment for assault upon an officer. On exceptions. Exceptions overruled.

State vs. Gustavus L. Welander.

State vs. Josephus P. Miller.

State vs. George S. Chadwick.

State vs. James Conroy.

State vs. James Herbert.

State vs. James McGlinchy.

State vs. Richard R. Robinson.

State vs. Same.

State vs. John McCallum.

State vs. Benjamin Rolf and al.

Indictments for keeping a drinking house and tippling shop.

In all the cases the exceptions were overruled, and judgment on the verdicts, or for the State on the demurrers, ordered.

State vs. Daniel C. Webb.

State vs. Same.

State vs. Albion G. Lewis.

Indictments for keeping a drinking house and tippling shop. Submitted on written arguments. Exceptions overruled. Indictments adjudged good. Judgment for the State.

State vs. Benjamin Rolf, appl't. Search and seizure case. On exceptions. Exceptions overruled. Judgment on the verdict.

State vs. John McCallum, appl't. Search and seizure. On exceptions. Exceptions overruled. Judgment on the verdict.

State vs. Richard R. Robinson, appl't. Search and seizure. On exceptions. Exceptions overruled. Judgment on the verdict.

State, by libel, vs. Intoxicating Liquors, claimed by Richard R. Robinson, appl't. On exceptions. Exceptions overruled. Judgment on the verdict.

—

CAPITAL CASES, &c.

CUMBERLAND COUNTY.

State vs. Richard Hill. Accused of murder. As stated in my report last year, this respondent was sent to the Insane Hospital for the purpose of ascertaining whether he was insane or not. He still remains there, the Superintendent informing me that there is no question but that he is insane and was when committed.

YORK COUNTY, JANUARY TERM, 1862.

State vs. Joel Hooper. The prisoner was indicted for arson by setting fire to and burning the house of Francis Warren, in the night time, while the family were in it: and also for the murder of Emily Warren, who was burned with her father's house. The prisoner was put on trial on the indictment for arson, January 28. After the evidence was out, not deeming it sufficient to convict the prisoner with the concurrence of the presiding Judge, I entered a "*nol pros.*" The same disposition was made of the indictment for murder.

OXFORD COUNTY, MARCH TERM, 1862.

State vs. William W. Oliver. The indictment for arson pending against this respondent at the date of my last report, has been dismissed, the proof not warranting, in the opinion of the County Attorney, the arrest and trial of the accused.

State vs. Ephraim Gilman. Indictment for the murder of Harriet B. Swan. This case was continued from the previous term on account of the alleged sickness of the prisoner.

The trial commenced March 19, 1862, and continued four days, when the jury returned a verdict of GUILTY OF MURDER IN THE FIRST DEGREE.

The prisoner filed exceptions to the admission of certain testimony, which have been argued before the law court, but the decision has not yet been announced.

ANDROSCOGGIN COUNTY, APRIL TERM, 1862.

State vs. Patrick Griffin. Indictment for the murder of his wife. He pleaded "Guilty," was adjudged guilty of murder in the first degree, and sentenced to be hung.

AROOSTOOK COUNTY.

A person was indicted for murder, and was tried at the last term of the Court in that county. I did not receive notice of the pendency of the case until the trial was commenced. I was not present. The case was conducted on behalf of the State by the County Attorney. The prisoner was acquitted.

REPORTS OF COUNTY ATTORNEYS.

I give in the following tables abstracts of the Reports of the County Attorneys.

I recommended in my last Report that there should be some legislation to secure earlier and more full reports from the several County Attorneys. There having been no such legislation, I find the same difficulty this year in being able to complete my Report by the date fixed by law for it to be made.

I had hoped also, by the aid of such legislation as I recommended, to be able to present in *this* report a full and accurate statement of all the expenditures for one year in the criminal department of the government. The Legislature did not see fit to make any change in the laws as they have hitherto existed, and consequently I am unable to present any statement which will give any correct idea of the amount expended in this State in punishing crime.

The following table exhibits the number of indictments pending Nov. 1, 1861, the number of indictments found and appeals entered during the year, and the number of indictments and appeals pending Nov. 1, 1862, and the crimes charged, so far as the reports of the County Attorneys give them.

TABLE A.

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, &c.	Malignant Mischief.	Cheating and Conspiracies.	Defects in Highway.	Nuisances.	Violation of Liquor Law.	Other Offences.
ANDROSCOGGIN.	Indictments pending Nov. 1, 1861,	27	-	-	1	-	4	4	-	-	-	2	1	1	1	-	-	3	2	7	1
	Appeals pending Nov. 1, 1861,	4	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	1	1
	Indictments found during year,	27	1	-	-	2	-	3	-	-	-	2	2	-	-	-	2	2	-	11	2
	Appeals entered during year,	7	-	-	-	-	-	-	-	-	-	2	1	-	-	-	-	-	-	2	2
	Indictments pending Nov. 1, 1862,	13	-	-	-	2	1	1	-	-	-	-	-	-	1	-	1	2	2	1	2
AROOSTOOK.	Appeals pending Nov. 1, 1862,	5	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	2	1
	Indictments pending Nov. 1, 1861,	8	-	-	-	-	1	-	-	-	1	-	-	-	2	-	-	3	1	-	-
	Appeals pending Nov. 1, 1861,	3	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-
	Indictments found during year,	5	1	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	1	1	-
	Appeals entered during year,	4	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2	1
CUMBERLAND.	Indictments pending Nov. 1, 1862,	10	-	-	-	-	1	-	-	-	1	-	-	-	2	-	3	-	-	2	1
	Appeals pending Nov. 1, 1862,	5	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	2	1
	Indictments pending Nov. 1, 1861,	66	1	-	-	3	6	8	-	-	2	1	1	2	1	-	2	1	37	1	
	Appeals pending Nov. 1, 1861,	12	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	10	-	
	Indictments found during year,	87	2	3	-	6	2	14	-	1	4	7	1	4	1	1	1	3	29	8	
CUMBERLAND.	Appeals entered during year,	23	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	18	1	
	Indictments pending Nov. 1, 1862,	45	1	3	-	-	2	-	-	-	2	-	3	1	-	-	3	1	24	2	
	Appeals pending Nov. 1, 1862,	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	1	1	

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, &c.	Malicious Mischief.	Cheating and Conspiracies.	Defects in Highway.	Nuisances.	Violation of Liquor Law.
FRANKLIN.	Indictments pending Nov. 1, 1861,	14	1	-	-	-	-	-	-	-	1	-	-	2	-	1	4	1	4	-
	Appeal pending Nov. 1, 1861,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
	Indictments found during year,	11	-	-	1	-	-	-	-	-	1	1	1	1	1	1	1	-	3	-
	Appeals entered during year,	2	-	-	-	-	-	-	-	-	2	2	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1862,	13	1	-	1	-	-	-	-	-	-	1	1	1	1	1	2	1	2	-
HANCOCK.	Appeals pending Nov. 1, 1862,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1861,	23	1	-	-	-	-	2	-	-	1	-	-	2	-	-	-	-	16	1
	Appeals pending Nov. 1, 1861,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
	Indictments found during year,	9	1	1	-	-	-	1	-	-	-	-	-	2	-	-	-	-	4	-
	Appeals entered during year,	4	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	2	-
KENNEBEC.	Indictments pending Nov. 1, 1862,	8	1	1	-	-	-	1	-	-	1	-	2	-	-	-	2	-	-	1
	Appeals pending Nov. 1, 1862,	4	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	2	-
	Indictments pending Nov. 1, 1861,	33	-	1	2	-	4	1	-	-	-	3	-	1	-	2	2	1	16	-
	Appeals pending Nov. 1, 1861,	29	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	23	-
	Indictments found during year,	36	-	-	1	3	1	3	-	-	1	-	4	4	-	2	1	1	10	3
	Appeals entered during year,	44	-	-	-	-	4	-	-	-	5	1	-	-	-	-	-	-	27	8
	Indictments pending Nov. 1, 1862,	18	-	-	-	2	-	-	-	-	1	2	-	-	-	3	1	1	7	1
	Appeals pending Nov. 1, 1862,	19	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	15	2	

KNOX.	Indictments pending Nov. 1, 1861,	24	-	-	-	1	-	4	-	-	1	-	4	-	-	1	2	3	-	8	-
	Appeals pending Nov. 1, 1861,	12	-	-	-	-	-	1	-	-	-	-	5	-	-	-	-	-	-	6	-
	Indictment found during year,	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appeals entered during year,	6	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	2	2
LINCOLN.	Indictments pending Nov. 1, 1862,	17	-	-	-	-	-	4	-	-	1	-	2	-	-	1	2	3	-	4	-
	Appeals pending Nov. 1, 1862,	14	-	-	-	-	-	-	-	-	-	-	7	-	-	-	-	-	-	5	2
	Indictments pending Nov. 1, 1861,	28	-	-	1	3	-	2	-	-	-	-	2	1	-	-	1	-	1	11	6
	Appeals pending Nov. 1, 1861,	7	-	-	-	-	-	-	-	-	-	-	4	-	-	-	1	-	-	1	1
OXFORD.	Indictments found during year,	39	-	1	-	-	-	2	-	-	-	-	-	-	-	-	3	2	-	28	3
	Appeals entered during year,	13	-	-	-	-	-	-	-	-	-	-	5	-	-	2	-	-	1	3	2
	Indictments pending Nov. 1, 1862,	21	-	-	-	-	-	1	1	-	-	-	1	1	-	-	3	2	-	8	4
	Appeals pending Nov. 1, 1862,	8	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	3	1
PENOBSCOT.	Indictments pending Nov. 1, 1861,	30	1	1	-	-	-	4	-	3	1	3	-	-	-	-	3	8	-	6	-
	Appeals pending Nov. 1, 1861,	7	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	5	-
	Indictments found during year,	12	-	-	-	-	-	-	-	-	1	2	-	1	-	-	-	2	-	6	-
	Appeals entered during year,	5	-	-	-	-	-	1	-	-	-	3	-	-	-	-	-	-	-	1	-
PISCATAQUIS.	Indictments pending Nov. 1, 1862,	18	1	-	-	-	-	3	-	-	-	1	1	-	-	-	1	6	-	5	-
	Appeals pending Nov. 1, 1862,	2	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1861,	69	-	-	-	2	-	15	-	-	-	13	-	5	2	3	6	-	-	19	4
	Appeals pending Nov. 1, 1861,	28	-	-	-	-	-	5	-	-	-	20	-	-	-	-	-	-	-	3	-
SAGadahoc.	Indictments found during year,	53	-	1	1	6	3	13	-	2	1	4	7	5	-	-	-	-	-	8	1
	Appeals entered during year,	46	-	-	-	-	-	2	-	-	-	30	-	2	-	-	-	-	-	11	1
	Indictments pending Nov. 1, 1862,	60	-	1	1	5	-	10	-	-	1	10	-	8	2	4	4	-	-	12	2
	Appeals pending Nov. 1, 1862,	28	-	-	-	-	-	5	-	-	-	20	-	-	-	-	-	-	-	3	-
SAGadahoc.	Indictments pending Nov. 1, 1861,	27	-	1	1	-	1	1	-	1	-	3	-	-	-	-	-	15	1	2	1
	Appeal pending Nov. 1, 1861,	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
	Indictments found during year,	5	-	-	-	-	-	2	-	-	-	2	-	-	-	-	-	1	-	-	-
	Appeals found during year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SAGadahoc.	Indictments pending Nov. 1, 1862,	14	-	1	-	-	-	1	-	-	-	3	-	-	-	-	-	6	1	1	1
	Appeal pending Nov. 1, 1862,	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1861,	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-
	Appeals pending Nov. 1, 1861,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SAGadahoc.	Indictments found during year,	12	-	-	-	1	-	4	-	-	-	2	-	4	-	-	-	-	-	-	-
	Appeal entered during year,	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-
	Indictments pending Nov. 1, 1862,	7	-	-	-	-	-	-	-	-	-	2	-	1	-	-	-	-	-	4	-
	Appeal pending Nov. 1, 1862,	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-

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, &c.	Malicious Mischief.	Cheating and Conspiracies.	Defects in Highway.	Nuisances.	Violation of Liquor Law.
SOMERSET.	Indictments pending Nov. 1, 1861,	66	-	-	3	-	5	1	-	-	-	3	1	4	2	1	6	3	21	6
	Appeals pending Nov. 1, 1861,	6	-	-	-	-	1	-	-	-	-	3	-	-	-	-	-	-	12	-
	Indictments found during year,	20	-	1	-	-	3	-	-	-	-	2	-	-	4	-	3	1	3	3
	Appeals entered during year,	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4
	Indictments pending Nov. 1, 1862,	48	-	1	3	-	5	1	-	-	1	1	1	-	3	-	9	3	19	1
WALDO.	Appeals pending Nov. 1, 1862,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
	Indictments pending Nov. 1, 1861,	23	1	-	-	-	2	-	-	-	-	1	-	-	-	-	9	-	9	-
	Appeals pending Nov. 1, 1861,	6	-	-	-	-	-	-	-	-	3	-	-	-	1	-	-	-	2	-
	Indictments found during year,	18	1	-	-	-	4	-	-	-	1	-	-	-	1	-	7	1	1	2
	Appeals entered during year,	17	-	-	-	-	1	-	-	-	-	4	-	-	1	-	-	-	10	1
WASHINGTON.	Indictments pending Nov. 1, 1862,	15	1	-	-	1	-	-	-	-	1	-	-	-	-	-	8	1	3	-
	Appeals pending Nov. 1, 1862,	10	-	-	-	-	-	-	-	-	1	-	-	-	1	-	-	-	8	-
	Indictments pending Nov. 1, 1861,	25	-	-	-	-	4	3	-	-	-	2	-	2	-	-	3	-	10	1
	Appeals pending Nov. 1, 1861,	2	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-
	Indictments found during year,	26	1	1	-	-	4	2	-	-	1	-	-	-	1	-	-	-	10	-
WASHINGTON.	Appeals entered during year,	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-
	Indictments pending Nov. 1, 1862,	34	-	1	-	-	5	3	-	-	1	2	-	2	-	-	1	-	18	1
	Appeals pending Nov. 1, 1862,	3	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	1	-

YORK.	Indictments pending Nov. 1, 1861,	39	-	-	1	1	-	6	2	-	-	-	5	-	1	1	6	4	-	11	1
	Appeals pending Nov. 1, 1861,	13	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	10	2
	Indictments found during year,	36	1	1	1	-	-	7	4	-	1	1	6	-	2	-	5	3	-	4	-
	Appeals entered during year,	22	-	-	-	-	-	-	-	-	-	-	2	-	-	2	-	-	-	17	1
	Indictments pending Nov. 1, 1862,	39	-	-	1	-	-	9	4	-	-	-	8	-	-	-	3	2	-	11	1
Appeals pending Nov. 1, 1862,	13	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-	11	-	
3 TOTAL.	Indictments pending Nov. 1, 1861,	506	5	3	9	10	19	58	3	-	5	8	41	4	20	9	19	71	11	196	22
	Appeals pending Nov. 1, 1861,	133	-	-	-	-	8	-	-	-	-	53	-	-	-	1	-	1	65	6	
	Indictments found during year,	397	8	10	5	18	14	53	6	3	2	13	34	3	24	7	14	25	7	124	22
	Appeals entered during year,	202	-	-	-	-	8	-	-	-	-	62	1	2	6	-	-	-	-	100	23
	Indictments pending Nov. 1, 1862,	380	5	8	6	9	7	41	6	2	2	9	43	5	18	10	18	54	10	122	17
Appeals pending Nov. 1, 1862,	125	-	-	-	-	7	-	-	-	-	-	43	1	-	-	1	-	-	61	10	

— 0 —

It will be seen that the number of indictments pending at the beginning of the year was 506 ; appeals 133 ; the number of indictments found during the year is 397 ; of appeals entered, 202 ; total, 1238.

Fifty-seven less indictments have been found during the past year than during the year before.

The next table shows how these cases were disposed of during the year, and the condition of those remaining on the docket.

TABLE B.

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

COUNTIES.	CASES.	Disposition during year ending Nov. 1, 1862.					Condition at end of year.			Sentences.		REMARKS.		
		Quashed.	"Not pros'd" on payment of costs.	"Not pros'd" or dismissed.	Conviction and Sentence.	Acquitted.	Continued open.	Continued for sentence.	Continued, marked Law.	State Prison.	County Jail.		Reform School.	Fine, &c.
ANDROSCOGGIN.	Indictments,	-	10	28	2	1	13	-	-	1	-	-	1	
	Appeals,	-	-	5	-	-	5	-	-	-	-	-	-	
AROOSTOOK.	Indictments,	2	-	2	1	2	9	1	-	1	-	-	-	
	Appeals,	-	-	-	-	-	5	-	-	-	-	-	-	
CUMBERLAND.	Indictments,	-	6	9	42	1	27	10	8	13	5	23	1	Twelve committed to jail for non-payment of fine and costs.
	Appeals,	-	-	2	16	1	6	1	3	-	-	16	-	
FRANKLIN.	Indictments,	-	5	6	2	2	12	-	1	1	1	1	-	
	Appeals,	-	-	-	1	-	-	-	-	-	-	1	-	
HANCOCK.	Indictments,	-	4	17	3	-	8	-	-	2	1	-	-	
	Appeals,	-	-	2	-	-	3	-	1	-	-	-	-	
KENNEBEC.	Indictments,	1	8	24	16	2	10	6	2	3	3	2	23	Eight " " " " "
	Appeals,	3	6	24	15	6	5	10	4	-	-	-	-	
KNOX.	Indictments,	-	4	13	1	-	17	-	-	1	-	-	-	
	Appeals,	-	-	4	-	-	4	-	-	-	-	-	-	
LINCOLN.	Indictments,	-	22	7	8	-	16	3	2	1	1	-	6	Two " " " " "
	Appeals,	-	1	11	-	-	8	-	-	-	-	-	-	Nine cases ordered to be dropped from the docket.

OXFORD.	Indictments,	-	2	19	5	-	17	-	1	1	-	-	4	-
	Appeals,	-	3	-	4	-	2	-	-	-	-	-	4	-
PENOBSCOT.	Indictments,	-	20	13	25	1	44	8	8	6	13	-	18	-
	Appeals,	-	20	2	12	-	17	8	3	-	-	-	-	-
PISCATAQUIS.	Indictments,	-	-	17	1	-	13	-	1	-	1	-	-	-
	Appeals,	-	-	-	-	-	1	-	-	-	-	-	-	-
SAGADAAOC.	Indictments,	-	-	4	9	-	2	3	2	3	4	1	1	-
	Appeals,	-	-	-	-	1	-	-	-	-	-	-	-	-
SOMERSET.	Indictments,	-	1	36	-	1	40	6	2	-	-	-	-	-
	Appeals,	1	-	7	-	-	2	-	-	-	-	-	-	-
WALDO.	Indictments,	-	12	8	6	-	14	1	-	2	3	-	1	-
	Appeals,	-	4	7	1	-	10	-	-	-	-	-	1	-
WASHINGTON.	Indictments,	1	2	1	12	2	21	12	1	3	2	-	7	-
	Appeals,	-	1	-	2	-	1	1	-	-	-	-	2	-
YORK.	Indictments,	-	4	27	3	2	35	3	1	2	1	-	-	-
	Appeals,	2	3	17	-	-	13	-	-	-	-	-	-	-
		Indictments,	4	100	231	136	14	268	53	29				
		Appeals,	6	38	81	49	8	83	20	11				
		Sentences,									88	36	3	108
		do. in 1891,									65	36	8	85
		do. in 1860,									42	46	4	110

Four committed to jail for non-payment of fine and costs.

Eight committed to jail for non-payment of fine and costs.
Three cases "nol pros'd" were against persons convicted and sentenced on other indictments.

Four indictments and six appeals were quashed; one hundred indictments and thirty-eight appeals were "nol pros'd" on payment of costs; two hundred and thirty-one indictments and eighty-one appeals were "nol pros'd" or dismissed; there were convictions and sentences upon one hundred and thirty-six indictments, and in forty-nine appealed cases; and there were fourteen acquittals or trials of indictments, and eight on trials of appeals.

In Lincoln, nine indictments were placed on file and the cases not brought forward on the docket; and in Cumberland, fifty-one indictments, and six appeals were disposed of in the same manner.

There are pending three hundred and eighty indictments, of which fifty-three stand continued for sentence, and twenty-nine marked "Law;" and one hundred and twenty-five appeals of which twenty are continued for entrance, and eleven are marked "Law."

In the county of Somerset there seems not to have been a single conviction and sentence, or acquittal during the year! In the county of Knox, there has been but one conviction, and but one indictment found during the year.

The sentences to State Prison are:

For adultery, three—one for one year, one for a year and a half, and one for three years; for arson, two—one for four years, and one for seven years; for compound larceny, three—one for two years, and two for three years; for counterfeiting, two—one for one year, and one for a year and a half; for felonious assault, two—each for two years; for forgery, one—for two years; for indecent exposure, two—one for one year, and one for two years; for incest, one—for ten years; for larceny, seventeen—for one year six, (including two against the same person,) for a year and a half two, for two years four, for three years two, for five years one, for six years one—(three years on each of two indictments); for robbery, two—both against the same person who was sentenced for seven years; for rape, one—for *life*.

The sentences to County Jail are:

For assault and battery, seven; for larceny, seventeen; for violation of liquor law, four; for other offences, six.

The fines were for:

Assault and battery, twenty-five; keeping gambling houses, five; keeping houses of ill-fame, three; riot, nine on one indictment;

violation of liquor law, seventy-six ; manslaughter, one ; and other offences, five.

The next table contains a statement of the amount of costs taxed and allowed in the Supreme Court, and the amount received from fines, &c., imposed in that court, exclusive of fines for defective highways.

TABLE C.

COUNTIES.	Costs and expenses of prosecutions.	Fines, &c., Imposed.	Fines, &c., Collected.	Costs and Expenses allowed by County Commissioners.	Amount paid by Magistrates and Jailers.
Penobscot,	\$2,005 20	\$1,448 68	\$1,247 67	\$1,200 00	-
Kennebec,	2,184 28	838 55	453 86	3,247 90	-
Washington,	1,147 88	1,167 75	1,167 75	854 83	\$224 00
Oxford,	1,645 62	808 44	408 44	417 82	-
Piscataquis,	192 93	-	-	97 81	-
Lincoln,	1,633 57	727 95	1,029 25	832 85	-
Franklin,	553 77	174 93	308 81	206 05	-
Aroostook,	856 26	37 39	37 39	196 05	-
Sagadahoc,	425 29	25 00	25 00	848 35	-
Androscoggin,	832 00	192 45	192 45	1,421 63	138 56
Waldo,	1,845 08	-	197 98	1,207 55	-
York,	2,292 41	83 68	83 68	-	-
Somerset,	1,084 77	-	-	-	-
Knox,	129 55	-	56 78	-	-
Cumberland,	3,091 05	-	2,531 00	-	-
Hancock,	819 00	-	-	-	-
Total,	\$20,738 66	\$5,504 82	\$7,739 56	\$10,528 88	\$362 56

The amount of costs for Cumberland county includes \$437.00 taxed as Clerk's fees. This amount should be deducted, as the Clerk is paid by salary and this amount will not be paid out : the amount of receipts for that county includes \$550.00 collected on forfeited recognizances. I am not able to state whether anything has been collected from this source in other counties or not.

As compared with the two previous years there has been a decrease in these costs, as will appear by the following comparative statement :

	1860.	1861.	1862.
Expenses,	\$26,156.39	\$26,363.38	\$20,301.66
Receipts,	7,166.37	7,097.21	7,878.12
Balance,	\$18,990.02	\$19,266.17	\$12,423.54

Judging from the counties reported, I believe there has been a decrease in the amount of costs allowed by County Commissioners.

There has also, unquestionably, been a decrease in the amount expended for support of prisoners in jail, and other incidental expenses. While it is impossible to form an accurate opinion for want of the requisite data, I am satisfied there has been a saving in all these costs and expenses of \$15,000, as compared with the previous year.

I believe if measures should be adopted by the Legislature to obtain every year a full and accurate statement of all these expenses, it would do much to lessen them by insuring the attention of County Attorneys and other officers to the subject, and bringing any abuses which may exist to the notice of the Legislature. In order to do this, the information must be derived from the several County Treasurers.

The method proposed by me in my last Annual Report seems to me unobjectionable.

All which is respectfully submitted.

JOSIAH H. DRUMMOND,

Attorney General.