

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1866.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

STATE OF MAINE.

1865.

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REPORT.

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

I have the honor to submit my Report for the official year, which commences November 1, 1864, and ends November 1, 1865.

Nothing during this term has required more attention than a practical construction and application of the statutes providing aid to the families of volunteers. The first act was passed in 1861, and having been materially amended each year since, the changes have raised inquiries and questions not always, to all persons interested, satisfactorily solved. In the extensive correspondence which the subject has occasioned with town officers and other persons, the claims of the families of soldiers have been as humanely regarded and construed as could be reasonable and just.

In one respect the laws alluded to may need a change. By section 1 of chapter 331 of the public acts of 1865, the aid shall be furnished to the families of soldiers, sailors or marines of this State, who may be actually in the service of this State or of the United States, *during the present rebellion.*

The construction has been to continue the aid to the families of those still remaining in the service, although the rebellion has been actually ended. In the spirit of the statute *their* part in it has not been fully performed. But the families of the soldiers and sailors of this State in the *regular service of the United States* are entitled to State aid *during the rebellion.* Whether this boon to that class should terminate at, or before, the time when our State volunteer regiments are finally mustered from the service may deserve legislative consideration.

Another question of great magnitude and interest, which was brought to my attention by the selectmen of several towns, before the September State election, may be worth a notice. In March, 1865, Congress passed an act, depriving of the rights of citizen-

ship all persons who had, or should, become deserters from the draft. It is not strange, from the phraseology used in our State Constitution, descriptive of citizenship, taken in connection with this act of the General Government, that a belief should obtain to a considerable extent among town officers, that such persons were not entitled to the ballot at our State or municipal elections. But without going into details here, I was reluctantly forced to the conclusion that they were not thereby disfranchised, and I counselled those soliciting advice upon the subject accordingly. All my impressions received since confirm me in the correctness of that result.

CAPITAL TRIALS.

In August last, in the county of Penobscot, *James H. Williams*, a colored boy, was indicted for *murder*. The evidence at first presented to the government, it was supposed, a case of murder in the second degree. But it soon became apparent at the trial that nothing beyond a charge of *manslaughter* could be maintained; and the case resulted in a verdict of acquittal. The deed was committed in a sudden street encounter in the night time in July last at Bangor, and was considerably wrapt in doubt as to the attending circumstances. The verdict was rendered upon a conclusion that the homicide was committed in *self defence*. I have no doubt that the prisoner was released, by the impressions created in his behalf, by his own testimony. This was a case where I feared that the act allowing criminal parties to testify, may have operated injuriously against the State. In the former capital trials which have been had since the act was passed, the advantage has been the other way. In this case the party had the sympathy of the tribunal trying him, was eminently well defended, and the jury apparently received his statements with more consideration than they might have regarded the same coming from a person indifferent to the issue. The law permitting any person accused of crime to testify, may probably be regarded as an experiment not fully tried. Several of the County Attorneys have expressed themselves averse to it. Whether an artful and accomplished offender, and even a weak and simple-minded person, may not sometimes thereby escape the consequences of guilt, is hardly a question. At the same time, the privilege to an innocent man in some cases, may be of the utmost consequence.

Seth Perry. Perry was indicted for *murder* at the last October Term of Court in the county of Waldo. The affair grew out of a dispute between two neighbors about a fence. The accused evidently had no actual intention to commit murder, and in view of all the facts and circumstances, it was by all parties deemed satisfactory to waive the allegations of the extremest crime, and accept a confession and plea of manslaughter, upon which he was sentenced to imprisonment for a period of ten years.

Hurd. The only other capital trial during the year was in the county of Piscataquis at the last September Term. *Tristram L. Hurd* of Harmony, and *Alvira* his wife, were jointly indicted for *arson*, alleged to have been committed in the night time by burning the dwelling-house of *Joseph Drew*, in Parkman, the house at the time being occupied by said Drew and his family. The statute punishment for such a crime is death. I could not be present at that term, and the trial was conducted by *A. G. Lebroke, Esq.*, County Attorney of that county, in a manner which elicited the commendation of the Court for the energy and ability of the prosecution. The parties were acquitted.

Jesse Wright was convicted of *murder* in 1863, in the county of Franklin, and has been in jail there ever since. A question of law arose at the trial, which was argued at the Law Term of the Western District in 1864, not yet settled by the Court. It is not a new, but an important and interesting question. It is, whether in a criminal case the jury are the judges of the law, or whether they are *bound* to take the law from the Court. The earlier cases in both Maine and Massachusetts gave much latitude to the jury in this respect. But the Supreme Court of Massachusetts and most the other States have lately decided that the responsibility of the law is wholly with the Court. Judge Walton, who presided at the trial of Wright, being clearly of the opinion that this was the correct version of the law, ruled accordingly. There can be no reasonable doubt that this ruling will be sustained. It was necessary that the question should be definitely settled, inasmuch as, while it is doubtful, the power of the Court has been administered differently on different occasions, upon this point, according to the various opinions of the individual members of the same Court.

CIVIL SUITS.

The case of *George M. Weston vs. Nathan Dane*, late Treasurer of State, resulted in a question of law, and last summer was decided in favor of the State. This suit was instituted to recover a balance due Weston as Commissioner upon certain State claims which had been allowed Maine by the United States. I believe there would be no question but that such a sum would be due Weston, if there was no offset against the same. But the Legislature had by a resolve directed the Treasurer to charge against that amount the sum of one thousand dollars, alleged to belong to the State, which had been borrowed some years before by Weston of the former Treasurer, B. D. Peck. Mr. Weston denies the fact alleged, but the Court decided that the plaintiff could sustain no action *against any official* for the alleged claim against the State, no matter how meritorious the claim might be, and that he could have no other remedy than might be given him by action of the Legislature.

The cases of *State vs. Walter Brown*, and *vs. John Wyman*, and *vs. Neal Dow*, are based on some transactions growing out of the relations of B. D. Peck with the treasury department, and will be before the Supreme Judicial Court upon reports of the facts in the cases, for final decision.

State vs. B. D. Peck and als. This is an action upon the State Treasurer's bond of 1858, pending in Cumberland county, and was commenced in 1860, to recover a very large sum for which said Peck, it was alleged, had become a defaulter. For various causes a trial in this case was not reached until last year. As the question of damages would be one of details, which could perhaps be settled in some other mode, full as satisfactory, and more conveniently, than before a jury, it was agreed to postpone that part of the case, till other important and antecedent questions had been disposed of. By agreement, the issue put to the jury was, whether the instrument declared on was or not the valid bond of the defendants; that is, were the defendants liable for *any* sum. Upon this issue two allegations were made by the bondsmen. One was that when some of them signed their names to the paper, *no seals were affixed*, and *no authority* was given by them to any person to *affix* them. The other was that when some of them signed, it was agreed between them and the surety who brought the bond to them, that the bond should not be delivered until other names were added as sureties, which were never added thereto. When the

bond was delivered to the State by Peck, it was fully sealed, and the names of all the persons were subscribed, who were named in the body of the instrument as parties to it. The bond was a formal and perfect one in appearance when delivered, and the State had no notice that it was not in fact, what in form it purported to be, until long after the defalcation of Peck was discovered. The bond contained the usual words appropriate to such an instrument, such as, "*sealed with our seals,*" and "*signed, sealed and delivered;*" and was duly attested by witnesses.

For the State the answer was that the party admitted *by the language of the bond* that it was duly sealed, and the plaintiff not being informed to the contrary, the defendants were estopped to deny it; and, that the defendants, allowing the bond to go from their possession to Peck, and from Peck to the State, were estopped to deny that the bond had been duly delivered. The Judge presiding ruled, that even if the delivery was to be a conditional one in the manner named, and parties had allowed the bond to pass out of their possession, and never had notified the State, or made inquiry about the bond (under the circumstances as testified to) still that the delivery would be good. He further ruled for the purposes of that trial, that if the bond was *not sealed* at the time of signing or before, it would be void. The jury found that the bond was duly sealed before or at the time it was signed. The defendants excepted to the ruling unfavorable to them, and the exceptions have been argued to the Law Court, upon which as yet no opinion has been given. I think the ruling complained of will be sustained. If not, legislation should be had, which shall make safe the taking of bonds and sealed instruments.

If the State finally prevail upon the point before named, then arises a question how shall the damages be settled. If the bondsmen desire it, I would recommend that the Legislature empower the Governor and Council to enter into a reference with them upon that question, or to make such a settlement of the sums due as justice and equity may require. There are but few responsible persons now upon that bond, and upon them the result may fall with peculiar severity. The defalcation of Peck under the bond of 1859, was settled by the State very generously with the unfortunate bondsmen of that year; and, no doubt the same liberality would be extended to these defendants, in a final adjustment of their liability, if it shall become finally fixed upon them by the decision of the Court.

CASES IN THE LAW COURT.

There were no Law Cases which had been argued or submitted in 1864, which remained undecided in 1865, except in the case of *Jesse Wright*, convicted of *murder*, as named before.

The following cases were argued and submitted at the Law Terms of 1865 :

EASTERN DISTRICT.

Penobscot County.

State vs. Elbridge G. Parkhurst and his wife Abigail Parkhurst. Indicted as common sellers. Demurrer to the indictment. Demurrer overruled.

State vs. Daniel Golden. Assault and battery. Demurrer to indictment. Demurrer overruled.

State vs. Wm. L. Stevens and Margaret Stevens. Nuisance. On demurrer to indictment. Demurrer overruled.

State vs. Hartley Parks and Daniel C. Hurley. Demurrer to indictment as common sellers. Demurrer overruled.

State vs. Patrick Sullivan. Larceny. On exceptions, and motion in arrest of judgment. Exceptions and motion overruled. Judgment for the State.

MIDDLE DISTRICT.

Knox County.

State vs. Frost et al. Liquor case. On exceptions. Exceptions overruled.

Lincoln County.

State vs. Benjamin Bailey.

Same vs. Same.

Same vs. Same.

Liquor cases. On exceptions. Exceptions overruled.

Kennebec County.

State vs. Thomas M. Stevens. Liquor case. On exceptions. Argued in 1863. Decided in 1865. Exceptions overruled.

State, by Libel, vs. Intoxicating Liquors; Milton Farnham, Claimant. Exceptions by said claimant. Exceptions overruled.

State vs. Alden Keene et als. Riot. On exceptions. Exceptions overruled. Judgment for State.

WESTERN DISTRICT.

Oxford County.

State vs. James Pollard. Larceny. On exceptions. Argued. Not yet decided.

State vs. Gilman Chapman. Nuisance by obstructing a stream. On motion in arrest, and exceptions. Argued. Not yet decided.

State vs. Joshua Yeatton et als. Riot. On exceptions to rulings of Justice presiding. Argued. Not yet decided.

Cumberland County.

State vs. Thos. O. Goold. This was argued, and has been since settled. Defendant was a railroad conductor; put a person out of the cars, because such person refused to pay the price of a ticket in the cars, which was something more than the office price at the depot. Court decided that he had a right so to do.

State vs B. D. Peck and Bondsmen. Exceptions by defendants. Argued and not decided. This is the 1858 Treasurer's Bond case, named before.

There were on this docket several other civil suits named before.

The number of criminal law cases which arose in 1865 was comparatively small. In 1865, *seventeen* cases; in 1864, there were twenty-two cases; in 1863, thirty-five cases; in 1862, forty-five cases; in 1861, fifty cases; in 1860, sixty-six cases. In the *Eastern* District no case came up outside of Penobscot County. Nearly all the cases were a mode of obtaining delay. One case in Penobscot, however, and the case in Cumberland, and the cases in Oxford County, presented serious questions of law.

The Law Dockets are not occupied with liquor cases so much as formerly. Many liquor indictments are found in the larger counties, and, without resistance or trial, the fines are promptly paid. One reason is, that new questions can hardly now be raised. Another is, evidently, that the profits of the business have, for a few years past, outstripped any *legal* risks and dangers which attend the traffic.

REPORTS OF COUNTY ATTORNEYS.

In the following tables, A and B, will be found abstracts of the reports of the County Attorneys. They will exhibit a substantially correct summary of the criminal business conducted by the County Attorneys for the year commencing November 1, 1864, and ending November 1, 1865.

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.	Malicious mischief.	Cheating and conspiracies.	Defects in highway.	Nuisances.	Violation of liquor law.	Other offences.	
ANDROSCOGGIN.	Indictments pending Nov. 1, 1864,	32	-	-	-	2	4	1	-	-	-	-	1	-	-	-	-	-	-	9	9	
	Appealed cases pending Nov. 1, 1864,	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	
	Indictments found Jan. T., 1865,	3	-	-	-	1	2	-	-	-	-	-	-	-	-	-	-	-	-	4	1	
	Appealed cases entered Jan. T., 1865,	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	1	
	Indictments found April T., 1865,	15	-	-	-	-	4	-	-	-	-	-	1	-	-	-	-	-	-	9	1	
	Appealed cases entered April T., 1865,	4	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	1
	Indictments found Sept. T., 1865,	13	-	-	-	-	1	1	-	-	-	-	1	2	-	-	-	-	-	7	1	
	Appealed cases entered Sept. T., 1865,	13	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	12	-	
	Indictments pending at end of year,	37	-	-	-	3	6	1	-	-	-	-	1	2	-	-	2	2	-	14	6	
	Appealed cases pending at end of year,	17	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	16	-	
AROGSTOOK.	Indictments pending Nov. 1, 1864,	11	-	-	-	-	1	-	-	-	1	4	1	-	-	2	-	-	1	1		
	Indictments found Feb. T., 1865,	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Indictments found Sept. T., 1865,	4	-	-	-	-	1	-	-	-	-	1	-	-	-	-	-	-	-	2		
CUMBERLAND.	Indictments pending Nov. 1, 1864,	32	1	-	-	-	1	8	-	-	2	-	-	-	-	-	2	5	9	4		
	Appealed cases pending Nov. 1, 1864,	2	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1		
	Indictments found Nov. T., 1864,	16	-	-	-	-	1	2	-	-	1	1	-	-	-	-	-	3	4	4		
	Appealed cases entered Nov. T., 1864,	2	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1		
	Indictments found March T., 1865,	13	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	4	3		
	Indictments found July T., 1865,	26	-	-	-	-	7	2	-	-	1	-	-	-	-	-	-	-	4	2		
FRANKLIN.	Appealed cases entered July T., 1865,	1	-	-	-	-	-	-	2	-	-	1	-	-	-	-	-	-	-	8		
	Indictments pending end year,	25	-	-	-	1	5	1	-	1	1	1	1	2	-	-	-	5	-	7		
	Indictments pending Nov. 1, 1864,	21	1	-	-	-	-	5	-	-	-	-	-	-	-	-	3	3	6	-		
	Indictments found April T., 1865,	4	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	2	-	-		

	Indictments found Oct. T., 1865,	9						3													4		1	
	Indictments pending end year,	21	1					9													2	6	2	1
HANCOCK.	Indictments pending Nov. 1, 1864,	10	1			1		2		1											2	1	1	
	Appealed cases pending Nov. 1, 1864,	2								2														
	Indictments found Oct. T., 1864,	1								1														
	Indictments pending at end of year,	1																						
KENNEBEC.	Indictments pending Nov. 1, 1864,	19		1		2	2	2	1		3	1	1	1								3	1	1
	Appealed cases pending Nov. 1, 1864,	13											3										5	5
	Indictments found Nov. T., 1864,	12				1		1		3		1	1	1							1	1	1	1
	Appealed cases entered Nov. T., 1864,	14											3										5	6
	Indictments found March T., 1865,	11						4		1	1		1										1	2
	Appealed cases entered Mar. T., 1865,	5						1			1		2										1	1
	Indictments found August T., 1865,	22		1				1		3		4	1								1	1	7	2
	Appealed cases entered Aug. T., 1865,	20						4		5		6											2	3
	Indictments pending end of year,	22		1		1		2		3		1	2									2	8	2
	Appealed cases pending end of year,	18						2		3		3											7	3
KNOX.	Indictments pending Nov. 1, 1864,	47						2		1	1										6	1	34	2
	Appealed cases pending Nov. 1, 1864,	1																						
	Indictments found April T., 1865,	4								2												2		
	Appealed cases entered April T., 1865,	1																						
	Indictments found Oct. T., 1865,	29						2			1										1	1	24	
	Appealed cases entered Oct. T., 1865,	2											2											
LINCOLN.	Indictments pending Nov. 1, 1864,	23		1		1		9		1		2									1	1	5	2
	Appealed cases pending Nov. T., 1864,	2								1														1
	Indictments found Jan. T., 1865,	25				2															1		6	16
	Appealed cases entered Jan. T., 1865,	1																						1
	Indictments found May T., 1865,	3				1				1											1			1
	Appealed cases entered May T., 1865,	5								1														4
	Indictments found Oct. T., 1865,	5		1				2																1
	Appealed cases entered Oct. T., 1865,	1				1																		1
	Indictments pending end year,	22		1			1	7		1		1									1		3	6
	Appealed cases pending end year,	3								1														2
OXFORD.	Indictments pending Nov. 1, 1864,	34		2		3	2	5			1	1	1								2	9	1	6
	Appealed cases pending Nov. 1, 1864,	5								3			1											1
	Indictments found Dec. T., 1864,	12		1			1	1		1														7
	Appealed cases entered Dec. T., 1864,	2						2																1
	Indictments found March T., 1865,	7					4			1														2
	Appealed cases entered Mar. T., 1865,	1								1														1
	Indictments found Sept. T., 1865,	6					1														1			4

TABLE A, (CONTINUED.)

COUNTIES.	CASES.	CRIMES.																			
		Whole number.	Homicide.	Arson.	Perjury, &c.	Forgery and counterfeit- ing.	Compound larceny.	Larceny.	Burglary.	Robbery.	Rape.	Assault with felon- ious intent.	Assault and battery.	Affrays and riots	Offences against chas- tity, morality, &c.	Malicious mischief.	Cheating and conspiracies.	Defects in highway.	Nuisances.	Violation of liquor law.	Other offences.
OXFORD—Con.	Appealed cases entered Sept. T., 1865,	7	—	—	—	—	—	—	—	—	—	—	7	—	—	—	—	—	—	—	—
	Indictments pending end year,	16	—	—	—	—	5	—	—	—	—	—	—	1	1	—	—	4	1	3	1
PENOBSCOT.	Appealed cases pending end year,	7	—	—	—	—	—	—	—	—	—	—	—	1	1	—	—	—	—	3	1
	Indictments pending Nov. 1, 1864,	48	—	—	1	3	3	7	—	—	—	—	—	2	6	1	1	7	7	7	4
	Appealed cases pending Nov. 1, 1864,	24	—	—	—	—	—	6	—	—	—	—	—	—	—	2	—	—	—	2	2
	Indictments found Feb. T., 1865,	20	—	—	—	1	2	4	—	—	—	—	—	2	2	1	1	1	6	6	6
	Appealed cases entered Feb. T., 1865,	9	—	—	—	—	—	2	—	—	—	—	—	—	3	—	—	—	—	3	—
PISCATAQUIS.	Indictments found Aug. T., 1865,	26	1	—	—	—	—	3	—	1	—	—	—	—	—	—	3	3	6	6	2
	Appealed cases entered Aug. T., 1865,	8	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1
	Indictments pending end year,	46	—	—	1	2	2	6	—	—	—	—	—	1	6	1	4	1	3	6	3
	Appealed cases pending end year,	24	—	—	—	—	—	5	—	—	—	—	—	11	—	1	2	1	—	2	2
	Indictments pending Nov. 1, 1864,	7	—	1	—	—	—	1	—	—	—	—	—	—	3	—	—	—	—	—	2
SAGadahoc.	Indictments found Feb. T., 1865,	3	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	Appealed cases entered Feb. T., 1865,	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	Indictments found Sept. T., 1865,	6	—	3	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	1
	Indictments pending end year,	6	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1
SOMERSET.	Indictments pending Nov. 1, 1864,	10	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	7	—
	Indictments found April T., 1865,	9	—	—	—	—	1	3	—	—	—	—	—	—	—	1	1	—	—	2	—
	Indictments found Aug. T., 1865,	5	—	—	—	—	1	—	—	—	—	—	—	1	1	—	—	—	—	1	—
SOMERSET.	Appealed cases pending end year,	12	—	—	—	—	—	2	1	—	—	—	—	—	—	—	1	—	—	7	—
	Indictments pending Nov. 1, 1864,	47	—	2	1	1	4	—	—	—	—	—	—	—	2	4	1	1	—	6	—
	Appealed cases pending Nov. 1, 1864,	10	—	—	—	—	—	5	—	—	—	—	—	—	—	—	—	—	—	1	—
SOMERSET.	Indictments found Dec. T., 1864,	10	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
		10	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—	—	—	1	—

	Indictments found March T., 1865,	3	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-
	Indictments found Sept. T., 1865,	19	-	-	-	1	-	3	-	-	-	-	-	-	-	-	-	11	1
	Appealed cases entered Sept. T., 1865,	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
	Indictments pending end year,	49	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending end year,	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
WALDO.	Indictments pending Nov. 1, 1864,	36	1	-	-	1	2	3	-	-	1	1	-	-	2	5	-	20	-
	Appealed cases pending Nov. 1, 1864,	9	-	-	-	-	-	2	-	-	3	-	-	3	-	-	-	1	-
	Indictments found May T., 1865,	22	-	-	-	-	2	-	-	1	-	-	1	-	1	2	-	13	2
	Appealed cases entered May T., 1865,	8	-	-	-	-	-	-	-	3	-	2	-	-	-	-	-	1	2
	Indictments found Oct. T., 1865,	17	1	-	-	-	-	1	-	-	-	1	-	-	-	2	-	12	-
	Appealed cases entered Oct. T., 1865,	3	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	1	-
	Indictments pending end year,	31	-	-	-	-	-	2	-	-	-	-	-	-	1	8	-	19	1
	Appealed cases pending end year,	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
WASHINGTON.	Indictments pending Nov. T., 1864,	40	-	-	-	-	-	1	2	-	4	1	-	3	-	-	1	28	-
	Indictments found Jan. T., 1865,	2	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Jan. T., 1865,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
	Indictments found April T., 1865,	19	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	17	-
	Indictments found Oct. T., 1865,	19	1	-	-	-	1	2	-	-	-	-	-	-	2	-	-	13	-
	Appealed cases entered Oct. T., 1865,	3	-	-	-	-	-	-	-	2	2	-	-	-	-	-	-	1	-
	Indictments pending end year,	43	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1864,	46	-	-	-	1	-	4	2	-	1	3	-	1	3	2	3	21	5
	Appealed cases pending Nov. 1, 1864,	12	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	11	-
	Indictments found Jan. T., 1865,	6	-	-	-	-	-	2	-	-	1	-	-	-	-	-	-	2	1
	Appealed cases entered Jan. T., 1865,	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-
	Indictments found May T., 1865,	23	-	-	-	-	-	1	-	-	5	-	12	1	2	-	-	2	-
	Appealed cases entered May T., 1865,	10	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	5	-
	Indictments found Sept. T., 1865,	21	-	-	-	-	-	3	-	1	1	2	-	2	-	-	-	11	1
	Appealed cases entered Sept. T., 1865,	3	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	1	-
	Indictments pending end year,	50	-	-	-	-	-	7	2	-	1	2	5	-	5	2	4	18	4
	Appealed cases pending end year,	10	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	9	-
TOTAL.	Indictments pending Nov. 1, 1864,	465																	
	Appeals pending Nov. 1, 1864,	85																	
	Indictments found during year,	438																	
	Appeals entered during year,	134																	
	Indictments pending Nov. 1, 1865,	347																	
	Appeals pending Nov. 1, 1865,	96																	

TABLE B.

Disposition of cases during 1865, and condition of those not disposed of.

Counties.	Cases.	Disposition during year ending Nov. 1, 1865.					Condition at end of year.			Sentences.				
		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 and House of Correction.	Reform School.	Fine, &c.	To be hung.
Androscoggin,	Indictments,	-	6	-	10	-	83	1	1	1	8	-	5	-
	Appeals,	-	6	-	1	-	40	-	-	-	-	-	-	-
Aroostook,	Indictments,	-	-	10	3	1	2	-	-	2	-	-	1	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Cumberland,	Indictments,	-	-	5	31	1	11	9	1	6	6	3	20	-
	Appeals,	1	-	2	1	-	-	-	-	-	-	-	-	-
Franklin,	Indictments,	-	5	5	3	-	20	-	1	-	2	-	1	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Hancock,	Indictments,	-	4	4	-	-	1	-	-	-	-	-	-	-
	Appeals,	-	-	2	-	-	-	-	-	-	-	-	-	-
Kennebec,	Indictments,	-	-	-	-	-	-	-	-	2	5	1	4	-
	Appeals,	3	11	22	24	5	32	16	3	-	-	-	-	-
Knox,	Indictments,	-	6	3	14	2	18	18	9	1	3	-	9	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Lincoln,	Indictments,	-	17	13	4	-	-	-	-	2	2	2	-	-
	Appeals,	2	1	3	-	-	-	-	-	-	-	-	-	-
Oxford,	Indictments,	-	19	11	12	-	12	-	4	1	3	1	9	-
	Appeals,	3	-	3	2	-	6	-	1	-	-	-	-	-
Penobscot,	Indictments,	-	7	8	29	2	38	4	4	4	4	-	19	-
	Appeals,	-	6	4	8	-	-	-	-	-	-	-	-	-
Piscataquis,	Indictments,	-	1	4	6	1	6	-	-	1	-	-	3	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Sagadahoc,	Indictments,	-	2	4	5	1	-	-	-	2	1	-	5	-
	Appeals,	-	-	-	-	-	7	3	2	-	-	-	-	-
Somerset,	Indictments,	-	-	15	17	2	42	-	-	2	4	-	5	-
	Appeals,	-	-	-	-	-	4	-	-	-	-	-	-	-
Waldo,	Indictments,	-	23	12	10	2	20	11	-	2	1	2	6	-
	Appeals,	3	7	7	8	-	1	1	-	-	-	-	-	-
Washington,	Indictments,	-	6	5	24	2	34	9	-	2	-	1	22	-
	Appeals,	-	2	1	1	-	-	-	-	-	-	-	-	-
York,	Indictments,	-	14	27	9	5	176	7	1	2	2	-	4	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Total,	Indictments,	-	116	124	177	19	463	59	21	-	-	-	-	-
	Appeals,	12	21	44	45	5	90	13	6	-	-	-	-	-
	Sentences in '65,	-	-	-	-	-	-	-	-	30	41	10	113	-
	" in 1864,	-	-	-	-	-	-	-	-	16	22	5	109	3
	" in 1863,	-	-	-	-	-	-	-	-	49	40	5	150	3
	" in 1862,	-	-	-	-	-	-	-	-	38	36	3	108	2
	" in 1861,	-	-	-	-	-	-	-	-	65	36	8	85	2
	" in 1860,	-	-	-	-	-	-	-	-	42	46	4	110	-
	Total for 5 years,	-	-	-	-	-	-	-	-	240	231	35	675	10

In Cumberland county, report thirty indictments and one appeal; put under the head "not brought forward."

It will be seen that there were in 1865 *thirty* sentences to the State's Prison, while in 1864 there were only *sixteen*. There were *ten* sentences to the Reform School in 1865, and in 1864 but *five*.

There has also been an increase from 1864 to 1865 in the number of cases where fines and county imprisonments have been imposed. Still, the criminal business was not in 1865 so large as formerly. There is every evidence, however, that it is upon an increase for the future. The jails in several counties are already filled to overflowing.

The sentences to State's Prison in 1860, were *forty-two*; in 1861, *sixty-five*; in 1862, *thirty-eight*; in 1863, *forty-nine*.

Those in 1865, were as follows:

Androscoggin County. Timothy Downing, malicious burning, five years.

Aroostook County. Ephraim Betts, larceny, one year; Hiram K. Brown, incest, six years.

Cumberland County. Charles Glancey, assault with intent to kill, eighteen months; William Fernald, larceny, fourteen months; James Jones, compound larceny, one year; Edward Scammon, compound larceny, one year; William Smith, robbery, three years; William Baxter, robbery, three years.

Kennebec County.—Hosea Knowlton, larceny, four years; William S. Willia, barn burning, ten years.

Knox County. Zealor Dunton, larceny, two years.

Lincoln County. James Colson, larceny, two years; Oscar Clisby, larceny, Reform School during minority; alternative State Prison one year.

Oxford County. George W. Oakes, arson, three years.

Penobscot County. William H. Ramsdell, burglary, three years; Patrick Sullivan, larceny, five years; Thomas Murphy, robbery, twenty years; Charles Belcher, larceny, one year.

Piscataquis County. Albert Chase, compound larceny, three years.

Sagadahoc County. James Howe, compound larceny, three years; Norman J. Kelley, assault with felonious intent, two years.

Somerset County. Greenville Hunt, larceny, two years; William Rose, larceny, two years.

Waldo County. Seth Perry, manslaughter, ten years; Levi Roberts, larceny, two years.

Washington County. John McIntosh, shopbreaking, two years; John Downes, Jr., burglary, for life.

York County. Horace P. Willard, obstructing railroad track, thirty days solitary, and fifteen years; Andrew Duffee, larceny in dwelling-house by night, five years.

The sentences of 1865 to State's Prison may be divided as follows: *Larceny and Burglary*, 19; *Arson*, 3; *Robbery*, 3; *Assault, &c.*, 6; *Incest*, 1; *manslaughter*, 1; *obstruction of track*, 1.

There was not a sentence of any kind, large or small, in Hancock County, during the year. In one or two other counties there were but three sentences in each, In Cumberland, thirty-five. In Penobscot, twenty-seven. Most criminals are arrested in the cities and larger towns.

In 1865, there were *no* sentences for capital offences. In 1864, there were *three*; in 1863, there were *three*; in 1862, there were *two*; in 1861, there were *two*; in 1860, *none*.

There are other matters embraced in the returns of County Attorneys which are useful, but can hardly be encompassed in this report.

The following table will show the substance of the

COUNTY TREASURERS' REPORTS.

Reports from County Treasurers.

Counties.	Amount actually paid for costs in the S. J. Court.	Amount actually paid on costs allowed by the County Commissioners.	Costs allowed by Trial Justices, &c.	Amount actually paid for support prisoners in jail, &c.	Amount paid Jurors, Sheriffs' attendance, &c.	Amount received from Clerk of Courts.	Amount received from Judges of Municipal Courts and magistrates.	Amount received from Jailers, &c.	Total Expenses.	Total Receipts.
Androscoggin,	1,479 89	851 33	-	819 74	330 38	1,053 89	524 01	278 42	3,481 34	1,856 32
Aroostook,	353 49	75 94	-	165 05	-	-	22 00	-	594 48	22 00
Cumberland,	1,367 22	-	363 73	3,696 84	1,339 56	1,477 66	1,816 70	509 50	6,767 35	3,855 34
Franklin,	621 07	-	118 94	225 00	351 34	219 29	26 00	*	1,316 35	245 29
Hancock,	626 53	405 00	-	116 16	476 65	33 00	-	-	1,624 34	33 00
Kennebec,	2,056 35	3,961 78	-	4,637 58	-	822 00	470 16	1,798 54	10,655 71	3,090 70
Knox,	651 69	-	-	21 21	-	-	-	-	672 90	1,177 63
Lincoln,	1,305 12	267 13	-	80 04	490 12	1,225 87	-	-	2,142 41	1,225 87
Oxford,	1,797 29	-	-	263 25	532 50	1,549 60	56 00	-	2,593 04	1,605 60
Penobscot,	1,535 60	921 70	-	3,279 36	1,537 16	1,609 06	626 46	304 90	7,273 82	2,539 52
Piscataquis,	1,877 18	106 26	-	653 28	653 28	156 40	25 00	-	2,531 46	181 40
Sagadahoc,	849 20	397 88	-	381 05	271 82	740 33	25 00	-	1,899 95	765 33
Somerset,	417 17	85 62	-	-	-	-	-	-	502 79	-
Waldo,	1,538 27	461 57	-	-	-	-	-	-	1,999 84	1,494 11
Washington,	1,531 45	549 27	-	516 51	419 16	2,721 51	117 00	18 00	3,016 39	2,856 51
York,	1,690 43	1,464 56	-	1,194 57	1,028 24	-	-	-	5,377 80	969 39
Total,	-	-	-	-	-	-	-	-	46,449 97	21,918 31

* Included in preceding item.

In Cumberland county, add \$800 expense for salary of Recorder in Municipal Court, city of Portland.

The report from Somerset is incomplete. The treasurer of that county died during the year. The new appointee was not quite familiar with the records of his predecessor.

In report of receipts in Knox and Waldo counties, the amounts were not placed under particular heading.

In most counties in the State, as there are not separate terms for criminal business, some of the expenses can only be approximated.

The total expenses of the year 1864, were \$46,428.16, and in 1865, \$46,449.97. Still, the business of the year 1865 was greater. The total receipts, denominated criminal, of 1864, were \$18,860 69. In 1865, were \$21,918.31. In 1863, total expenses were \$57,892.07, and total receipts were \$13,408.88

By a comparative view of the figures through several past years, it will be seen that the balance of criminal expenses over receipts has been growing less. More fines are collected. Counties now bear the expenses, and are more careful of costs than was the State.

All which is respectfully submitted,

JOHN A. PETERS, *Attorney General.*