# MAINE STATE LEGISLATURE

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# PUBLIC DOCUMENTS OF MAINE:

BEING THE

# ANNUAL REPORTS

OF VARIOUS

# PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1867-8.

AUGUSTA:
OWEN & NASH, PRINTERS TO THE STATE.
1868.

# REPORT

OF THE

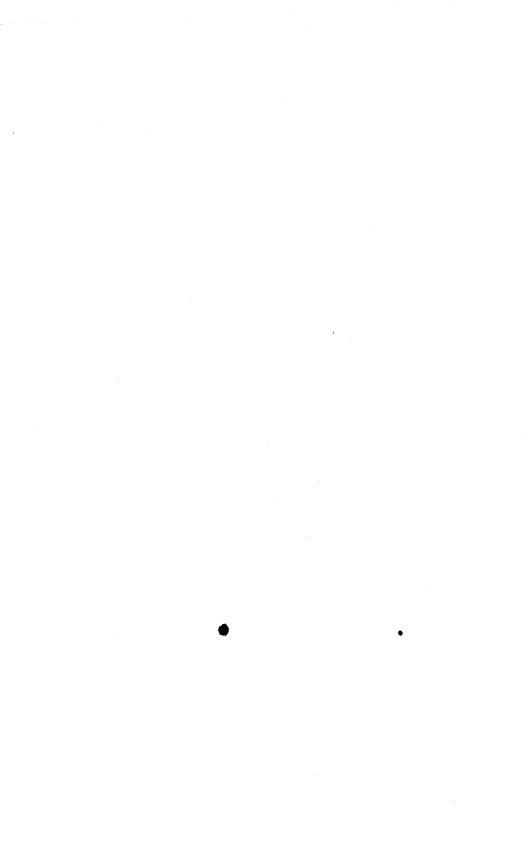
# ATTORNEY GENERAL

OF THE

# STATE OF MAINE.

1867.

A U G U S T A: STEVENS & SAYWARD, PRINTERS TO THE STATE.  $186\,7\,.$ 



## REPORT.

To the Honorable Governor and Council:

I have the honor to submit my first Annual Report, in accordance with the provisions of law.

My attention was called, immediately upon assuming the duties of the office, to certain legislation of last winter, relating to the suppression of drinking-houses and tippling-shops, and I was requested by friends of the act, known as the "Constabulary Act," to notice particularly its operation during the year, and make such suggestions as my experience might prompt. Located, as I am, in a county where the officers under this law are entirely unnecessary, where the performance of duty never calls them, where the law of 1858 has been so thoroughly enforced by the local authorities, that probably no intoxicating liquors are sold outside of the city of Lewiston, and there only in the lowest "groggeries," patronized only by those who ignore the obligations of an oath, and where no law, however stringent, can be effectually enforced, my observation has been necessarily limited. I am, however, satisfied that great good has been effected under its provisions in certain parts of the State, while in other portions, evil has resulted. The law itself has warm friends and bitter enemies, hence, probably, its successes and its defeats have both been magnified. should be weighed carefully, judiciously and dispassionately by the Legislature, not with a spirit prejudiced and embittered by hate, nor blinded by love, not with a purpose to help or hurt a political party, but only with a sincere and earnest desire to promote the public good. If it has proved a failure, and is incapable of such amendment as shall seem to ensure its success, it should be repealed; if, on the other hand, its defects can be cured, it can be so amended as to become a certain and effective instrument of good, it seems to me equally clear, that the Legislature should address itself to so amending and perfecting. It is an experiment, and, as such, is entitled to a fair trial. If the law is to be retained, and further trial given, I am satisfied that certain amendments are essential.

First. The number of deputy constables should be greatly reduced, not by the State Constable, but by the Legislature, and they should attend exclusively to the duties of the office.

Second. They should be paid by annual salary, fixed by same authority.

Third. All fees to which such officers would be entitled for service of precepts as witnesses or otherwise should be paid to the Treasurer of State, through the several County Treasurers, said officers, in no case, to be allowed to receive a dollar beyond their salaries. These amendments would, in my judgment, accomplish these results.

First. As much efficiency on the part of the smaller number, as now on the part of the thirty, because in their selection, the constable would exercise the greatest caution and circumspection, the appointees appreciate more completely the responsibility of their position, become much more expert from a continuous experience, familiar with the law they were required to enforce and more discreet and judicious in its enforcement.

Second. Fees would offer no temptation to them to confine their attention to those localities where warrants might be numerous; to institute prosecutions unnecessarily, nor would they be exposed to the suspicion of so doing, and thus their efficiency be cramped, if not destroyed.

Third. As much good would be accomplished at a very considerable less cost. An economy, in these times, to be rigidly enforced, preserving always a proper distinction between that spirit of meanness, which forgoes good, content with the reward of saving of expense, and that of true economy, satisfied with the "quid pro quo."

"An act additional to and amendatory of chapter 33 of the laws of 1858, for the suppression of drinking-houses and tippling-shops."

The first, second, third and fourth sections of this act provide for increased penalties, adding to the fines, imprisonment. They recognize no difference in the degree of guilt, every offender, whether the offence be rank or trivial, whether he be the fountain head of streams of "wet damnation" or only a vendor of pure cider, receives the same sentence. Ignorance of law, innocence of intention, wilfulness of violation neither mitigate nor increase the penalty. This surely is not in accord with our sense of justice,

nor is it in harmony with our criminal code. I believe the cause of temperance will be subserved by making the punishment in the alternative, in the first conviction under the first, second and third sections, giving the presiding Judge, power, after conviction, to remit either the one or the other penalty, whenever he shall be satisfied that justice requires it. I would amend the fourth section by providing different penalties for successive convictions, granting the Court the same discretion as in the first.

#### THE LAW OF 1858.

This act has been thoroughly tested, questions of law arising under it, all settled at an enormous expense, so that it would seem, no new question could be raised. As amended last winter, I believe it to be a law, preëminently calculated "to suppress drinking-houses and tippling-shops," if enforced. It is acquiesced in by the people, understood by the officers of the law, and in my opinion, should not be radically amended, until in all portions of the State, its provisions have been as persistently tested, as in the county of Androscoggin, there, if found to be a failure, and only there should it be the subject of experimental legislation. I have only one suggestion to make about it. "Sect. 4. The provisions of this act respecting the sale of intoxicating liquors, shall not extend to the manufacture of cider and the sale thereof by the manufacturer." By implication, then the sale of cider by any other than the manufacturer, is forbidden, and within the past year, prosecutions for such violations of law, have been instituted, resulting in some instances in convictions, in others in acquittals, when the proofs of sale have been equally convincing. Much discussion has been provoked, and much bitter feeling engendered even among friends of prohibition. It seems to me that the law involves an absurdity. It allows the indiscriminate manufacture of cider, the sale of it, fermented or unfermented by the manufacturer, the seller and purchaser both knowing that the sale is effected and the purchase made for purposes of drinking, and then punishes, by fine and imprisonment, the grocer and the saloon keeper for selling a gallon to the house keeper, or a glass to the thirsty man. If it is a crime for the latter to sell, surely, it is equally a crime for the former to make and sell. Either the bann of the law should extend to all or the restriction be removed from all, and my candid opinion is, that greater harm, to the cause of temperance, would result from the former than the latter course.

"An act for the suppression of certain common nuisances."

I desire to call the attention of all who favor the suppression of "drinking-houses" to this act, chapter 54 of the laws of 1858, the provisions of which seem to have been generally ignored. The crime there defined is as easily proved as that of "keeping a drinking-house," while the punishment is one thousand dollars fine or imprisonment for one year; and section 4 reaches many a man, in this State, of wealth and influence, who can by it, be compelled to control his rumselling tenant. A vigorous enforcement of this act alone would work a marvelous change in this State. Couple this with the law known as the law of 1858, with the provisions of 1867 increasing the penalties under the search and seizure clause, then enforce, and I am safe in saying that, under the decisions of our Court, no man could defy the law, no man escape its penalties, no man persist in violation, except through perjury, and a few wholesome examples of prosecuted perjurors in each county would be a profitable supplement. I call the attention of all officers, whose especial duty it is to prosecute offenders under "the liquor laws" to this act.

It may be that I have given undue prominence to the consideration of these laws, but the claim made by the friends of prohibition, and justly too, that four-fifths of all crime arises from the use of intoxicating liquors, and the unusual attention called to their operation at the present time, both in this and other States, are my justification.

Legislation is certainly required in cases of persons convicted of capital offences. As the law now stands, the accused is solemnly tried, if found guilty, solemnly sentenced, to be "hung by the neck until dead," then sent to prison for life, or as, he, the prisoner fully believes, until such time as he shall experience the Executive clemency. This course brings the whole proceeding into contempt, effectually prevents any affirmation of the verdict by confession of the prisoner, removes indefinitely any repentance for his crime, and compels him while hope and life last to act a con-In fact, from the inquiry to the juror, "have you any conscientious scruples against finding the accused guilty of a crime punishable with death if the evidence warrants it?" through all the stages and incidents of the trial, even to the end of life, it is simply a tragedy played, and the Court, jurors, officers of the law and the prisoner at the bar are only actors in it. I fully believe that it encourages men in crime, or has at least, no tendency to

deter them from its commission, and that the law ought to provide for the execution of the sentence imposed by the Court, or authorize a sentence which is to be executed.

In Gale vs. Inhbts. of South Berwick, 51 M. R., page 174, the Court say, "no power is given to towns to raise money for the detention or conviction of a criminal, by any statute of the State, and none can exist by implication."

Chapter 138, section 4 of the Revised Statutes, confers upon the Governor authority to offer rewards for the apprehension of offenders in certain cases. That, in these days of terrible crimes, of burglaries, murders and arson, so bold, so skillfully planned, and fearfully executed as to fill whole communities with consternation, equal skill, boldness and energy should be mustered into service for the detection of the criminal is self-evident. To accomplish this, requires the outlay of large sums of money, which the suffering party can illy afford to pay, and from the payment of which, he ought to be relieved. Massachusetts confers upon towns the power to offer rewards for the detection of crime, to a limited extent. I respectfully suggest that the Legislature enlarge the power of the Governor in this direction, and extend it to the several towns of the State.

#### CAPITAL TRIALS.

There have been six trials for capital offences during the year.

In York county, at the January Term, S. J. Court, Jane M. Sweat was tried for the murder of her husband Charles M. Sweat, by administering poison in his whiskey. She alleged that she was in the habit of giving him morphine, to cure him of intemperance, that she may at this time have given an over-dose, thereby causing his death, that he destroyed himself with alcoholic poison. It being impossible for either Mr. Peters or for me to be present, I employed Hon. C. W. Goddard to conduct the case in behalf of the State. Hon. I. S. Kimball, County Attorney for York county, rendered him his valuable assistance in the trial. The respondent was ably, persistently and vigorously defended by the distinguished counsel, and the interests of the State cared for with equal ability. The jury found her guilty of manslaughter, and she was sentenced to imprisonment in our State Prison for the term of six years. Judge Tapley presided.

At the same term of Court, Charles Wilkinson was tried for the

murder of Charles F. Spear, convicted of murder of the second degree and sentenced to imprisonment for life.

Cumberland County. At the April Term of the S. J. Court, Judge Tapley presiding. Charles H. Keenan was tried for murder. I was present at his trial, but it was conducted by the accomplished County Attorney for that county, Nathan Webb, resulted in a verdict of guilty of murder of the first degree, and Keenan was accordingly sentenced to death.

At the same term, George W. Jones was tried for arson, the burning of certain occupied dwelling-houses in the city of Portland. The principal defence was insanity. Jones was indicted about one year before, immediately became an apparent maniac, was sent to the Asylum at Augusta, his symptoms and conduct carefully scrutinized by Doctor Harlow, until finally it was manifest that the insanity was feigned, and he was brought to trial. Hon. J. H. Drummond was counsel for the prisoner, I appeared for the State. Jones was convicted and sentenced to death. This is one of the most dangerous and terribly malicious men I have ever seen, and it will require constant watchfulness to prevent outbreaks of his fierce temper.

Androscoggin County. At the April Term of Court, Judge Walton presiding. Clifton Harris (colored) and Luther J. Verrill, were arraigned for the murder of Polly Caswell and Susannah Kinsley at Auburn. Harris pleaded guilty. Verrill, not guilty, and July following was assigned for his trial. At the time appointed he was tried, fairly and impartially, before an unusually intelligent jury; great latitude was accorded him both by the Court and by the prosecuting Attorney, in the introduction of testimony, no evidence being excluded which tended in the slightest degree to throw light upon the matter under investigation, was ably and persistently defended by Calvin Record and M. T. Ludden, Esquires, and convicted by the jury of murder of the first degree. I conducted the trial for the State, with the valuable assistance of E. O. Bicknell, County Attorney for Androscoggin county. Counsel for the prisoner addressed to the Law Court a motion to set aside the verdict as against evidence, which motion was dismissed at the July Term, for want of jurisdiction; also presented a bill of exceptions to the rulings of the Court at nisi prius, on a motion in arrest for alleged insufficiency of the indictment, which was argued at the same term, and has since been decided adversely to the prisoner. At the October Term of Court

for Androscoggin county, a motion was filed for a new trial on the ground of newly discovered evidence, and the next January Term assigned for a hearing on the same. Harris was formally and solemnly sentenced to be hung. This case has excited universal interest throughout the State, and presents a crime, in its details, for atrocity and brutality, almost unparalleled in the annals of crime, but I do not feel at liberty to make any further comments upon it while the present motion is pending. I sincerely hope that no succeeding year will present so terrible a chapter of "capital trials" as this. If there is any remedy or rather preventive, it behoves the Legislature carefully and judiciously to seek it, and if they think it is discovered, courageously to enact it.

#### CIVIL SUITS.

The lingering case of State vs. B. D. Peck and Bondsmen is still undisposed of. "A trial of facts before a jury resulted against them, and the very important, novel and interesting questions of law which arose in the case, have been decided adverse to them by the Court." On recommendation of my predecessor, Hon. J. A. Peters, the Legislature of 1867, by Resolve, chapter 181, authorized a reference of this claim, or an adjustment of it by the Governor and Council. There has been a partial consideration of the case, but owing to the absence of certain parties in Europe, and other causes, beyond the control of either the State, the Governor and Council, or the defendants, no result has been attained. I desireto call the attention of the Legislature to this Resolve, and torespectfully suggest that the words "or by the Governor and Council," in the last line, be stricken out, for the reason that they serve no purpose whatever and have only tended to impede the settlement.

#### CASES IN THE LAW COURT

argued during the present year.

#### EASTERN DISTRICT.

By legislation of last winter, the term of holding Court for this District was changed to the first Tuesday of December, therefore the cases before it will not appear in this report. I will simply say, that there were twenty-seven cases argued and submitted, nearly all of which were decided, and so far as the decisions are known, are in favor of the State.

#### MIDDLE DISTRICT.

#### Somerset County.

State vs. Wm. H. Brown et al. Common seller. Demurrer to indictment. Demurrer overruled. Exceptions. Exceptions overruled. Judgment for State.

State vs. Eli S. Walker. Same, and same disposition.

State vs. Chas. P. Leavitt et al.

State vs. Same, Apt.

Indictment and complaint and warrant for keeping billiard saloon without license. Submitted on brief. No decision.

State vs. Peter Walker. Common seller. Demurrer to indictment. Demurrer overruled and judgment for State.

#### Knox County.

State vs. Samuel Smith.

Same vs. Philip S. Skinner.

Same vs. Sanford Delano.

Same vs. James C. Vose.

Liquor cases. Law on exceptions. Exceptions overruled and judgment for State.

## Sagadahoc County.

State vs. John D. Talbot. Larceny of a horse. Trial and verdict "guilty." Law on exceptions. Exceptions overruled and judgment on the verdict.

State vs. David Bartlett et als. Burglary, known as the Bowdoinham Bank case. Verdict of "guilty." Law on exceptions. Exceptions overruled and judgment on the verdict.

## Kennebec County.

State vs. Alvy W. Cummings. Assault and battery. Verdict "guilty." Law on exceptions. Exceptions overruled and judgment on the verdict.

State vs. Charles H. Dearborn. Assault and battery on an officer.

Same vs. Same. Law on demurrer. The indictments are precisely alike, except that the offences are charged to have been on different days. Exceptions overruled and judgment for State.

State vs. Cornelius Nye, Jr., Apt.

State vs. Same.

State vs. Fred. Pooler, Jr.

Liquor cases. Motion in arrest. Motion overruled and exceptions allowed. Exceptions overruled and judgment for the State.

State vs. Cornelius Nye, Jr. Common seller. Law on exceptions. Exceptions overruled and judgment for the State.

State vs. Cornelius Nye, Jr. Keeping tippling shop. Same disposition.

# WESTERN DISTRICT. Cumberland County.

State vs. Richard Robinson. Common seller. Submitted on brief. Indictment quashed.

State vs. Richard Robinson, Apt. Single sale. Submitted on brief. Exceptions overruled and judgment for State.

State vs. Richard R. Robinson. Exceptions overruled and judgment for State.

### Franklin County.

State vs. Wm. B. Gilman. Common seller. Verdict "guilty." Law on exceptions. Exceptions overruled and judgment on verdict.

State vs. Hugh Staples. Common seller. Verdict "guilty." Law on exceptions. Exceptions overruled and judgment on verdict.

### Androscoggin County.

State vs. Charles F. Ingalls. Common seller. Exceptions overruled and judgment for State.

State vs. Rufus L. Larrabee. Malicious mischief, the killing of horses in Durham. Verdict "guilty." Law on exceptions. ceptions overruled and judgment on verdict.

State vs. Luther J. Verrill. Murder. Verdict "guilty." The indictment was drawn under provisions of chapter 329 of the laws of 1865, simplifying form of indictment in capital cases. Court sustained the indictment, overruling the exceptions. Judgment on the verdict.

All the law cases arising during the year, including the December Term for the Eastern District, have been argued or submitted, and all for the current year have been decided except one. The decisions have all been for the State except one, the indictment against Richard R. Robinson, "quashed."

The whole number of criminal law cases in 1864 was twenty-two; in 1865, seventeen; in 1866, fifty-three; in 1867, including December Term for Eastern District, fifty-nine.

#### REPORTS OF COUNTY ATTORNEYS.

Tables A and B [see page 14] present a summary of the criminal business conducted by the County Attorneys for the year commencing November 1, 1866, and ending October 31, 1867, together with abstracts from their reports. Several of these reports have been delayed into December, causing me considerable trouble and delay. Such neglect to comply with the law is generally inexcusable, and I trust the Attorney General for 1868, will say, shall be punished.

It appears from the tables that there have been during the year 1867 sixty sentences to the State Prison; in 1866, one hundred four; in 1865, thirty; in 1864, sixteen; in 1863, forty-nine; in 1862, thirty-eight; in 1861, sixty-five; and in 1860, forty-two.

In 1867, the aggregate of sentences to the county jail was eightyeight, double the number for any year since 1859, except the year 1866.

The number of fines imposed, one hundred forty-three.

In 1867, there have been three sentences to be hung, one to the Insane Asylum, one to State Prison for life; while in 1866 there was one sentence of death; in 1865, none.

The State Prison sentences are as follows:

Androscoggin County. Rufus L. Larrabee, malicious mischief, two years; George H. York, larceny, three years.

Aroostook County. Samuel Sands, larceny, one year.

Cumberland County. George H. Eaton, compound larceny, two years; W. H. Bradeau, larceny, eighteen months; Henry Scott, compound larceny, six years; George C. Ham, assault with intent to kill, seven years; Wm. H. Stephenson, larceny from person, ten years; George Jaques, larceny, one year; John Lawrence, larceny, two years; John Rowe, assault with intent to murder, one year; Rufus Allen, receiving stolen goods, four years; Joseph E. Russell, same, three years; Alonzo B. Steward, compound larceny, three years; Wm. McKanse, adultery, one year; George Bowman, compound larceny, two years.

Franklin County. Samuel L. Gilley, felonious breaking and entering, two years.

Hancock County. Isaac C. Higgins, assault with intent to commit rape, four years; John B. Elwell, burglary, five years.

Kennebec County. Charles Atkins, larceny, three years; Joseph Shea, assault with felonious intent, three years; Isaiah Huckings, larceny, one year; Zachery T. Furbush and Alonzo B. Southard, each on two indictments, compound larceny, one and two years.

Knox County. No sentences.

Lincoln County. Samuel S. Hamlin, burglary, two years, or Reform School during minority.

Oxford County. Lyman Lowell, larceny in store, two years.

Penobscot County. David Dresser, H. Hanley and Charles Stewart, larceny, each eighteen months; John McMullen and M. H. Hines, larceny, each one year; John L. O'Mara, robbery, three years; Harvey Jones, larceny, one year; John Stevens, embezzlement, two years; Llewellyn L. Willey and Dennis Shaw, larceny, each two years.

Sagadahoc County. John D. Talbot, compound larceny, three years; David Bartlett, "Romy Simms" and Edward Meguire, (the Bowdoinham bank robbers,) compound larceny, each fifteen years.

Somerset County. W. F. Kendall, larceny, one year; James D. Newmarch, larceny, two years; Thomas Renco, larceny, three years; same, burglary, nine years.

Waldo County. Chas. A. Wood, larceny, twenty-eight months. Washington County. Daniel H. Miars, shopbreaking, eighteen months; Thomas Machie, burglary, five years; Alfred Brown, assault with intent to main, one year.

York County. Jane M. Sweat, manslaughter, six years; Charles Wilkinson, murder in second degree, for life; James Oates, compound larceny, one year; Joseph L. Huff, compound larceny, three years; Charles Leavett, Frank Burke, William Flinn and George Burke, compound larceny, each two years and six months; George Bolo, mayhem, two years; John Longfellow, compound larceny, two years.

An abstract of the liquor cases may at this time be of interest. It will only show those disposed of in the Supreme Court. Of course there were many settled, nol prossed on payment of fines, part fines and costs, many ended before the Police Courts and Trial Justices, of which no account appears.

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COUNTIES.	CASES.	Whole number.	Homicide.	Arson.	Perjury, &c.	Forgery and counterfeiting.	Compound larceny.	Larceny.	Burglary,	Robbery.	Rape.	Assault with felo- nious 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, 1866, Appealed cases pending Nov. 1, 1866, Indictments found Jan. T., 1867, Appealed cases entered Jan. T., 1867, Indictments found April T., 1867, Appealed cases entered April T., 1867, Indictments found Sept T., 1867,	44 2 70 2 23	- - 2 -	- - - - -	-		4 - - - - -	8 2 3 - 3 1 2	- - - - 1		- - - -	1 - - - - -	- 1 2 - - 1 2	2		3	1	3 - - - - -	11 	11 21 1	16 3 4 1 - 6 -
Aroostook.	Appealed cases entered Sept. T., 1867, Indictments pending at end of year, Appealed cases pending at end of year, Indictments pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found Feb. T., 1867, Appealed cases entered Feb. T., 1867, Indictments found Sept. T., 1867, Indictments pending at end of year,	131 19 5 -	2 - - - -	-		111111	5 2 - - - - -	4 6 1 - 1 - 1	1 - - - - -	111111	- - - -	1 - - - 1	3	2 	-	-		3	222 	83 8 4	5 3 1 - - - -
Cumberland.	Appeal cases pending at end of year, Indictments pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found Nov. T., 1866, Appealed cases entered Nov. T., 1867, Appealed cases entered Mar. T., 1867, Appealed cases entered Mar. T., 1867,	32 5 36	-	- 4 1 - -	- - - 1	11111	5 - - 3	- 6 - 6 - 10	1 1 1 1 1	- 2 -	-	1 - 2	1 2 -	-	$\frac{1}{2}$	_		- - - - -	2	3 12 5	- 5 - 4

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	Indictments pending at end of year, *	26	-	-		-	-	-			-	-		-	-		-	-			
	Appealed cases pending at end of y'r,*	23	-	-	-	-	-	-1		-	-1	-1	-1	-	-	-	-				
Knoz	. Indictments pending Nov. 1, 1866,	66	1	_		-	-	1	3 -	-	2	2	-	-	2	-	6	1	48 -		
	Appealed cases pending Nov. 1, 1866,	2	-	_	_	-	-	-			-	-1	-	-	-	-	-	-			
	Indictments found April T., 1867,	8	-1	-	_	-	-	-		-	-	-1	-	-	-1	-	2	1	5 -	ĺ	
	Appealed cases entered April T., 1867,	1	-1	-	-	-	-	-		-	-	-1	-	-	-1	-	-	-			
	Indictments found Sept. T., 1867,	1	-	_	-		-	-			-	-1	-	-	-1	-	1	-		1	
	Appealed cases entered Sept. T., 1867,	_	-	-1	-	-	-	-		-	-	-1	-		-1	-1	-	-			
	Indictments pending at end of year,	46	-		-	-	-	-	3 -	-	1	1	-1	-	2	-	8	2	<b>2</b> 9 –		
	Appealed cases pending at end of year,	3	_	_	_l		_	_	_! _	_)	_	_l	-1	_1	_	4	_(	-			_
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										(	CRIM	ies.	-								
COUNTIES.	CASES.	Whole number.	Homicide.	Arson.	Perjury, &c.	Forgery and counterfeiting.	Compound larceny.	Larceny.	Burglary.	Robbery.	Rape.	Assault with felo- nious 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.
Lincoln,	Indictments pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found Jan. T., 1867, Appealed cases entered Jan. T., 1867, Indictments found May T., 1867, Appealed cases entered May T., 1867, Indictments found Oct. T., 1867, Appealed cases entered Oct. T., 1867, Indictments pending Nov. 22, 1867,	16 1 7 4 2 5		-	1	1	1	6 -4 -1 	- 1 - - -	-	-	3 - - 3 - 1 - 3	- 3 - 1 1 2 - 1 - 3			1 3 	2 2	1	- 1 - - - -	11 9 - 2 4 3 1	1 2 1 1 - 1
OXFORD.  PENOBSCOT.	Appealed cases pending Nov. 22, '67,* Indictments pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found Dec. T., 1866, Appealed cases entered Dec. T., 1867, Indictments found March T., 1867, Appealed cases entered Mar. T., 1867, Indictments found Sept. T., 1867, Indictments found Sept. T., 1867, Indictments pending at end of year, Appealed cases entered Sept. T., 1867, Indictments pending at end of year, Appealed cases pending at end of year, Appealed cases pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866,	$egin{array}{c} 24 \\ 6 \\ 5 \\ 1 \\ 2 \\ -4 \\ 2 \\ 11 \\ 2 \\ 48 \\ \end{array}$		- - - - - - 1	1		1 - - - - - - -	- - 1 - - 1 1 1 2 - 7		-	- - - - - - - 1		5 1 1 1 1 2 5 3	1	.) –	- - - 1 1 - 2 2		7	1    1 1	- 2	- - - - - - - - - 2

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Indictments Appealed ca Somerser. Indictments Appealed ca Indictments	ases pending Nov. 1, 1866, s found April T., 1867, ases entered April T., 1867, s found Aug. T., 1867,	14 - 4 - 3	-	-	3 - 1 - 1	1 3 - - 1	  1 1 	-	1	1 - 1 1 - 1		- 1 - 1 - 1 1	1 2	- - 1 - -	6 -	
Indictments Appealed ca Indictments	stound Aug. T., 1867, ases entered Aug. T., 1867, seending at end of year, ases pending at end of year, ases pending Nov. 1, 1866, ases pending Nov. 1, 1866, ases entered Dec. T., 1866, ases entered Dec. T., 1867, ases entered Mar. T., 1867, ases entered Sept. T., 1867, ases entered Sept. T., 1867, ases pending at end of year, ases pending at end of year, spending Nov. 1, 1866, ases entered Jan. T., 1867, ases entered May T., 1867, ases entered May T., 1867, ases entered Oct. T., 1867, ases entered Oct. T., 1867,	3 4 			 3	1 - 1 - 1 - 1 - 3 2 4 4 - 1 1	1	1	1	1	1		1	-	1 1 1 3	

TABLE A, (CONTINUED.)

	·										CRI	ΙES.									_
COUNTIES.	CASES.	Whole number.	Homicide.	Arson.	Perjury, &c.	Forgery and counterfeiting.	Compound larceny.	Larceny.	Burglary.	Robbery.	Rape.	Assault with felo- nious 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.
Washington.	Indictments pending at end of year, Appealed cases pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found January T., 1867, Appealed cases entered Jan. T., 1867, Indictments found April T., 1867, Appealed cases entered April T., 1867, Indictments found Oct. T., 1867, Appealed cases entered Oct. T., 1867, Indictments pending at end of year, Appealed cases pending at end of year, Indictments pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found Jan. Term, 1867, Indictments found May T., 1867, Indictments found May T., 1867, Indictments found Sept. Term, 1867, Indictments found Sept. Term, 1867, Indictments found Sept. Term, 1867, Indictments pending at end of year, Appealed cases entered Sept. T., 1867, Indictments pending at end of year,	54 11 14 			1			3 1 2 2 - 1 - - - - 1 1 - - - 2 2 - 1	1 1	11		-	33333		1	-	11	1		10 - - 2 9 1 35 2 - 7 - 6	2 2 2 2 1 1 1 1 1 - - - - - - - - - - -

Total.	Indictments pending Nov. 1, 1866, Appealed cases pending Nov. 1, 1866, Indictments found during year, Appealed cases entered during year, Indictments pending at end of year, Appealed cases pending at end of year,		-	-	-	-	-	-	-	-	-	-	•	11111

TABLE B.

Disposition of cases during 1867, and condition of those not disposed of, and sentences during the year.

			isposi ear ei					dition l of y		ند		Sen	ter	ices.	
Counties.	Cases.	Quashed.	". Nol pros'd" on payment of costs.	"Nol pros'd" or dismissed.	Aequitted.	Continued open.	Continued for sentence	Continued marked "Law."	Conviction and sentence.	Dropped from Docket.	State Prison.	County Jail and House of Correction.	Reform School.	Fine, &c.	To be hung. Insane Hospital.
Androscoggin	Indictments,	_	6	14	_	125		1	70	_	2	23	1	42	1 -
Aroostook,	Appeals, Indictments, Appeals,	-	1	5 2	3	19 5	-	1 1	3	-	1	-	-  -	2	
Cumberland,	Indictments,	-	1	49	15	14	9	11	75	_	13	22	3	35	2 1
Franklin,	Appeals, Indictments,	] -	3	7	<del>-</del>	21	- 4	- 1	4	-	1	-	1	2	
Hancock,	Appeals, Indictments,	=	2	5	1	29	10	_	3	_	2	3	1	4	
Kennebec,	Appeals, Indictments,	=	9	34	2	34	13	- 2	34	-	7	7	-	8	
Knox,	Appeals, Indictments,	<u>-</u>	-	20	1	37	12	-	8	_ _	- -	5	-	3	
Lincoln,	Appeals, Indictments,	-	11	27	2	10	-	-	4	-	- 1	3	1	1 1	
Oxford,	Appeals, Indictments,	<u>-</u>	- 6	12 13	2	4 18	-	- 2	_	-  -	- 1	1	-	7	-
Penobscot,	Appeals, Indictments,	-	3 10	4 11	3	5 25	7	28	34	-	-	-	-	-	-  -
Piscataquis,	Appeals, Indictments,	-	16		1	18 7	5	2		-	10	9	1	13	-
Sagadahoc,	Appeals, Indictments,	-	3	3	-	14	4	_	2	-	4	_	-	-	
Somerset,	Appeals, Indictments,	1 -		1	2	128	9	19	16	-	4	3	-	9	
Waldo,	Appeals, Indictments,	2	19	5 1	4	- 13	19	1	9	-	1	3	-	5	
Washington,	Appeals, Indictments,	=	12 8	7 18	1	8 37	5 11	_	12	-	3	2	1	8	
York,	Appeals, Indictments, Appeals,	<u>-</u>	$^{-14}_{2}$	9 18	4 2	3 18 6	1 3 1	2	1	-	10	6	- -	5	
Total,	Indictments,	2	95	215	 37	- <u>-</u> 535	106	72		_	- <del>-</del>	87	- - 8	130	3 1
,	Appeals, Sentences in '67	2	34	63	7	63	12	3	20	_	60	1 88	1	13 143	3 1
	" in 1866, " in 1865,	-	-	_	-	-	-	_	_	_	104	94	6	150	1 1
	" in 1864,	-	_	_	_	-	_	_	_	_	30 16	41 32	10 5	113 109	3 -
	" in 1863, " in 1862,	-	-	-	-	- - -	-	-	-	-	49	40	5	150	3 -
	" in 1861,	_	-	_	-	-	-	-	, - -	-	38 65	36 36	8	108 85	$\begin{vmatrix} 2   - \\ 2   - \end{vmatrix}$
	" in 1860,	-	-	-	-	-	-1	-	-1	-	42	46	4	110	

Liquor cases disposed of in the Supreme Court.

• c	ounti	ies.			No. Cases.	Fines C	ollected.		Committals.
Androscoggin					34	about	\$2,440	00	16
Aroostook,					2	66	20		_
Cumberland,					23	"	1,983	00	1
Franklin, .					2	"	200		_
Hancock, .					1	66	100	00	_
Kennebec,					5	66	23		4
Knox, .					8	66	400	00	5
Lincoln, .							-		
Oxford, .				• •	2	66	300	00	_
Penobscot,					5	"	500	00	_
Piscataquis,					_		_	• •	_
Sagadahoc,					_		_		_
Somerset,					5	"	400	00	1
Waldo, .					8	**	945	00	_
Washington,				•	7	**	785		_
York, .		•	•		5	"	128		3
Total,					107		\$8,223	00	30

Either very little intoxicating liquor is sold in most of the counties, or there is a failure to enforce the law. All of the ordinary criminal expenses of Androscoggin county are paid by the receipts from these prosecutions. This year the expenses are not quite liquidated, from the fact that there was an extra term of Court holden ten days for the trial of Luther J. Verrill, and the necessary expenditures were very large.

The following table will show the substance of the

COUNTY TREASURERS' REPORTS.

#### Reports from County Treasurers.

C	ountie	es.		Amount actually paid for costs in the S. J. Court.	Amount actually paid on costs allowed by the Co. Commissioners.	Costs allowed by Trial Justices, Magistrates, &c.	Amount actually paid for support of 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 Jailors, &c.	Total Expenses.	Total Receipts.
Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoe, Somerset, Waldo, Washington,				347 24 *3,499 33 1,052 30 2,009 45 413 43 1,519 61 - 2,416 61 204 84 2,159 64 1,765 63 2,265 35 1,693 12	- +663 03			\$\frac{1}{4},756 07\$ \$\frac{505}{505} 82\$ \$\frac{7}{505} 82\$ \$\frac{7}{503} 70\$ \$\frac{1}{5} 82\$ \$\frac{7}{503} 70\$ \$\frac{1}{5} 1238 00\$ \$\frac{7}{50} 00\$ \$\frac{2}{2},204 49\$ \$\frac{2}{2},180 00\$	4,652 03 366 69 -451 15 507 01 66 78 -1,507 93 162 16 -703 80 1,346 43 959 74	4,222 72 17 50	27 60 	516 98 16,293 27 2,259 78 8,137 07 492 43 2,765 23 10,402 36 511 96 4,697 80 3,442 26 5,607 28 7,891 75	1,471 93 507 01 106 38
Total, .				19,346 45	8,383 11		20,403 30	14,885 34	10,723 72	5,884 50	1,727 17	63,018 20	18,335 39

<sup>\*</sup> This item includes service venires at Criminal Terms Supreme Judicial Court.
† This item includes expenses in Municipal and Trial Justice Courts.
‡ This item includes simply Grand Jurors and Traverse Jurors at Criminal Terms.
§ "There being no term of the Court in this county exclusively for criminal business, the amount paid out to Grand and Traverse Jurors in criminal cases cannot be stated."—Extract from County Treasurer's Report.

| "No fines or costs paid into the Tressury."—Extract from County Treasurer's Report.
a This item includes Grand and Traverse Jurors, service of venires, Sheriffs' and als.' attendance.
No returns were received from the County Treasurers of Androscoggin, Hancock, Oxford and York Counties.

This table does not serve its purpose on account of the neglect of the County Treasurers to make the report required by law. Androscoggin, Hancock, Oxford and York counties have made no reports, and about one-half of the other counties delayed until earnestly solicited by me. The only conclusion that can, with certainty be drawn from it, is, a large increase of criminal expenses, without a corresponding increase in the receipts from fines, &c.

All which is respectfully submitted.

WM. P. FRYE, Attorney General.