

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)

Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1868-9.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1869.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

STATE OF MAINE.

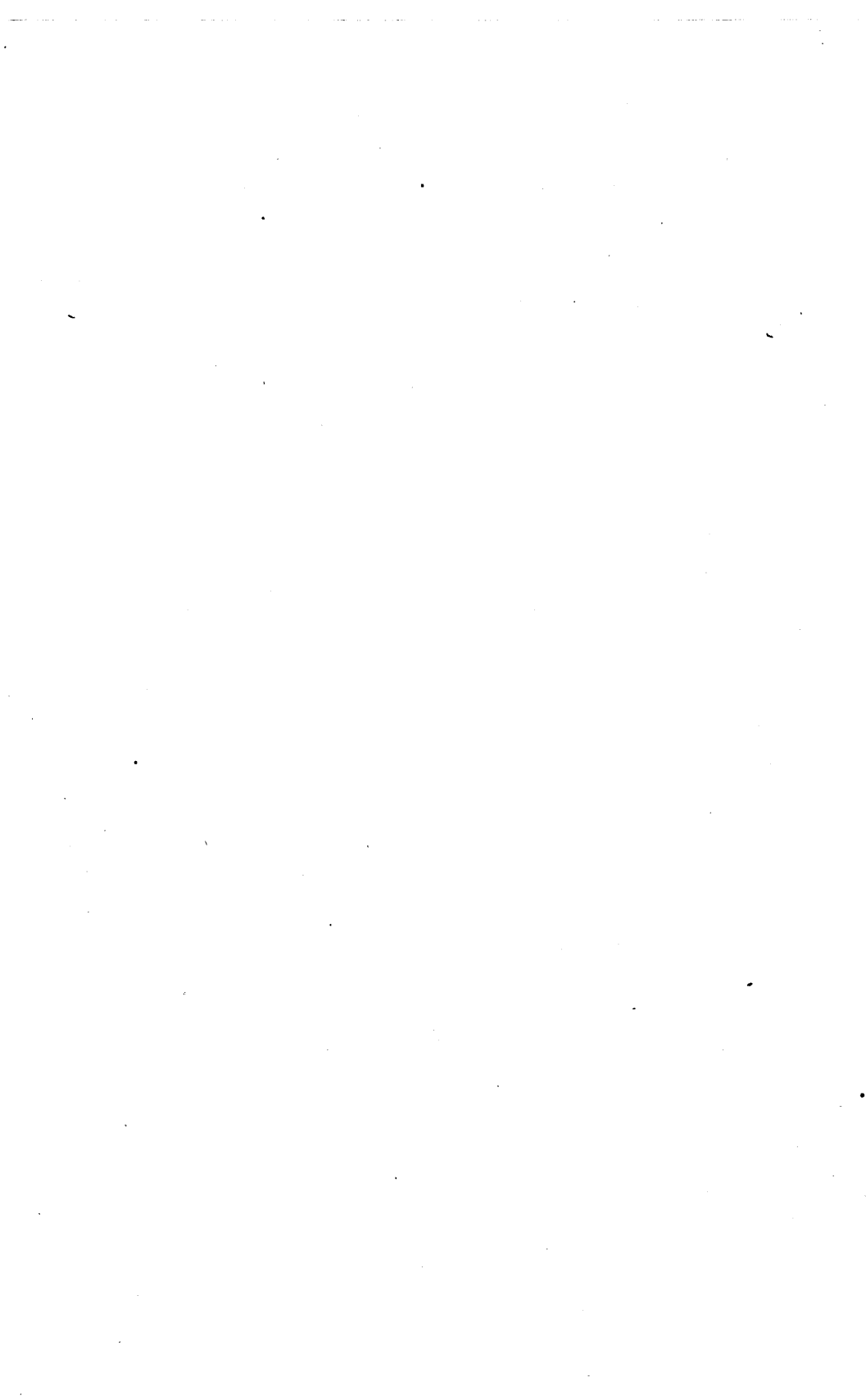
1868.



AUGUSTA:

OWEN & NASH, PRINTERS TO THE STATE.

1868.



REPORT.

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

I have the honor to submit my Report, for the official year ending October 31, 1868.

In response to inquiries made by me, of those whose official duties require familiarity with criminal law, I have received a few suggestions of amendment to which I desire your attention. The County Attorney of Cumberland County, Mr. Webb, says: "It seems to me, it would be well, in all but a few of the more atrocious offences, to provide for penalties by affixing a maximum of punishment, leaving the minimum in the discretion of the Court." I commend this suggestion for the reason that, really, there is every grade of guilt in the same class of offences. It frequently happens that the trial reveals palliating circumstances, or encouraging grounds for belief in the reform of the offender, and the Court has no power to recognize either. It is true that the prosecuting attorney may in some cases reduce the record by entering a "*no/ pros*" as to part of the indictment, but that is objectionable. Mr. Webb in enforcing his view, says "the penalty attached to assault and battery is often inadequate. If a charge of felonious intent can be sustained, there is no lack of severity. A man may use a knife in a street fight recklessly and dangerously, yet not destroy life, and under instructions of the Court, correctly given, too, that if a death had ensued, under the circumstances, the law would presume an intent to kill, yet as life was not taken, there would be no such presumption and the government must prove substantially, an actual purpose on the part of the defendant to kill, before the jury would be justified in finding the respondent guilty of the whole charge of an indictment setting forth an intent to kill, they render a verdict of guilty of assault and battery, the penalty of which is entirely inadequate, though their finding is correct." Cases to illustrate this position of Mr. Webb are of very frequent occurrence.

“Again, take the case of a brutal fellow assaulting a delicate, sensitive woman, handling her person rudely, lasciviously, violently, outraging her modesty to any degree short of an attempt to ravish, and receiving only the penalty provided for assault and battery. Similar disparity of punishment and guilt occur in the case of a powerful man or woman assaulting a feeble and helpless child or an aged person.”

Section 26 of chapter 134 of the revised statutes, provides, “when a verdict of guilty is rendered against any person for an offence punishable by imprisonment in the State Prison, he shall be admitted to bail only by the Justice trying him, by some person by him appointed therefor, or by some other Justice of the Court.” I think that the Legislature should authorize the Court, before verdict, to appoint Commissioners to admit to bail all persons confined in jail for bailable offences. Several might be appointed for each county. I am induced to advise this because complaint has been frequently made to me that justices of the peace, in many cases, do not examine the sureties offered with due care, and in some instances carelessly and even knowingly accept insufficient bail. The County Attorney of Penobscot County, Mr. Stetson, called my attention to this.

In embezzlement, the statute confers no jurisdiction upon Judges of Municipal or Police Courts or upon Trial Justices. It seems to me highly proper that such jurisdiction should be conferred, where the property embezzled is of less value than twenty dollars.

The law prohibiting the sale of intoxicating liquors is again exciting much attention and discussion, and demands are being made for additional legislation. In my opinion no amendments to the law are necessary or wise. At a great expense of time, labor and money, all the questions of construction, pleadings and practice that have arisen, or, it seems to me, can possibly arise, have been settled by the Court, and the penalties of the violated provisions of this law are both certain and speedy. Public opinion has been so well educated that no where in the State does conviction fail to follow where the evidence offered justifies it. And yet it is painfully evident that the law does not do its perfect work. Why? Not because of defects or weakness in the law. The machinery is perfect, but the motive power is wanting, and two thirds of the time to its great injury, it stands still. So it will be, until the sense of personal responsibility is quickened. It is easy

to meet in lodge, in association and in convention and upbraid the law. It is pleasant and popular, too, for editors and letter writers to arraign the "gilded serpents" in the columns of the press, but in the mean time, the "gilded serpents" are arraigned no where else. If the friends of temperance, the upholders of the law, will give their attention to the practical enforcement of its provisions, there will be no "gilded serpents" to become eloquent over. No man, no corporation, no power of wealth or influence, can *openly* defy the law. They are the underground, secret violaters, who escape and cannot be reached. The law, however perfect, will not act of itself. The true men to enforce it, are the friends of good order, virtue, morality and temperance. I know the responsibility is great, the duty perplexing and disagreeable. The experience of reformers is always the same. Talking and writing are exceedingly useful in educating public opinion, but not at all in enforcing law. "*Hic opus est,*" but until the labor is assumed by some one, complaints of the law are unjust and ought not to be entertained by the Legislature. No constabulary force could possess the efficiency of temperance men united and impelled to enforce the law, by love for humanity; but experience teaches that such men, like the pyramids, stand out alone.

Therefore I was, and am now in favor of a "State Constabulary," preferring, however, that its duty should be the enforcement of all criminal law. Whether or not such a measure would endanger the law itself, is a question for the consideration of its friends. I am entirely satisfied, if it cannot be enforced, it ought to be repealed. I trust that in this direction there will be no hasty legislation, and at the same time, no timidity about enacting healthy laws.

The issuing of a warrant, for the execution of Clifton Harris, by the Governor, has excited much comment, and the position taken by His Excellency has been somewhat severely assailed. I have no hesitation in giving my opinion that the Governor is right; that a strict observance of the oaths he has taken required of him this action; that the judges may neglect to pass sentence after conviction, with the same excuse in law, as can the Governor neglect to issue his warrant for the execution of such sentence, after it has been duly certified to him. I desire to cite from the annual report of a former distinguished Attorney General of this State: "Governor Dana discussed the question as to his duty in two messages to the Legislature. In 1858 Governor Morrill called their attention to the matter. He stated that the Legislature by taking no action

upon the suggestion of Governor Dana had acquiesced in his construction of the law, and he should hold to a similar construction," that is, one relieving the Executive from the duty of issuing his warrant. "I most respectfully submit that this construction is clearly erroneous. One Legislature has no right or power to give a binding construction to a law enacted by a previous Legislature. It may, by an act, regularly passed, determine that an act shall in the future be construed in a particular manner, but the force of this is derived from a new enactment, not from mere construction. By Art. 5, Part First, Sec. 1, of the Constitution, the supreme executive power of the State is vested in a Governor. By Section 12, it is provided, "*he shall take care that the laws be faithfully executed.*" His oath of office is, "I will faithfully discharge, to the best of my abilities, the duties incumbent on me as Governor according to the constitution and laws of the State." By the laws of the State murder of the first degree "*shall be punished with death.*" A man is convicted, in accordance with law, and sentenced to be hung by the neck until he is dead. A copy of the record is certified to the Governor. The law, to give the prisoner time for reflection upon the enormity of his crime and to prepare for death, requires him to be kept in solitary confinement until executed, and provides that he shall not be executed within a year from the day of the sentence, nor until the Governor shall issue his warrant fixing the time of execution, &c.

Now can there be any ground for holding that it is not the Governor's duty to take care that *this* law be faithfully executed?—that it is entirely a matter within his discretion whether to execute the laws or not? The law is, that the murderer SHALL BE *punished with death*. Because the law also provides that he shall not be executed until the Governor issues his warrant, does that leave it to the *pleasure* of the Governor to do or not to do what the law declares SHALL BE done? Is a neglect to issue the warrant a compliance with his oath?

I am aware that it has been said that the law of 1837 was intended to abolish capital punishment; not directly, but indirectly. This argument is *felo de se*. For if it was necessary to cover up the real intention of the framers of the law, in order to secure its passage, it follows that the Legislature which enacted the law did not understand it as abolishing capital punishment, and therefore never intended to do so."

Governor Chamberlain in his address to the Legislature of 1868, called their attention to this matter, and unmistakably defined his position. The Governor says " I deem it proper to inform you that I shall consider it my duty to dispose of cases under sentence of death, which come before me for action, and shall either see that the law is duly executed, or shall interpose the Executive prerogative of commuting the sentence to imprisonment for life." For thirty years Governors and Attorney Generals have asked the Legislature to consider this law, and for thirty years the Legislature has neglected to take any action. These requests, complaints and constant discussions, show, if nothing else, that a question of life or death is involved in doubt. That doubt the Legislature can, and in my judgment ought at once to remove. While I fully sustain the position of the Governor, I do not think that justice requires the execution of Harris. To use a common expression, " he turned State's evidence," and the record does not exhibit an instance where an accomplice taking this course, has paid the full penalty of the violated law. Again, it seems to me that some consideration, in determining this question, should be given to the birth, the early life and training, and the circumstances of this man. Knight, born in New England, educated in our schools, a man intelligent, successful in business, in the full maturity of his powers, murders the wife of his bosom, designedly, deliberately, and escapes the extreme penalty, while this Harris, born on a Southern plantation, educated only as to his brutal instincts, compelled into ignorance and degradation, and a subserviency to a white man by force of law itself, almost in his legal infancy influenced by a white companion, commits a murder and is executed. The proposition does not commend itself to my sense of justice.

CIVIL SUITS.

State vs. B. D. Peck and Bondsmen.

This action is still pending in the Supreme Judicial Court for the County of Cumberland. From the nature of the pleadings, it has been impossible to reach a trial. The Legislature of 1867, by advice of Attorney General Peters, referred this case to the Governor and Council, the Legislature of 1868 withdrew it from reference and instructed the Attorney General to proceed to trial. It seemed to me at the time, and nothing occurring since has changed my opinion, that this latter action was hasty. There are

good reasons why the case should be disposed of by a reference, and I earnestly advise such a disposition.

By a resolve of the last Legislature, the Attorney General was directed to commence a suit or a bill in equity in the name of the Penobscot tribe of Indians, in order to settle the title to the Grassy Islands in Penobscot river, and the Fishways at Oldtown Falls in said river. While the resolve seems to leave nothing to the discretion of the Attorney General, I deemed it my duty to thoroughly investigate the premises before commencing action. I have done so, and though my mind is not clear of doubts, the County Attorney of Penobscot County will commence suit at the next term of the Supreme Judicial Court for that county.

CAPITAL CASES.

I am pleased to say that my last years experience has not been repeated. There has been but one trial for murder, and then the indictment, in my opinion, should have been for manslaughter. This indictment was found at the August Term of the Court for Penobscot County against Charles F. Monk, a boy of sixteen years of age, for the murder of Arris Q. Kenney, at Dixmont. In my absence it was tried by the accomplished County Attorney for that county, and resulted in an acquittal. It appeared in evidence that there was an old feud between the Monk and Kenney families, which at this time culminated in an open quarrel between the father Kenney and the father Monk, in which the boy participated, finally shooting Kenney. The boy and his father both testified that the act was done in self defence, the boy that he feared his life was in danger. The age and appearance of the respondent were calculated to excite sympathy, while the reputation of the deceased created prejudice. At the same term an indictment was found against Levi Jack for burning the buildings on the poor farm at Dixmont in June last. The respondent plead guilty and was sentenced to death. Before passing sentence, the Court, assisted by the County Attorney carefully investigated the circumstances, found that while Jack was a man of weak mind, he was not insane, so there was no authority for committing him to the insane asylum; that it would be dangerous to the community to allow him to be at large, and would be injurious to his health to remain in jail, therefore the only thing that could be done under the statute, was to sentence him to death. This sentence should be commuted.

In Cumberland County, an indictment was found against Samuel Hill for Arson. The trial, conducted by the County Attorney, resulted in conviction. Exceptions were filed; argued at the July term of the Law Court, and overruled.

State vs. Luther J. Verrill.

The motion for a new trial was heard by Judge Dickinson. From the peculiar circumstances of the case, I deemed it my duty to notify the Court, that in event a new trial was granted, I should enter a *nol pros*. The presiding Judge justified this course in his opinion. A new trial was granted, and Verrill was discharged. The opinion of the Court will be found Vol. 54, M. R. Page 581.

CASES IN THE LAW COURT.

EASTERN DISTRICT—DECEMBER TERM, 1867.

Aroostook County.

State vs. Henry K. Knapp. Exceptions overruled. Judgment for the State.

Penobscot County.

State vs. Inhabitants of Mattawamkeag.

Bad roads. Exceptions overruled. Judgment for the State.

State vs. Edward Hayes. Exceptions overruled. Judgment for the State.

State vs. George Hines, Apt.

Same vs. Same.

Erecting a nuisance, contrary to municipal laws of Bangor. Now pending.

State vs. David Thiterbadeau. Larceny. Exceptions overruled. Judgment for State.

State vs. John McCann.

Same vs. Owen McCann.

Same vs. Samuel Nichols.

Same vs. Abram Woodard.

Same vs. Wm. D. McLaughlin et als.

Same vs. Edward Tebbitts et als.

Same vs. Wm. D. McLaughlin et als.

Same vs. Abram Woodard.

Same vs. Orrin M. Shaw.

Same vs. Owen McCann.

Same vs. David Mahigan.

Same vs. Patrick Moreau.

Same vs. Owen McCann.

Same vs. Daniel C. Hurley.

All the above indicted as common sellers. Exceptions overruled. Judgment for the State.

State vs. Henry Grant. Setting fire to a barn in the night time. Exceptions overruled. Judgment on the verdict.

State vs. Intoxicating liquors claimed by Jones et als. Exceptions overruled. Judgment on the verdict.

State vs. Jonathan Watson. Rape. Exceptions overruled. Judgment for the State.

State vs. Owen McCann.

Same vs. Patrick Moreau.

Same vs. Watson D. Bean.

Nuisance. Liquor shops. Exceptions overruled and judgment on the verdict for the State.

State vs. Watson D. Bean. Common seller. Exceptions overruled. Judgment for the State on the verdict.

State vs. Franklin C. Tozier. Embezzlement. Exceptions overruled. Judgment for the State on the verdict.

MIDDLE DISTRICT—MAY TERM, 1868.

Kennebec County.

State vs. Vide Lashus, Apt. Search and seizure. Motion and exceptions overruled. Judgment for the State.

State vs. Benjamin Johnson, Apt.

Same vs. John Osgood, “

Same vs. Samuel Kimball, “

Violations of liquor law. Dismissed from the docket.

State vs. Wm. G. Kingsbury, Apt.

Same vs. Wm. H. Hodgdon, Apt.

Liquor. Pending.

State vs. Nicholas Mahew, Apt.

Same vs. John D. Dinsmore, Apt.

Same vs. Same.

Liquor cases. Exceptions overruled. Judgment for the State.

WESTERN DISTRICT—JULY TERM, 1868.

Franklin County.

State vs. Richard Fassett. Common Seller. Exceptions overruled. Judgment for the State.

Oxford County.

State vs. Gilman Chapman. Submitted on briefs. Continued.

Androscoggin County.

State vs Charles E. Coombs. Larceny. Exceptions overruled. Judgment on the verdict.

Cumberland County.

State vs. Dudley F. Merrill. Gaming house. Exceptions overruled. Judgment for the State.

State vs. Samuel Hill. Arson. Exceptions overruled. Judgment on the verdict.

State vs. John Moran.

Same vs. Joseph Ham.

Same vs. John Fitzsimons.

Same vs. R. R. Robinson.

Same vs. Hugh Kelly, Apt.

Same vs. W. J. McDonald.

Same vs. P. Dehan.

Same vs. Wm. Sweet.

Same vs. James Tonier et als.

Same vs. Albert G. Cook.

Same vs. Same, Apt.

Same vs. Edward Brackett.

Same vs. Same, Apt.

Same vs. Wm. A. Mitchell.

The above all liquor cases, the greater part "search and seizure." In each, exceptions overruled. Judgment for the State.

State vs. Frederick H. Read et als. Exceptions overruled. Judgment for the State.

State vs. Timothy Hallihan.

Same vs. Wm. H. Kaler.

Search and seizure. Continued.

I give the usual abstracts from the reports of the County Attorneys and of the County Treasurers. While I took especial care, writing to each County Attorney and Treasurer, to insure an early reception of these reports I failed in my purpose, some four or five of the Attorneys, and a large number of the Treasurers, entirely neglecting their duties in this respect. Thus, my report, by law due December 1st, is delayed to the 10th. Some of these docu-

ments are carelessly and negligently drawn, containing errors, it is impossible for me to correct. Knox County has no Sheriff, and from the fact that I am unable to obtain any report, I suppose has no County Attorney. Hence these abstracts do not present an accurate statement of the business.

The sentences to State prison in 1868 were forty-three; to county jail, sixty-two; to reform school, nine; fines seventy-eight; death, one. For other matters of interest I refer you to the annexed abstracts.

All which is respectfully submitted.

WM. P. FRYE, *Attorney General.*

December 10, 1868.

Sentences from 1860 to 1868 inclusive.

	State Prison.	County Jail.	Reform School.	Fine, &c.	To be hung.	Insane Asylum.
Sentences,—1868, . . .	43	62	9	78	1	—
“ 1867, . . .	60	88	9	143	3	1
“ 1866, . . .	104	94	6	150	1	1
“ 1865, . . .	30	41	10	113	—	—
“ 1864, . . .	16	32	5	109	3	—
“ 1863, . . .	49	40	5	150	3	—
“ 1862, . . .	38	36	3	108	2	—
“ 1861, . . .	65	36	8	85	2	—
“ 1860, . . .	42	46	4	110	—	—
Total for nine years, . . .	447	475	59	1,046	15	2

Liquor cases disposed of in the Supreme Court, 1868.

Counties.	No. of Cases.	Fines Collected.	Committals.
Androscoggin,	4	\$221 00	—
Aroostook,	—	—	—
Cumberland,	1	100 00	—
Franklin,	1	100 00	—
Hancock,	3	300 00	—
Kennebec,	3	—	3
Knox,	—	—	—
Lincoln,	—	—	—
Oxford,	3	300 00	—
Penobscot,*	23	2,175 00	2
Piscataquis,	1	40 00	—
Sagadahoc,	14	700 00	6
Somerset,	1	100 00	—
Waldo,	—	—	—
Washington,	5	500 00	—
York,	—	—	—
Total for 1868,	59	\$4,536 00	11
“ 1867,	107	about 8,223 00	30

* Nearly if not all prosecuted in 1867, carried to Law Court, and in 1868 came back for sentence.

TABLE A.

COUNTIES.	CASES.	CRIMES.																				
		Whole number.	Homicide.	Arson.	Perjury.	Forgery and counterfeiting.	Compound larceny.	Larceny.	Burglary.	Robbery.	Kape.	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, 1867,	131	2				5	4	1					2	3							
	Appealed cases pending Nov. 1, 1867,	19					2	6														
	Indictments found Jan. Term, 1868,	18						6	1						2							
	Appealed cases entered Jan. T., 1868,	12																				
	Indictments found April T., 1868,	17						1			1				1	2						
	Appealed cases entered April T., 1868,	4										1										
	Indictments found Sept. T., 1868,	9						2				3				2	1					
	Appealed cases entered Sept. T., 1868,	4										1										
	Indictments pending at end of year,	59					4	7			1	1	1	1	2	3	1			11	24	4
	Appealed cases pending at end of year,	11										1									9	1
AROSTOOK.	Indictments pending Nov. 1, 1868,	8						3														
	Appealed cases pending Nov. 1, 1868,	1																				
	Indictments found Feb. T., 1868.	1						1														
	Appealed cases entered Feb. T., 1868,	1																				
	Indictments found Sept. T., 1868.	5						1								2	1					
	Appealed cases entered Sept. T., 1868,	1																				
	Indictments pending at end of year '67,	5						2			1	1			1							
	Appealed cases pending " "	1																				
CUMBERLAND.*	Indictments pending Nov. 1, 1867,	31		1			2	3		1			1				1	1	2	7	6	
	Appealed cases pending Nov. 1, 1867,	10																		10		
	Indictments found Nov. T., 1867,	68		1			14		10										3	38	2	
	Appealed cases entered Nov. T. 1867,	1																				
	Indictments found July T. 1868.	39					5	7	1		1	3	6	2	1	1	2	3	1	2	4	

	Indictments pending at end of year,	25	-	1	-	-	-	2	-	1	-	-	1	1	2	-	-	2	3	2	9	1
	Appealed cases pending at end of year,	38	-	-	-	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	38	-
FRANKLIN.	Indictments pending Nov. 1, 1867,	26	-	2	-	-	-	3	-	-	-	-	1	-	5	-	-	-	5	10	-	-
	Appealed cases pending Nov. 1, 1867,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found March T., 1868,	10	1	-	-	-	-	-	-	-	-	-	3	-	4	1	-	-	-	-	-	1
	Appealed cases entered Mar. T., 1868,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Sept. T., 1868,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
	Appealed cases entered Sept. T., 1868,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending at end of year,	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HANCOCK.	Indictments pending Nov. 1, 1867,	30	-	-	-	1	-	-	-	-	-	-	2	1	4	-	-	3	1	12	6	
	Appealed cases pending Nov. 1, 1867,	3	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	1	-	-
	Indictments found Nov. T., 1867,	9	-	-	-	1	1	-	-	1	-	-	3	-	-	-	-	2	-	1	1	-
	Appealed cases entered Nov. T., 1867,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found April T., 1868,	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered April T., 1868,	7	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	6	-	-
	Indictments pending at end of year,	17	-	-	1	-	-	1	-	-	1	1	1	-	-	-	-	5	1	6	-	-
	Appealed cases pending at end of year,	2	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
KENNEBEC.	Indictments pending Nov. 1, 1867,	26	1	1	-	1	-	2	2	-	2	-	1	1	-	-	-	5	4	5	1	-
	Appealed cases pending Nov. 1, 1867,	23	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22	1	-
	Indictments found Oct. T., 1867,	6	-	-	-	1	-	-	-	-	-	-	-	-	1	-	-	2	-	2	-	-
	Appealed cases entered Oct. T., 1867,	22	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	20	-	-
	Indictments found March T., 1868,	9	-	1	-	-	-	-	1	3	2	-	-	-	-	-	-	-	1	1	-	-
	Appealed cases entered Mar. T., 1868,	15	-	-	-	-	4	-	-	2	-	-	-	-	-	-	-	-	-	9	-	-
	Indictments found Aug. T., 1868,	19	-	1	-	-	5	2	-	1	2	-	-	1	1	1	1	1	1	4	5	-
	Appealed cases entered Aug. T., 1868,	11	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending at end of year,	26	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending at end of year,	39	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	No return.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
KNOX.	Indictments pending Nov. 1, 1867,	10	-	-	-	1	-	-	-	3	-	-	-	-	-	-	-	2	-	3	1	-
LINCOLN.	Appealed cases pending Nov. 1, 1867,	4	-	-	-	-	-	-	-	3	-	-	3	-	-	-	-	-	-	1	-	-
	Indictments found April T., 1868,	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
	Appealed cases entered April T., 1868,	3	-	-	-	1	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Oct. T., 1868,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-
	Appealed cases entered Oct. T., 1867,	4	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	3	-
	Indictments pending at end of year,	9	-	-	-	1	-	-	-	3	-	-	-	-	-	-	-	2	2	-	1	3
	Appealed cases pending at end of year,	8	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	1	3
OXFORD.	Indictments pending Nov. 1, 1867,	11	-	1	-	-	2	-	-	-	-	-	-	-	-	-	-	1	4	1	1	-
	Appealed cases pending Nov. 1, 1867,	2	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-

TABLE A, (CONTINUED.)

COUNTIES.	CASES.	CRIMES.																			
		Whole number.	Homicide.	Arson.	Perjury.	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.
OXFORD.	Indictments found March T., 1868,	8	1	-	-	-	2	3	-	-	-	-	-	-	-	-	-	-	-	2	-
	Appealed cases entered Mar. T., 1868,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Sept. T., 1868,	9	-	-	-	-	3	-	1	-	-	-	-	-	-	-	-	-	-	4	1
	Appealed cases entered Sept. T., 1868,	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
	Indictments pending at end of year,	7	-	-	-	-	1	-	-	-	-	-	-	1	-	-	1	1	1	1	1
PENOBSCOT.	Appealed cases pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1867,	60	-	1	-	-	-	8	1	1	-	5	-	1	2	5	6	5	25	-	
	Appealed cases pending Nov. 1, 1867,	35	-	-	-	-	7	-	-	-	-	10	-	-	-	-	-	4	2	-	
	Indictments found Feb. T., 1868,	39	-	1	-	-	2	12	-	-	1	2	-	4	2	1	-	-	-	23	
	Appealed cases entered Feb. T., 1868,	28	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	7	1
PISCATAQUIS.	Indictments found Aug. T., 1868,	35	1	1	-	2	2	5	-	1	-	10	1	3	-	3	1	-	-	2	
	Appealed cases entered Aug. T., 1868,	20	-	-	-	-	2	-	-	-	-	10	-	-	-	-	-	-	-	8	
	Indictments pending at end of year,	60	-	1	-	1	-	8	-	1	-	12	-	8	-	5	7	-	-	14	2
	Appealed cases pending at end of year,	25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending Nov. 1, 1867,	8	1	1	-	-	1	1	-	-	-	1	-	-	-	1	2	-	-	-	-
PISCATAQUIS.	Appealed cases pending Nov. 1, 1867,	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
	Indictments found Feb. T., 1868,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
	Appealed cases entered Feb. T., 1868,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Sept. T., 1868,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Sept. T., 1868,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PISCATAQUIS.	Indictments pending at end of year,	6	1	1	-	-	1	1	-	-	-	-	-	-	1	-	1	-	-	-	-
	Appealed cases pending at end of year,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SAGADAHOC.	Indictments pending Nov. 1, 1867,	16	-	-	-	3	4	1	1	-	1	1	-	-	-	1	-	1	3
	Appealed cases pending Nov. 1, 1867,	2	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
	Indictments found April T., 1868,	38	-	-	-	2	-	-	-	1	1	-	1	2	-	-	-	3	28
	Appealed cases entered April T., 1868,	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5
	Indictments found Aug. T., 1868,	2	-	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-
SOMERSET.†	Appealed cases entered Aug. T., 1868,	2	-	-	-	-	1	-	-	-	-	1	-	-	-	-	-	-	-
	Indictments pending at end of year,	34	-	-	-	4	5	1	1	-	1	-	1	2	1	-	-	3	15
	Appealed cases pending at end of year,	2	-	-	-	-	1	-	-	-	-	1	-	-	-	-	-	-	-
	Indictments found March T., 1868,	11	-	-	-	-	2	-	-	1	4	-	2	-	1	-	-	-	1
	Appealed cases entered Mar. T., 1868,	3	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	2
WALDO.	Indictments found Sept. T., 1868,	2	-	-	-	-	1	-	-	-	1	-	-	-	-	-	1	-	-
	Appealed cases entered Sept. T., 1868,	3	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
	Indictments pending Nov. 1, 1867,	31	2	1	-	1	3	-	-	-	2	-	-	-	1	5	-	14	2
	Appealed cases pending Nov. 1, 1867,	15	-	-	-	-	-	-	-	7	-	-	2	-	-	-	-	-	6
	Indictments found April T., 1868,	5	-	-	-	-	2	-	-	2	-	-	-	-	-	1	-	-	-
WASHINGTON.	Appealed cases entered April T., 1868,	12	-	-	-	-	1	-	-	-	3	-	-	-	-	-	-	-	8
	Indictments pending at end of year,	29	1	-	-	1	3	-	-	2	-	-	-	-	-	6	-	14	2
	Appealed cases pending at end of year,	22	-	-	-	-	1	-	-	8	-	2	-	-	-	-	-	11	-
	Indictments pending Nov. 1, 1867,	47	-	-	-	-	2	-	-	-	-	3	1	-	-	6	-	32	-
	Appealed cases pending Nov. 1, 1867,	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-
YORK.	Indictments found April T., 1868,	7	-	-	-	-	5	-	-	-	-	-	-	-	-	1	-	1	-
	Appealed cases entered April T., 1868,	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-
	Indictments found Oct. T., 1868,	22	1	-	-	-	3	-	-	-	1	1	-	-	-	1	-	15	-
	Appealed cases entered Oct. T., 1868,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
	Indictments pending at end of year,	57	1	-	-	-	4	-	-	-	3	-	3	1	-	6	-	39	-
YORK.	Appealed cases pending at end of year,	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	-
	Indictments pending Nov. 1, 1868,	45	-	-	2	8	4	1	-	1	2	7	-	1	-	6	3	10	-
	Appealed cases pending Nov. 1, 1868,	21	-	-	-	-	-	-	-	-	6	-	-	1	-	-	-	12	2
	Indictments found Jan. T., 1868,	13	-	-	1	3	2	1	-	1	-	-	-	1	1	2	-	1	1
	Appealed cases entered Jan. T., 1868,	15	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	11	1
YORK.	Indictments found May T., 1868,	10	-	-	-	1	2	-	-	1	-	-	-	1	3	-	-	-	-
	Appealed cases entered May T., 1868,	9	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	6	-
	Indictments found Sept. T., 1868,	4	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	1	-
	Appealed cases entered Sept. T., 1868,	5	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-
	Appealed cases entered Sept. T., 1868,	5	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	2

* November Term omitted in the transfer of criminal jurisdiction to the Superior Court.

† Owing to sickness of the County Attorney for Somerset this report is incomplete.

TABLE B.

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

Counties.	Indictments and Appeals.	Disposition during the year ending Nov. 1, 1868.					Condition at end of year.			Sentences.				
		Quashed.	"Nol pros'd" on payment of costs.	"Nol 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.	Fines, &c.	To be hung.
Androscoggin,	Indictments,	-	2	119	21	4	65	4	1	4	8	3	8	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Aroostook,	Indictments,	-	1	-	-	-	15	8	-	2	2	-	-	-
	Appeals,	-	-	-	-	-	2	1	-	-	-	-	-	-
Cumberland,	Indictments,	-	14	12	22	4	22	10	12	10	14	-	6	-
	Appeals,	-	-	-	-	-	-	-	*12	-	-	-	-	-
	Indictments,	-	-	-	-	-	-	-	†11	-	-	-	-	-
Franklin,	Indictments,	-	5	18	4	1	7	3	-	1	1	-	2	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Hancock,	Indictments,	-	1	9	6	1	13	9	-	1	1	-	6	-
	Appeals,	-	7	2	-	-	1	1	-	-	-	-	-	-
Kennebec,	Indictments,	-	4	41	11	10	47	14	4	1	6	-	4	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Knox, ‡	Indictments,	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Lincoln,	Indictments,	-	-	4	-	-	9	-	-	-	-	-	-	-
	Appeals,	-	-	3	-	-	8	-	-	-	-	-	-	-
Oxford,	Indictments,	-	3	6	9	1	6	-	1	3	6	-	-	-
	Appeals,	-	1	-	-	-	-	-	-	-	-	-	-	-
Penobscot,	Indictments,	-	9	7	53	4	44	10	6	11	8	2	33	1
	Appeals,	-	18	10	20	-	17	5	3	-	-	-	-	-
Piscataquis,	Indictments,	-	-	2	-	-	6	-	-	-	-	-	2	-
	Appeals,	-	2	-	-	-	-	-	-	-	-	-	-	-
Sagadahoc,	Indictments,	-	-	4	15	3	16	15	1	-	7	-	8	-
	Appeals,	-	-	7	-	-	2	-	-	-	-	-	-	-
Somerset,	Indictments,	-	1	15	2	2	46	8	1	1	1	-	-	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Waldo,	Indictments,	-	4	3	-	-	70	17	2	-	3	-	-	-
	Appeals,	-	2	-	-	-	7	14	1	-	-	-	-	-
Washington,	Indictments,	-	4	6	9	-	44	12	1	2	2	2	3	-
	Appeals,	-	1	1	1	-	9	1	-	-	-	-	4	-
York,	Indictments,	-	13	37	12	-	66	-	-	7	3	-	-	-
	Appeals,	-	-	-	-	-	-	-	-	-	-	-	-	-
Total, §		3	91	306	184	30	462	132	56	43	62	9	78	1

* Continued on default of recognizance for scire facias.

† Not to be brought forward unless by order of Court.

‡ No report from Knox County.

§ No distinction is made in this total between "indictments" and "appeals," owing to the defective manner in which several of the county reports are made up.

REPORTS FROM COUNTY TREASURERS.

COUNTIES.	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 Jailors, &c.	Total Expenses.	Total Receipts.
Androscoggin,	\$4,157 24	\$2,953 15	-	\$1,018 75	†	\$1,113 87	\$214 13	\$88 00	\$7,110 39	\$1,416 00
Aroostook,	614 69	-	-	460 79	-	-	40 00	-	-	-
Cumberland,	2,663 43	5,706 40	\$307 72	-	‡\$3,492 29	4,397 37	3,016 25	121 00	-	-
Franklin,	726 09	23 08	-	225 37	403 24	-	¶417 22	-	960 56	-
Hancock,	585 87	-	-	559 02	-	-	544 85	-	-	-
Kennebec,	2,209 93	1,973 61	-	2,619 52	-	61 14	164 00	200 00	-	-
Knox,	408 53	-	-	193 41	\$749 76	-	-	-	-	-
Lincoln,	367 68	282 09	-	139 71	336 64	-	20 00	-	-	-
Oxford,	2,246 01	171 69	-	681 51	601 28	-	¶392 45	-	-	-
Penobscot,	3,690 83	1,085 77	-	4,158 23	2,958 33	3,734 63	531 71	-	-	-
Piscataquis,	79 04	41 55	-	45 23	-	45 00	3 00	184 77	-	-
Sagadahoc,	1,316 66	247 57	-	449 43	883 00	682 58	204 00	-	2,896 66	886 58
Somerset,	874 87	642 92	-	622 51	375 00	276 60	109 00	28 74	-	-
Waldo,	-	-	-	-	§424 76	-	-	-	-	-
Washington,	2,373 42	1,610 18	-	1,353 12	1,187 48	465 68	95 00	-	-	-
York,	3,498 07	*4,431 63	-	2,112 00	-	527 11	516 40	33 83	-	-
Total,	\$25,811 36	\$19,169 68	\$307 72	\$14,637 61	\$11,411 78	\$11,303 98	\$5,268 01	\$656 36	-	-

* * There is a bill allowed by County Commissioners to J. S. Hunt & Co., detectives, in case of Cornish Bank robbers for \$2,862.82—not paid yet.

† Included in amount actually paid for costs in S. J. Court.

‡ Includes service of venire and Stenographic Reporter fee.

§ Grand Jurors and Traverse Jurors.

¶ This includes all sums received from Clerk of Courts.

This report is incomplete and unsatisfactory owing to the manner in which the several reports of the County Treasurers are made up.