

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 THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1875.

VOLUME I.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1875.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

STATE OF MAINE.

1874.



AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1875.



REPORT.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE, }
Bangor, December 21, 1874. }

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

I have the honor to submit my second annual report of the business of this office for the year ending October 31, 1874.

During the year I have advised the several departments of the State Government whenever called upon, furnishing written opinions when required.

I have personally attended the trial and final disposition of the following indictments for capital offences, in the Supreme Judicial Court:

IN THE COUNTY OF ANDROSCOGGIN.

An indictment against James M. Lowell for the murder of his wife, Mary Elizabeth Lowell, on the twelfth day of June, 1870; tried at the January Term, Judge Walton presiding.

It appeared that the murdered woman suddenly and mysteriously disappeared from Lewiston, where she lived, and nothing was heard of her for more than three years. She was last seen on the evening of that day, 12th of June, riding with her husband in the direction of the Switzerland road. On the 15th of October, 1874, the headless skeleton of a woman was found near the Switzerland road, three or four miles from the city proper, which skeleton was pronounced by the jury of inquest to be the remains of the missing woman, Mary Elizabeth Lowell. The jury further found that she was murdered. The prisoner was suspected, and on the 17th of October, arrested in Massachusetts. He was charged with the murder and held to await the action of the Grand Jury. At the

January Term of the Court he was indicted for the crime and upon that indictment brought to his trial on the 10th of February.

After a fair and impartial trial, lasting ten days, his defence being a general denial, he was found guilty of murder in the first degree. Exceptions were filed by his counsel, but at the next term of the court, they were withdrawn and the sentence which the law affixes to the crime of which he was convicted, was passed upon him by Judge Walton, and he was forthwith committed to the State Prison, to await execution thereof.

Hon. Eben F. Pillsbury of Augusta, and Hon. M. T. Ludden of Lewiston, counsel for the prisoner. County Attorney Wing assisted me in the prosecution.

IN THE COUNTY OF PENOBSCOT.

An indictment against Elbridge W. Reed for the murder of John Ray, at Medway, September 20, 1870; tried at the February Term, Chief Justice Appleton, presiding. This was the third trial of the prisoner, and occupied fifteen days. Defence, a general denial. Verdict, *guilty of murder in the second degree*.

Exceptions, and motion for new trial, were filed by his counsel. The motion was argued before the presiding Judge and overruled; the exceptions were argued before the full Court at Bangor and overruled. At the August Term, Judge Peters presiding, the prisoner was sentenced to the State Prison for life.

Hon. William H. McCrillis and John F. Robinson Esq., counsel for the prisoner. County Attorney Hutchings assisted me in the prosecution.

IN THE COUNTY OF WASHINGTON.

An indictment against Amos C. Benner for *Arson*, the burning in the night time of the dwelling house of Charles P. Holland, in Pembroke; tried at the April Term, Judge Cutting presiding. Defence, a general denial; verdict, *Guilty*. The trial occupied eight days.

Exceptions were filed by his counsel and were argued at the Law Term for the Western District, in July. The opinion of the Court has not yet been announced.

A. McNickol, Esq., and Hon. Joseph Granger counsel for the prisoner. County Attorney Harvey assisted me in the prosecution.

IN THE COUNTY OF KNOX.

An indictment against Charles Tilton Robbins of Deer Isle, for the murder of Solomon Camp, a British subject, on board the schooner "Annie B," on the 24th of May, 1874 ; trial at the September Term, Judge Peters presiding.

It appeared that on the afternoon of the 22d of May, the prisoner, under the name of Dunham of St. Andrews, went on board of the British schooner, the "Annie B," in Portland harbor, and took passage for St. John. In the night, when seven miles off Monhegan Light, the prisoner attacked the two men of the crew on deck with a revolver, and following up his attack with an iron bar, he inflicted mortal wounds upon the mate, Solomon Camp, of which wounds he died in Rockland on the 28th of that month. The prisoner, taking the boat of the "Annie B," fled to Monhegan, thence to Rockland, where, on board the Deer Isle packet, he was arrested, May 25th, at the instance of the British Consul at Portland.

The crime having been committed upon a British deck on the high seas, Great Britain had and claimed jurisdiction, and the prisoner was taken to Portland, and there had his examination before U. S. Commissioner Rand, by whom he was held to await the action of the Washington authorities upon the demand of Great Britain for his extradition.

Prior to the death of Camp, no offence had been committed of which our courts had jurisdiction. But the death occurring within the State, gave jurisdiction in the county where the death ensued, although the mortal injuries were inflicted without the State. Such is the obvious intent of our statute. The prisoner and his friends naturally enough preferred that he should have his trial here, where he could have his witnesses, and by a jury of his own countrymen. Hence they resisted the demand for his extradition. The Governor was appealed to, to use his good offices with the Washington authorities to prevent his extradition, and secure for him a trial in our own courts. Though charged with a great crime, the law presumed the prisoner to be innocent. The action of the Governor was prompt and decisive. It was represented to our Government that the offence with which the prisoner was charged, was justiceable in our own courts, and, if not surrendered to Great Britain, it would be the duty of the officers of the law to bring him to trial before the proper tribunal. Our Government,

thereupon declined to surrender him to a foreign jurisdiction to be tried for an alleged crime cognizable by the courts of our own country, and ordered him to be turned over to the State authorities for trial here.

The trial fell to the County of Knox—the county where the death ensued. The prisoner was accordingly indicted at the September Term of the Court by a grand jury of that county, and brought to his trial on the 29th of September. Defence, a general denial and insanity. Verdict, *Not Guilty by reason of insanity!* The trial occupied twelve days.

The English Consul at Portland, the Hon. Henry John Murray, watchful of the interests of his own countrymen, attended the trial throughout, and at its close was pleased to express his entire satisfaction with the efforts of the Government to vindicate the law and justice of both countries.

The British authorities, though true to the traditional care of their Government for the rights of British subjects, in their endeavors to secure the extradition of the prisoner, at once acquiesced in the decision of our Government, and rendered the prosecution every aid in their power. They detained the crew of the “Annie B,” and caused their attendance at the trial as witnesses. The State had no process to reach them, or power to procure their attendance; and but for their fair dealing and good offices in that behalf, the prisoner could not have been tried in his own country, and, consequently, must have been extradited.

Abner Knowles, Esq., of Bangor, and Hon. Charles A. Spofford of Deer Isle, counsel for the prisoner.

I was ably assisted in the prosecution by County Attorney Rice.

IN THE COUNTY OF WALDO.

At the January Term of the Court, in the case of John True Gordon, tried and convicted at the October Term, 1873, of murder in the first degree, the exceptions filed at the time of trial, were withdrawn by his counsel, and the sentence of the law was pronounced upon the prisoner by Justice Dickerson.

IN THE COUNTY OF CUMBERLAND.

The only indictment for a capital offence now pending for trial is one against Jonathan Watson for the crime of Arson.

The prisoner has been once tried and convicted, and the verdict set aside by the full Court on a question of law. He was again brought to trial at the September Term of the Superior Court in Portland, and after the testimony for the prosecution was out, his case was continued to the next term of that Court, by reason of the death of one of the jurors.

County Attorney Libby conducted the prosecution.

Four men are now in custody charged with capital offences and awaiting the action of the Grand Jury: Two for murder in the County of Androscoggin; one for murder in the County of Penobscot; and one for Arson in the County of Piscataquis. These cases will be disposed of in January and February, at the next terms of the Supreme Judicial Court for said counties respectively.

CIVIL SUITS.

During the past year the following suits at law, growing out of the public lands of the State, have been prosecuted:

Carlton S. Bragg vs. Parker P. Burleigh, Land Agent. Replevin of logs cut on the public lots in Silver Ridge plantation by parties who held the deed of the right to cut until the township was organized. The legality of the organization being contested, the Land Agent seized the logs, and this suit was brought. The decision of the Court *in law* being in favor of the State, and the case remanded for trial, the suit has been adjusted by payment of reasonable and fair stumpage.

Stinson vs. Parker P. Burleigh, Land Agent. Replevin of logs cut under similar circumstances on the public lots in Oakfield plantation. After the decision in the previous case, this was also adjusted in the same manner.

Elbridge G. Dunn vs. Parker P. Burleigh and al.

Robert Scott vs. Parker P. Burleigh and al. These suits were both trespass for seizing logs, teams and supplies of lumbering operation, carried on at the time upon township No. 11, Range 3, a settling township, under permit to Dunn from E. & N. A. R. Co. The township was one claimed by the company under the State grant, but whose title was contested. A decision of the Court *in law* settled the title to be in the State and therefore the seizure held valid. The first described suit in favor of Dunn was consequently nonsuited, being for the logs.

The proceedings in the sale of the teams and supplies under the statute of 1872, chapter 9, being held bad, the latter case was remanded for further proceedings.

Jonathan Kennedy vs. same, is an action of the same character, growing out of said seizure, and now stands for trial.

State of Maine vs. Elbridge G. Dunn, is an action of trespass for the same cutting, brought under the provisions of R. S., chap. 5, sect. 7.

The Court having decided in favor of the State as to the title of all these lands in dispute, an agreement has been made for the settlement and consequent dismissal of them all without any further litigation, and that disposition will be made at the next term of the Court.

CRIMINAL CASES ARGUED AND CONDUCTED IN THE LAW COURT DURING THE YEAR.

EASTERN DISTRICT—LAW TERM, 1874.

Washington County.

State vs. Amos C. Benner. Arson. On Exceptions. Continued.

Piscataquis County.

State vs. Asa Parker. Common seller. On demurrer and exceptions. Exceptions overruled. Judgment for the State.

Hancock County.

State vs. Alexander Martin. Drinking house and tippling shop. Exceptions overruled. Judgment for the State.

State vs. Alexander Martin. Common seller. Exceptions overruled. Judgment for the State.

State vs. Henry McGuerin. Search and seizure. Exceptions overruled. Judgment for the State.

State vs. Neal J. Stewart. Common seller. Exceptions overruled. Judgment for the State.

Penobscot County.

State vs. Horace Woodman and others. Conspiracy. Demurrer and exceptions. Continued.

State vs. Lawrence G. Tracy. Search and seizure. Motion to arrest. Exceptions. Judgment for the State.

State vs. John C. Frank. Claimant of intoxicating liquors. Motion. Exceptions. Judgment on the verdict.

State vs. Mason A. Walton. Embezzlement. Demurrer and exceptions. Judgment for the State.

State vs. Elbridge W. Reed. Murder. Motion and exceptions overruled. Judgment on the verdict.

MIDDLE DISTRICT—LAW TERM, 1874.

County of Kennebec.

State vs. Albert Caswell. Embezzlement. Exceptions overruled. Judgment for the State.

State vs. John Tibbetts, 2d. Disorderly house. Exceptions overruled. Judgment for the State.

State vs. Jas. M. Pulsifer. Billiard room. Exceptions overruled. Judgment for the State.

State vs. Reddington J. Kenniston. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. John Walsh. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. M. L. Enright. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. John Shaw. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. Benjamin Johnson. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. Oliver C. Rollins. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. Wm. H. Folsom. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. John Stevens. Larceny. Motion in arrest. Exceptions overruled.

State vs. Wm. H. Folsom. Search and seizure. Demurrer. Exceptions. Judgment for the State.

State vs. Edwin E. Wiggin, et al. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. Benjamin Johnson. Liquor nuisance. Exceptions overruled. Judgment for the State. ●

County of Knox.

State vs. George W. Sherman. Common seller. Exceptions overruled. Judgment for the State.

State vs. Charles S. Coombs. Common seller. Exceptions. Judgment for the State.

State vs. Arch Watts. Common seller. Exceptions. Judgment for the State.

County of Lincoln.

State vs. George W. Simmons. Common seller. Exceptions. Judgment for the State.

County of Sagadahoc.

State vs. Peter McManas. Liquor nuisance. Exceptions overruled. Judgment for the State.

State vs. Peter McManas. Search and seizure. Exceptions. Judgment for the State.

State vs. Same. Liquor seizure. Exceptions. Judgment for the State.

State vs. Same. Liquor case. Judgment for the State.

State vs. Same. Common seller. Exceptions. Judgment for the State.

County of Somerset.

State vs. George W. Brown. Common seller. Exceptions overruled. Judgment for the State.

State vs. Inhabitants of Madison. Exceptions. Continued.

State vs. Norridgewock Falls Bridge. Exceptions. Continued.

WESTERN DISTRICT—LAW TERM, 1874.

County of Androscoggin.

State vs. Sumner R. Walker. Search and seizure. Exceptions. Judgment for the State.

State vs. Nathaniel Maybury and J. H. Gleason. Cheating by false pretences. Exceptions. Continued.

State vs. Ezra C. Kilgore, appellant. Search and seizure. Exceptions sustained. Judgment arrested on the ground that "complaint was not signed by complainant."

County of Franklin.

State vs. Lafayette P. Skolfield. Common seller. Exceptions Continued.

State vs. John Edwards alias John Bragdon, James Smith alias James Eastman, and Frank Bragdon. Burglary. Exceptions overruled. Judgment for the State.

State vs. Albion D. Wilson. Common seller. Exceptions. Judgment for the State.

County of York.

State vs. Jacob C. Clough. Common seller. Exceptions. Continued.

State vs. Jere Rogers. Common seller. Exceptions overruled. Judgment for the State.

State vs. Jere Rogers. Drinking house and tippling shop. Exceptions overruled. Defendant to plead anew.

State vs. Frank Pierre, appellant. Search and seizure. Exceptions. Continued.

State vs. John Mahoney, appellant. Search and seizure. Exceptions. Continued.

State vs. Franklin G. Pierre alias Frank Pierre. Common seller. Exceptions overruled. Judgment for the State.

County of Cumberland.

State vs. Oliver G. Gould. Libel. Argued at former term. Exceptions overruled. Judgment on the verdict.

State vs. David S. Mills. Larceny. *Nol Pros.* to be entered on docket Supreme Judicial Court, September Term, 1874.

State vs. Simon A. Leveitt. Manslaughter. Dismissed.

State vs. Jeremiah Ragan. Larceny. Exceptions overruled. Judgment on the verdict.

State vs. Jonathan Watson. Arson. Exceptions sustained. Verdict set aside. New trial granted.

State vs. James Garland. Claimant of intoxicating liquors. Exceptions sustained.

State vs. Cornelius McCann. Search and seizure. Exceptions overruled. Judgment for the State.

State vs. Charles Pettis. Larceny. Exceptions overruled. Judgment on the verdict.

State vs. Samuel Nowlan, appellant. Search and seizure. Exceptions. Continued.

State vs. Samuel Nowlan. Search and seizure. Motion in arrest and exceptions. Continued to abide.

State vs. William Parr. Search and seizure. Motion in arrest and exceptions. Continued.

State vs. Francis Winslow. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Annie Leighton, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Patrick Ney, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Patrick Ney, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Neil McCafferty, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Samuel S. Roder. Forgery. Exceptions. Judgment for the State.

State vs. William Murphy. Drinking house and tipling shop. Exceptions. Judgment for the State.

State vs. Augustus A. Black. Rape. Exceptions overruled. Judgment for the State.

State vs. George H. Bailey. Nuisance. Exceptions. Judgment for the State.

State vs. Patrick Tobin. Drinking house and tipling shop. Exceptions. Judgment for the State.

State vs. Parmenas E. Wheeler. Drinking house and tipling shop. Exceptions. Continued.

State vs. Dennis Warren. Drinking house and tipling shop. Judgment for the State.

State vs. Oliver J. Steuben. Common seller. Exceptions. Judgment for the State.

State vs. Francis Winslow. Common seller. Exceptions. Judgment for the State. ●

State vs. James McLaughlin. Drinking house and tipling shop. Plea in abatement. Exceptions. Judgment for the State.

State vs. John Gallagher. Drinking house and tipling shop. Judgment for the State.

State vs. Francis Winslow, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Patrick Ney, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for the State.

State vs. Patrick Plunkett, appellant. Search and seizure. Motion in arrest and exceptions. Continued.

State vs. William McGlinchy. Assault and battery. Exceptions. Judgment for the State.

State vs. Joseph F. Boardman. House of ill fame. Exceptions overruled. Judgment for the State.

State vs. Richard Collins. Common seller. Exceptions. Judgment for the State.

State vs. Richard Collins. Drinking house and tippling shop. Exceptions. Continued to abide.

State vs. Parmenas E. Wheeler. Common seller. Exceptions. Continued.

State vs. Parmenas E. Wheeler. Drinking house and tippling shop. Exceptions. Continued.

State vs. Charles D. Richards. Common seller. Judgment for the State.

State vs. Cornelius Connelly, appellant. Search and seizure. Motion in arrest and exceptions overruled. Judgment for the State.

State vs. Mary Corksay, appellant. Search and seizure. Motion in arrest and exceptions. Continued.

State vs. Patrick McGlinchy, appellant. Search and seizure. Motion in arrest and exceptions. Continued.

State vs. James McLaughlin, appellant. Search and seizure. Motion in arrest and exceptions. Judgment for State.

State vs. Thomas A. Pike. Manslaughter. Motion for new trial and exceptions argued by County Attorney and continued.

State vs. Peter O' Connor. Nuisance. Exceptions. Continued.

State vs. Patrick McGlinchy. Nuisance, liquor. Exceptions. Continued.

State vs. Robert Costello. Liquor nuisance. Exceptions. Continued.

State vs. Andrew Lang. Liquor nuisance. Exceptions. Continued.

State vs. Abner Paine. Liquor nuisance. Exceptions. Continued.

State vs. Abner Paine. Common seller. Exceptions. Judgment for the State.

State vs. John Howley. Liquor nuisance. Exceptions. Argued and continued.

State vs. John Sheridan. Liquor nuisance. Exceptions. Continued.

State vs. Greenville D. Miller. Liquor nuisance. Exceptions. Continued to abide.

State vs. Greenville D. Miller. Common seller. Exceptions. Judgment for the State.

State vs. James McLaughlin. Common seller. Judgment for the State.

State vs. Silas B. Huntress. Common seller. Exceptions. Judgment for the State.

State vs. George E Ward. Liquor nuisance. Exceptions. Continued.

State vs. George E. Ward. Common seller. Exceptions. Continued to abide.

State vs. Charles McCarthy. Claimant of intoxicating liquors. Exceptions continued.

ENFORCEMENT OF THE LAW AGAINST DRINKING HOUSES AND TITTLING SHOPS.

The whole number of cases during the year in the Supreme Judicial Court for violations of the law, is six hundred and thirty-nine indictments, and two hundred and forty-three appealed cases; against four hundred and eight indictments and one hundred appealed cases in 1873. The whole number of convictions, two hundred and seventy-six; the number of committals, forty-one; and the whole amount of fines collected, \$30,898.51; against one hundred and five convictions, one committal, and \$13,212.96 fines collected in 1873. The amount of fines collected in 1872 was \$7,606.64.

Many of the County Attorneys, in their reports to this office, give interesting details respecting the enforcement of the law and the success attending the same in their respective counties.

The County Attorney of *Aroostook County* reports:

“The Sheriff has been very diligent in looking after the violators of the law, and I think I may safely say there is less drunkenness and a less number of persons engaged in the unlawful sale of intoxicating liquors in the county than there were a year ago.

It is a noticeable fact, that the cause of temperance is prospering in this county, and especially in the town of Houlton, to a degree never before witnessed. The enforcement of the law has diminished the number of dram shops, and driven the traffic into

secret places. The Reform Club has accomplished great good in exciting a wholesome public sentiment, and both together give promise of still greater results in the future."

The County Attorney of *Cumberland County* reports:

"The number of indictments found since January 1, 1874,—the commencement of my term of office—186; number of appealed cases 86. The total amount of fines collected, \$13,141.04; the number of committals 15; these were cases in the Superior Court. During the same period there have been collected from fines and costs in the Police Court of the city (Portland), in liquor cases, three thousand nine hundred and ninety dollars (\$3,990). The amount collected in the Superior Court is larger than that collected in any previous year, and I think is more than sufficient to pay the expenses of prosecution. I have met with no difficulties in prosecuting persons indicted for violations of the liquor law, which do not attend the successful prosecution of other criminal offences. The juries have done their duty impartially and promptly where the evidence has justified conviction."

The County Attorney of *Franklin County* reports:

"The Grand Jury are disposed to find bills in all cases where there is a prospect of conviction. There would be many more indictments in this county were there more efforts made by the people in securing information and making it known to the Sheriff or his deputies, or making complaint to the Grand Jury.

The Sheriff and his deputies are disposed to do their duty promptly, as required of them by act of 1872, chapter 62, and I believe the law may be fully and satisfactorily enforced in this county by them if encouraged and co-operated with by the people. The enactment of a State Constabulary Law seems to be uncalled for here."

The County Attorney of *Hancock County* reports:

"Twenty-eight indictments against violators of the law have been found this year; none last year. Almost all of the liquor traffic in this county is carried on in Ellsworth. There is hardly any other town where public sentiment gives it any countenance. In Ellsworth we have not suppressed the traffic wholly, but in no place is liquor sold openly. Every possible precaution is taken by the sellers to protect themselves against the law."

The County Attorney of *Knox County* reports :

“ With respect to the operation of the liquor law, where the law has been enforced in a republican city and democratic county, and where every officer engaged in its enforcement has been, as I believe, anxious to discharge his duty with strict fidelity, I have to say that as a prohibitory law it is entirely ineffectual. It drives out of the business of liquor selling all persons of respectability, and tends, in my judgment, to the increase of low groggeries, in large places. In farming towns in my county there are practically no violations of the law. They obtain their supplies from the sea-board.”

The County Attorney of *Lincoln County* reports :

“ There have been eighteen indictments found under the law and six appealed cases, during the year, to ten indictments found in 1873.

The liquor traffic in this county has been confined chiefly to the towns of Waldoboro', Damariscotta and Wiscasset. Several attempts have been made to open and run rum shops, but they have, in every instance, been nipped in the bud and stopped. In Waldoboro' and Damariscotta, and also in Bristol, the work has been very successful and the temperance people seem well satisfied with the results; but in Wiscasset the work has not been so successful in closing up the business. At the last October Term every rumseller in that town was indicted and paid his fine of \$100 and costs. I am satisfied that some of them will stop, and some will doubtless persist. Nor can I hope to see a total suppression of the sale of liquors there, until the people show greater interest and courage in the warfare against them.

The amount of fines paid into the County Treasury for prosecutions under the law will not vary much from \$1,300—a little more, I think.”

The County Attorney of *Penobscot County* reports :

“ During the last six or eight months there has been greater vigilance and an increased activity on the part of the officers of the law, in the enforcement of this law. They have been stimulated to their duty and assisted in its performance by a better public sentiment, the result of the temperance revival. The number of prosecutions for its violation that came before the court at the August Term was more than twice as great as the number

before the February Term. And the efforts put forth in this county during the year past, more especially the middle and latter part of the year, in the enforcement of the law, supplemented by the work of the various temperance organizations, have been crowned with a fair degree of success."

The County Attorney of *Androscoggin County* reports :

"Agreeably to your direction, I herewith give you briefly a statement of what has been done in the County of Androscoggin in enforcing the law against drinking houses and tipling shops. And first I desire to say, in justice to the predecessors of those who now enforce the laws, that ever since the enactment of the so called 'Liquor Law,' the faithful manner in which the same has been executed, has rendered the County of Androscoggin not only an expensive field for the rumseller to ply his trade in, but a *dangerous* one, so far as his personal liberty is concerned. The sentiment of the public throughout the county is and always has been favorable to the execution of the law, and I think I am justified in saying that at this time there is not an open bar for the sale of intoxicating liquor in operation in Androscoggin county. The police force of the city of Lewiston are entitled to a great deal of credit for the well conducted warfare they have continually kept up against rum. It is, of course, impossible to prevent entirely the illegal sale of intoxicating liquors in a community like Lewiston, where every means is afforded in the direction of common carriers for bringing it in, and where the population, by reason of its business pursuits, is largely composed of foreigners. Instances of course, are constantly occurring of violation of the law, requiring the utmost vigilance on the part of the police; but with good law and public sentiment in favor of its execution, it is not, as has been declared, an impossibility to effectually suppress drinking houses and tipling shops. The newspapers printed in the county, without exception, advocate in the strongest terms the importance of enforcing the liquor law; this, it is true is but one circumstance, but it helps to sustain the public sentiment, and like all things of a like character, works in the right direction, and renders the labor of enforcing the law easier.

The sheriff has not, I believe, by himself or his deputies, performed any special work under the 'Sheriff Enforcement Act,' in this county. The efficient manner in which the police have per-

formed their duties, having rendered any interference or innovation unnecessary. Perhaps I should say that in those parts of the county most remote from the County Seat, the Deputy Sheriffs have had, in accordance with directions from the Sheriff, a sort of general oversight of matters in their respective localities to see that the law was kept inviolate, and have, I think, without exception, attended to their instructions faithfully, and that too, without pecuniary reward.

For a full and complete statement of the business performed by me in my official capacity in the suppression of drinking houses and tippling shops, I would refer you to the tabular statement already transmitted to you, in which the same is included.

I desire to make one suggestion toward an amendment of the present liquor law, as tending to obviate the most successful means by which parties are supplied with liquors for illegal sale in the cities of this and other counties. Various persons, under the cover of night, or in the guise of market-men in the day time, bring in various quantities of liquors from railroad stations from five to ten miles out of town (the owners knowing a seizure to be certain if the same is delivered at the depots in town), for which service they receive large sums of money from those to whom the liquors are delivered; thereby eluding the vigilance of the officers who are engaged in looking after the depots and other regular channels for delivery. By section 34 of chapter 27 of the Revised Statutes of Maine, all intoxicating liquors kept and deposited in this State, and the vessels in which they are contained, are declared contraband, &c. I would have the addition made to the present law, by the enactment of a provision similar to the provisions of the United States' law for the prevention of smuggling, that if in transit the teams conveying liquors for illegal sale should also be declared contraband and forfeited. Such a provision would, in my opinion, be more effective in deterring parties from engaging in the liquor traffic than any one now on our Statute book."

The County Attorney of *Kennebec County* reports:

"I think, however, that my knowledge of this matter is such as to justify the assertion, that at least one-third more successful liquor prosecutions have been had in this county during the last eighteen months than during any similar period since 1866, not excepting the year of the State Constabulary. From the very nature of this class of cases, and of the local information which

enables an officer to make a successful search and obtain the requisite testimony, these prosecutions have been due almost solely to the efficiency and fidelity of our city marshals and police officers. Our deputy sheriffs have not often been the complainants in liquor prosecutions, but I have never known a single instance in which any deputy has failed to do his duty faithfully and promptly upon complaint of any citizen. Since the Sheriff Enforcement Act of 1872, I do not know of a single instance in which a prosecution can be referred directly to any practical effect of that statute. I think that a complaint was preferred from the city of Gardiner under this act; but the deputy sheriff there is also city marshal, and so far as appears by his papers in Supreme Judicial Court, his acts in regard to the liquor law have all been in his capacity as city marshal. In the city of Augusta all prosecutions have been commenced by the city marshal and his police. It seems clear to me, that the Sheriff Enforcement Act had no connection with liquor prosecutions here.

Yet, I cannot maintain that as great a proportion of offences against the liquor law have been furnished as against some other penal statutes; for instance, that against larceny. But it seems to me that this does not arise from want of *officers*, but from the peculiarity of the offences, the condition of public sentiment,—the fact that complaints are not made by the citizens as promptly as in cases of larceny, and that the best testimony must come from those most unwilling to give it.”

The County Attorney of *Piscataquis County* reports:

“Eight indictments were found during the year against violators of the law, to one indictment in 1873. I find no special difficulties in enforcing the law. The worst evil we have to contend with is with Town Agencies. I believe it would be well to amend the law so that no town agent for the sale of intoxicating liquors could be appointed by municipal officers without a vote of the town authorizing it, at the annual meeting, in pursuance of a proper article in the warrant. If such a provision could be enacted it would do away with many agencies.”

The County Attorney of *Sagadahoc County* reports:

“The law has been successfully administered in this County this year. I look upon the liquor traffic as the prime cause of nearly all our criminal matters; and I think I can safely say that “rum

did it," with respect to all criminal matters we have had in our court this year, with the exception of *one case.*"

The County Attorney of *Somerset County* reports :

"There have been twenty indictments and three appealed cases under the law this year, against six indictments and two appealed cases in 1873. There have been ten convictions in the Supreme Judicial Court during the year, nine hundred thirty-three dollars in fines collected, and one committed, against three convictions and three hundred dollars in fines in 1873.

I respectfully recommend that section 20, chapter 27, R. S. be amended so as to make the penalty, fine or imprisonment in the discretion of the Court. We have been troubled in this county with Boston runners soliciting orders for liquor houses, such vagabonds as will take an order for a quart of rum of a man who cannot find his children bread; and so long as such fellows can escape with a fine they will continue to infest the county."

The County Attorney of *Washington County* reports :

"The number of indictments for violation of the liquor law, eighteen, and five appealed cases, to five indictments and six appealed cases in 1873. The number of convictions eleven, number of committals eight, fines collected \$600.

The law has been administered in this county, not with reference to making it a source of revenue, but for the suppression of the traffic; and there have been, consequently, a large number of persons imprisoned the past year, as compared with the amount of fines imposed. I have found imprisonment much the more effectual of the two forms of punishment, because there are two classes of persons engaged in the trade. The low, stupid, poor and desperate ones are generally unable to pay fines, and go to jail whenever convicted. This class are dependent for the means of continuing the business upon another and more thrifty class, whose cupidity secures a renewal of the stock of the poor convict whenever he is at large and desperate enough to repeat his risk of detection and punishment.

Therefore all substantial results must come from the effectual application of the law to such as are sufficiently cunning and unscrupulous to be measurably thrifty in the business. These have such influence over their customers as to make themselves almost sure of immunity from punishment,—for it is my conviction, from

seven years' experience as County Attorney, that no other form of vice will so effectually eradicate from a man his regard for truth, as drinking or trading in liquors in violation of law, and in defiance of the present public opinion on the subject. And it is by means of the fearful facility with which their customers commit perjury in the Grand Jury room, that the more thrifty class of rum sellers escape punishment. These can thrive and pay all the fines that can practically be imposed upon them.

For these reasons, the penalty of imprisonment has been inflicted more rigidly in cases where it is applicable than it has heretofore been, and the result has been satisfactory to the friends of temperance."

The County Attorney of *York County* reports :

"For some years no regular and persevering effort had been made in this county for the suppression of the liquor traffic. At the January Term, 1874, I could not find any record of recent convictions under the statute, and the law seemed to have been enforced, to say the least, not according to the spirit of it.

I resolved that none should go free except upon a plea of guilty, and none should settle except upon sentence of the court.

With the idea that the spirit of the law would be fulfilled if the traffic was suppressed, in many instances, after a plea of guilty and payment of costs, the indictments have been continued for sentence and afterward *not pros'd*, if the person indicted abandoned the business.

In some cases this has been sufficient inducement for the persons so dealt with to leave the business entirely; while in others they have violated their promises, been called promptly to account and paid the penalty. I have found that fear of second conviction with the imprisonment made a part of the penalty is the great prevention of the evil. So long as liquor dealers can go at large upon the payment of a fine, they do not fear the punishment.

Upon very many of the indictments pending, bench warrants have been issued in vacation, and whenever information was received that such persons were still engaged in the traffic they have been committed and required to give bail. If, after one committal they still continued to violate law, another warrant was issued and they were again committed. The expense and trouble attending this, together with the prospect of punishment in store, and the discouraging idea that the supply of warrants is inex-

haustible, has had almost always a salutary effect and caused them to discontinue the business.

Invariably parties indicted are required to plead, all proceedings upon the process conducted in open court and all fines and costs paid directly to the Clerk. The collection of fines has been a secondary object, although I have always remembered that the criminal costs were occasioned by the traffic, and have intended that those engaged in it should reimburse the county.

The whole amount of criminal bills allowed in the Supreme Judicial Court (\$4,300) and by the County Commissioners (\$7,200) in round numbers, amounts to \$11,500; and the amount of fines and costs paid into the treasury will balance it within a few hundred dollars. The Grand Jury have returned into Court one hundred and ninety-nine (199) bills of indictment for the violation of this statute. The Sheriff and his deputies have been indefatigable in their efforts to suppress the evil, and frequent seizures and convictions before Trial Justices and Municipal Courts, have been a most excellent check upon those engaged in the traffic.

I take much pleasure in here making mention of the great assistance I have received from the Sheriff and a few of his deputies, whose ardor and industry in this particular are worthy of high praise.

During the present year, signalized as it has been by a prolonged effort to suppress the traffic by force of law, crowned as this effort has been by success much exceeding our most sanguine expectations, the people of this county have marked the contrast between free rum and total prohibition. The absence of petty crime, the peace and good order in the community, are most gratifying.

In the city of Biddeford, a manufacturing place of 11,000 inhabitants, for a month at a time, not a single arrest for drunkenness and disturbance has been made or become necessary. Many of our people are believers in the proverb that 'God helps those who help themselves.' They believe the truth of it has been demonstrated among themselves. Just when it was most needed to further the cause, a wonderful temperance revival and reformation commenced. It is seldom in the history of our country that any movement of the kind has taken such deep root and spread so rapidly. The evidence of the sincerity of the movers in it is undoubted, their enthusiasm unbounded, their industry and continuous efforts to save others, a wholesome and binding pledge that their

compact will not be broken. Public sentiment in support of the law, once passive and almost dormant, is now universally in favor of a most active and impartial enforcement of its provisions.

It is safe to say that six-sevenths of the grog shops in York county have been closed; more than seventy persons have wholly abandoned the traffic and are now engaged in reputable business, except in those instances where they have absconded. In the city of Saco, it is doubtful if a single place can be found where intoxicating liquor is sold as a beverage. In the city of Biddeford, where more than fifty grog shops have been absolutely closed up, if intoxicating liquor is sold unlawfully it is done most cautiously, and can only be obtained by any with exceeding difficulty.

Assailed in front by the officers of the law, deprived by the reformers of their customers and support, borne down by a strong and hostile public sentiment, these violators of the law must ultimately quit the traffic. This done, we believe the prosperity and happiness of this community will be wonderfully increased; and we look for this new era as near at hand."

No special reports as to the work done in the enforcement of the Liquor Law in the counties of Oxford and Waldo, have been received by me. In the county of Waldo there have been ten convictions under the law during the year, and seven hundred and fifty-eight dollars in fines collected, to no convictions in 1873.

A tabular statement showing the number of convictions, committals, and amount of fines collected, from prosecutions under the law in the S. J. Court from 1867 to 1874 inclusive, appears in the Appendix; from which it may be seen that the convictions, committals, fines, &c., for 1874 largely exceed those of any previous year—not excepting the year of "the Constabulary."

It should be observed that this table indicates the results of prosecutions in the S. J. Court only, and but very imperfectly at that—for the penalties of the law seem to have been enforced with a view mainly to the *suppression* of the liquor traffic. Hence where that object has been accomplished many indictments have been suspended upon payment of costs. Then, again, only a small proportion of prosecutions before municipal and police courts are appealed to the S. J. Court, and it is in those courts that most of the work of enforcement is done. I have not the means at hand of giving an accurate statement of the results of prosecutions under the law in these courts, but I judge the whole amount of fines and costs collected during the year in the Supreme and inferior tribunals to be about fifty thousand dollars.

I respectfully renew my recommendation of last year, that the law regulating challenges in capital cases, be so amended as to give to the State the same number of challenges as is now given to the accused. The accused now has the right to challenge eleven of the jurors peremptorily, while the State can challenge five only. Every safeguard is thrown around the accused to protect him from improper conviction. He now has the right to testify in his own behalf, and the treasury of the State is at his command to pay his witnesses and employ able counsel to conduct his cause.

Of this more than humane policy of the law, there is no disposition to complain, but it should be remembered that it implies very great confidence in the intelligence and integrity of jurors; it at least implies a good jury, a *selected* jury. The right of challenge is intended and given for the purpose of selecting a jury, not only to secure an impartial, but an intelligent and conscientious jury. Why, then, should not that right be so extended as to give the State the same right as is now enjoyed by the accused?

In capital trials the main policy of the defence, in the selection of a jury, is, to exclude therefrom every "strong man." This policy is greatly befriended by the law in the greater number of challenges allowed to the accused, and in its prohibition against any man's sitting as a juror "who has conscientious scruples against finding a person guilty of an offence punishable with death." That the combined operation of these two causes are not oftener successful in the interest of crime, is only due to the superior intelligence and character of jurors generally summoned. So long as we have laws for the punishment of crime, every means, every advantage even, should be afforded the prosecution to obtain a good jury,—a jury of intelligent and conscientious men; not that it is more difficult to convict of capital offences than it *ought to be*, but that the guilty may not escape when *proved* guilty. The escape of the guilty is a greater public calamity than the crime itself, for then the law has so far failed of its object—the protection of the innocent by the example of punishment,—and something is taken away from the security of every man's life.

I am satisfied from experience that the absolute prohibition by statute (sect. 20, chap. 134), against any man's sitting as a juror in a capital case, "who cannot conscientiously find a person guilty of an offence punishable with death," is one of very great detri-

ment to the administration of justice. It often deprives the State of the services of some of the very best men summoned as jurors, and, too, in that class of cases of all others requiring the highest intelligence, cases of circumstantial evidence. It is rare, indeed, in capital cases any other evidence is attainable, and with intelligent and conscientious jurors no other is scarcely ever required. The mischief of the law is, that it assumes that jurors are responsible for the consequences of their verdict in the matter of punishment, and that their consciences are implicated therein. Hence, they are led to believe they *are* responsible for the penalty that may be inflicted, and that their consciences *are* thus implicated by their verdicts. Consequently, they gladly avail themselves of this law to evade, at once, a dread responsibility, and the most important duty that ever devolves upon the citizen; when, in truth, jurors have no such responsibility. They do not make or execute the laws; they do not pass sentence; they do not know, and cannot know, that sentence ever will be passed, or if passed that it ever will be executed. The law-making power, the Legislature, prescribes the penalty, and is alone responsible for the punishment that follows the verdict.

It is not perceived wherein the responsibility of a juror as to the penalty differs materially from that of the officers of the law who prepare the case; or the witnesses who give the testimony upon which the accused is convicted; or the Judge who passes sentence, or the Governor who executes it. It is a painful duty to all concerned therein to enforce the law, capitally, against the guilty, even; but then, it is a *duty*, and that one word carries with it all that is or ought to be necessary to satisfy the conscience of any good citizen, in whatever capacity he may be called upon to act in aid of the enforcement of the laws for the protection of society. What would be said of a witness upon the stand, who should assume to withhold his testimony in a capital case, and to claim exemption from the unpleasant duty on the ground that he had "conscientious scruples against convicting a man of an offence punishable with death," even though his testimony alone might send the prisoner to the gallows? Wherein does the position of the witness differ in respect of conscience and responsibility, from that of the juror? All that is required of either is, to *speak the truth*. It is the duty of the Jury simply to return a true verdict, that is, to *speak the truth* according to the evidence. In either case

the truth spoken may endanger life, the life of the guilty; but then, it may save life, the lives of the innocent; and jurors who have scruples about punishing the guilty, capitally, may be relied on to have, also, conscientious scruples against endangering the lives of the innocent by suffering the guilty to escape.

Experience shows that intelligent and conscientious jurors are quick to apprehend the truth, that with the consequences of their verdict they have nothing to do; that where the evidence amounts to full proof, they—the most “scrupulous”—are not apt to have their judgments controlled or disturbed by any such consideration.

The administration of justice, by jury trial, is a matter that transcends all others in importance. It is no less than our earthly Providence—the safeguard of the highest interests of human society. An English statesman was guilty of no exaggeration, who once said that “All we see about us, the whole machinery of the State, all the apparatus of the system and its varied workings, end in simply bringing twelve good men into a box.”

But we have a law that has no such tendency,—rather the opposite,—the exclusion of “good men” from the jury box. Worst of all, it tends to *educate* good men to evade that high public duty. The law was doubtless enacted in the supposed interests of justice, but its “workings” are adverse, and its whole tendency bad. If it was enacted out of deference to tender consciences, it is based upon a false assumption,—the responsibility of jurors for the penalties prescribed by law. As I believe the law tends only to evil, I respectfully recommend, that said 20th section of chapter 134, be amended by adding thereto the words, viz: *if challenged therefor by either party*—so that the last clause of said section, as amended, shall read as follows: “but no member of a Grand Jury finding an indictment shall sit on the trial thereof, if challenged therefor by the accused; nor shall any person be a juror in a capital case who cannot conscientiously find a man guilty of an offence punishable with death, if challenged therefor by either party.”

Inquests of dead bodies, when properly conducted, afford the surest means, where crime has been committed, of detecting the perpetrator. It is an opportunity which the interests of justice require should not be lost to the prosecution. But, as often conducted, these inquests are mere matters of form, affording no satisfactory results beyond the mere fact that a crime has been

committed. However experienced a coroner may be, no one can appreciate so well the importance of a thorough investigation into the minutest particulars and circumstances of the case at a time when everything is fresh and everybody is talking about it, as the prosecuting officers. I therefore respectfully recommend the passage of an act making it the duty of the Coroner, when summoned to make an inquest of a dead body, to forthwith notify the County Attorney or Attorney General, who shall be required to attend the inquest, and, under the Coroner, conduct the investigation.

I append the usual tables compiled from the returns made to me by the County Attorneys, and also a few of the opinions from this office, upon matters of more or less importance.

As to costs of criminal prosecutions during the year, I am unable to give any satisfactory information, in consequence of the failure of County Treasurers to make to me the returns required by law. Section 13, Chap. 136 of the Revised Statutes, reads as follows :

“He (the County Treasurer) shall on or before the 20th day of November, annually, make a report to the Attorney General, showing the amount paid out of his office during the year ending the first day of November, for costs of prosecutions in the Supreme Judicial Court, in the Superior Court for the County of Cumberland, in bills of costs allowed by County Commissioners for support of persons in jail, to Grand Jurors and to Traverse Jurors at terms of Court held exclusively for criminal business. Also the amounts received from fines, costs and forfeitures in said Courts, from Magistrates, Jailors and other officers.”

Of the County Treasurers, only about one-third have complied with the requirements of this statute, though all were specially notified from this office, and had their attention particularly called thereto. I am not aware that this law has ever been complied with so as to enable the Attorney General to give the required information. Either the law should be repealed, or some means provided whereby the provisions may be enforced. Possibly, if suitable blanks were prepared by the Secretary of State, and by him duly sent out to these officers, the required returns might be obtained.

I have the honor to be,

Very Respectfully,

Your obedient servant,

HARRIS M. PLAISTED, *Attorney General.*



APPENDIX.

TABLE Showing the number and disposition of Criminal Cases pending on questions of law in the Supreme Judicial Court during the year 1874, by Counties.

| COUNTIES. | Cases Pending. | Decided in favor of the State. | Decided against the State. | Argued and continued for decision. |
|-------------------|----------------|--------------------------------|----------------------------|------------------------------------|
| Androscoggin..... | 3 | 1 | 1 | 1 |
| Cumberland..... | 57 | 31 | 4 | 22 |
| Franklin..... | 1 | - | - | 1 |
| Hancock..... | 4 | 4 | - | - |
| Kennebec..... | 14 | 14 | - | - |
| Knox..... | 3 | 3 | - | - |
| Lincoln..... | 1 | 1 | - | - |
| Oxford..... | 3 | 3 | - | - |
| Penobscot..... | 3 | 2 | - | 1 |
| Piscataquis..... | 1 | 1 | - | - |
| Sagadahoc..... | 5 | 5 | - | - |
| Somerset..... | 5 | 3 | - | 2 |
| Washington..... | 1 | - | - | 1 |
| York..... | 6 | 3 | - | 3 |
| Total..... | 107 | 71 | 5 | 31 |

TABLE Showing the number and character of Criminal Cases pending on questions of law in the Supreme Judicial Court during the year 1874.

| | |
|--|-----|
| Arson..... | 2 |
| Assault and battery..... | 1 |
| Billiard room, keeping of..... | 1 |
| Burglary..... | 1 |
| Common seller of intoxicating liquors..... | 24 |
| Conspiracy to defraud..... | 1 |
| Disorderly house..... | 1 |
| Drinking house and tippling shop..... | 11 |
| Embezzlement..... | 1 |
| False pretences, cheating by..... | 1 |
| Forgery..... | 1 |
| Highways, indictment of..... | 2 |
| House of ill-fame..... | 1 |
| Intoxicating liquors, claimant of..... | 3 |
| Larceny..... | 4 |
| Libel..... | 1 |
| Manslaughter..... | 2 |
| Murder..... | 2 |
| Nuisance..... | 2 |
| Nuisance, liquor..... | 18 |
| Rape..... | 1 |
| Search and seizure..... | 26 |
| Total..... | 107 |

TABLE.

| 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, 1873, | 21 | - | - | - | - | - | 2 | - | - | - | 3 | - | 5 | - | - | 1 | - | 8 | - | - |
| | Appealed cases pending Nov. 1, 1873, | 8 | - | - | - | - | - | - | - | - | - | 1 | - | 1 | - | - | - | - | - | - | - |
| | Indictments found Jan. Term, 1874, | 37 | 1 | - | - | - | 1 | 6 | - | - | - | 3 | - | 3 | - | - | 1 | 9 | 12 | 1 | - |
| | Appealed cases entered Jan. T., 1874, | 10 | - | - | - | - | - | - | - | - | - | 2 | - | - | - | 1 | - | - | 7 | - | - |
| | Indictments found April T., 1874, | 33 | 1 | - | - | - | 3 | 8 | - | - | - | 1 | - | 1 | - | - | - | - | 13 | 2 | - |
| | Appealed cases entered April T., 1874, | 3 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | - | - |
| | Indictments found Sept. T., 1874, | 23 | - | - | 2 | - | 1 | 6 | - | - | - | - | 2 | 4 | - | 3 | - | - | 4 | - | - |
| Appealed cases entered Sept. T., 1874, | 12 | - | - | - | - | - | - | - | - | - | 3 | 3 | - | - | - | 1 | - | 9 | - | - | |
| Indictments pending at end of year, | 29 | - | - | - | 2 | - | 3 | - | - | - | 2 | 2 | 4 | - | 2 | - | - | 13 | - | - | |
| Appealed cases pending at end of year, | 12 | - | - | - | - | - | - | - | - | - | 2 | 2 | - | - | - | - | - | 10 | - | - | |
| AROSTOOK.... | Indictments pending Nov. 1, 1873, | 19 | - | - | - | - | 3 | - | - | - | 1 | 1 | 1 | 1 | - | 2 | 2 | 1 | 8 | 1 | - |
| | Appealed cases pending Nov. 1, 1873, | 6 | - | - | - | - | 1 | - | - | - | 2 | 2 | - | - | - | - | - | 1 | 2 | - | - |
| | Indictments found Feb. T., 1874, | 1 | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - | - | 1 | - | - | - | - |
| | Appealed cases entered Feb. T., 1874, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Sept. T., 1874, | 9 | - | 1 | - | - | 1 | - | - | - | - | 1 | - | 2 | - | - | - | - | 4 | - | - |
| | Appealed cases entered Sept. T., 1874, | 3 | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | 2 | - | - |
| | Indictments pending at end of year, | 18 | - | - | - | - | - | 3 | - | - | - | 2 | 1 | - | - | - | - | - | 9 | - | - |
| Appealed cases pending at end of year, | 8 | - | - | - | - | - | 1 | - | - | - | 4 | - | - | - | 2 | - | - | 2 | - | - | |
| CUMBERLAND... | Indictments pending Nov. 1, 1873, | 52 | 1 | 1 | 1 | 1 | 1 | 1 | - | 1 | 1 | 1 | 2 | 2 | - | 1 | 1 | 3 | 31 | 3 | - |
| | Appealed cases pending Nov. 1, 1873, | 23 | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | - | 28 | - | - | |
| | Indictments found Jan. T., 1874, | 108 | - | 1 | - | - | 1 | 1 | - | 1 | - | 6 | 1 | 4 | - | 2 | 2 | 80 | 8 | - | |
| | Appealed cases entered Jan. T., 1874, | 39 | - | - | - | - | - | - | - | - | - | 1 | - | 2 | - | - | 2 | 35 | 1 | - | |
| | Indictments found May T., 1874, | 96 | 1 | - | - | - | 3 | - | - | - | - | 1 | - | 3 | - | 2 | 2 | 83 | 1 | - | |

| | | | | | | | | | | | | | | | | | | | | |
|---------------|--|----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|----|---|----|---|
| | Appealed cases entered May T., 1874, | 34 | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | 32 | - |
| | Indictments found Sept T., 1874, | 47 | - | - | - | 9 | 3 | - | 1 | - | 1 | 1 | - | 1 | 2 | - | - | - | 23 | 6 |
| | Appealed cases entered Sept. T., 1874, | 25 | - | - | - | - | - | - | - | - | 1 | - | 2 | 1 | 3 | - | - | - | 21 | - |
| | Indictments pending at end of year, | 27 | 1 | 1 | - | 6 | 1 | - | - | 1 | 2 | - | 3 | - | - | 3 | - | - | 99 | 4 |
| | Appealed cases pending at end of year, | 39 | - | - | - | - | - | - | - | - | - | - | - | 2 | - | - | - | - | 39 | - |
| FRANKLIN..... | Indictments pending Nov. 1, 1873, | 10 | - | - | - | 2 | - | - | - | - | 4 | - | - | - | - | - | - | - | 2 | - |
| | Appealed cases pending Nov. 1, 1873, | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 |
| | Indictments found March T., 1874, | 11 | - | - | - | 7 | 1 | - | 1 | - | - | - | 3 | - | - | - | - | - | 4 | - |
| | Appealed cases entered Mar. T 1874, | 1 | - | - | - | - | - | - | - | - | - | - | - | 2 | - | - | - | - | - | - |
| | Indictments found Sept T., 1874, | 12 | - | - | - | 1 | - | 1 | - | - | 2 | 1 | - | - | - | - | - | - | 4 | 1 |
| | Appealed cases entered Sept. T., 1874, | - | - | - | - | - | - | - | - | - | - | - | - | 4 | - | - | - | - | - | - |
| | Indictments pending at end of year, | 18 | - | - | - | 1 | - | - | - | 1 | 1 | - | - | - | - | - | - | - | 9 | 2 |
| | Appealed cases pending at end of year, | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 |
| HANCOCK..... | Indictments pending Nov. 1, 1873, | 39 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending Nov 1, 1873, | 23 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found April T, 1874, | 20 | - | - | - | 2 | 3 | - | 1 | 2 | 3 | 2 | - | 1 | - | - | - | - | - | - |
| | Appealed cases entered April T, 1874, | 7 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Oct. T., 1874, | 14 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 | 2 | 2 | - |
| | Appealed cases entered Oct. T., 1874, | 5 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments pending at end of year, | 26 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending at end of year, | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| KENNEBEC..... | Indictments pending Nov. 1, 1872, | 29 | - | - | - | 4 | - | - | 2 | 4 | - | - | - | - | 2 | 6 | 7 | 2 | - | - |
| | Appealed cases pending Nov 1, 1872, | 9 | - | - | - | - | 2 | - | - | 2 | - | - | - | - | - | - | 4 | 1 | - | - |
| | Indictments found March T., 1873, | 30 | - | - | 1 | 6 | 2 | - | - | 3 | - | 1 | 1 | 1 | 1 | 1 | 13 | 1 | - | - |
| | Appealed cases entered Mar T., 1873, | 8 | - | - | - | - | 1 | - | - | 3 | - | - | - | - | - | - | 4 | - | - | - |
| | Indictments found August T, 1873, | 26 | - | - | 1 | 1 | 5 | - | 1 | 3 | 3 | 2 | - | 1 | 1 | 1 | 11 | 2 | - | - |
| | Appealed cases entered Aug. T. 1873, | 18 | - | - | - | - | - | - | - | 2 | - | 1 | - | - | - | 2 | 13 | 3 | - | - |
| | Indictments found October T., 1873, | 15 | - | - | 3 | 1 | - | - | - | 2 | - | - | 1 | 1 | - | - | 3 | 4 | - | - |
| | Appealed cases entered Oct , T., 1873, | 7 | - | - | - | - | - | - | - | 4 | - | - | - | - | - | - | - | - | - | - |
| | Indictments pending at end of year, | 49 | - | - | 4 | 4 | 1 | - | - | 5 | - | 3 | 1 | 2 | 4 | 9 | 12 | 5 | - | - |
| | Appealed cases pending at end of year, | 15 | - | - | - | - | - | - | - | 3 | - | - | - | - | - | - | 11 | 1 | - | - |
| KNOX..... | Indictments pending Nov. 1, 1873, | 18 | - | - | - | 1 | - | - | - | - | - | 1 | - | - | - | - | 16 | - | - | - |
| | Appealed cases pending Nov 1, 1873, | 1 | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Dec. T., 1873, | 4 | - | - | - | - | 1 | - | - | 1 | - | - | - | - | 2 | - | - | - | - | - |
| | Appealed cases entered Dec. T., 1873, | 2 | - | - | - | - | - | - | - | 2 | - | - | - | - | - | - | - | - | - | - |
| | Indictments found March T, 1874. | 12 | - | - | - | 2 | - | 1 | - | - | - | - | - | - | - | - | 9 | - | - | - |
| | Appealed cases entered Mar. T., 1874, | 3 | - | - | - | - | - | - | - | 3 | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Sept T. 1874. | 7 | 1 | - | - | - | 2 | - | - | 1 | - | - | - | - | - | - | 1 | 2 | - | - |
| | Appealed cases entered Sept. T., 1873, | 14 | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | 1 | - | - | - |

T A B L E — Continued.

| COUNTIES. | CASES. | CRIMES. | | | | | | | | | | | | | | | | | | | |
|---------------|--|---------------|-----------|--------|--------------|-----------------------------|------------------|----------|-----------|----------|-------|--------------------------------|----------------------|--------------------|--|---------------------|----------------------------|---------------------|------------|--------------------------|-----------------|
| | | Whole number. | Homicide. | Arson. | Perjury, &c. | Forgery and counterfeiting. | Compound larceny | Larceny. | Burglary. | Robbery. | Rape. | Assault with felonious intent. | Assault and battery. | Affrays and riots. | Offences against chastity, morality, &c. | Malicious mischief. | Cheating and conspiracies. | Defects in highway. | Nuisances. | Violation of liquor law. | Other offences. |
| KNOX..... | Indictments pending at end of year, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending at end of year, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| LINCOLN..... | Indictments pending Nov. 1, 1873, | 51 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending Nov 1, 1873, | 33 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found April T., 1874, | 6 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases entered Apr. T., 1874, | 11 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found October T., 1874, | 16 | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases entered Oct. T., 1874, | 3 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments pending at end of year, | 14 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending at end of year, | 5 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| OXFORD..... | Indictments pending Nov. 1, 1873, | 26 | - | - | - | 2 | - | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending Nov 1, 1873, | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Dec T., 1873, | 5 | - | - | - | - | - | 1 | 2 | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases entered Dec. T., 1873, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found March T., 1874, | 14 | 1 | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases entered Mar. T., 1874, | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Sept. T., 1874, | 8 | 1 | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases entered Sept. T., 1874, | 1 | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments pending at end of year, | 24 | 1 | - | - | - | - | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending at end of year, | 7 | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| PENOBSCOT.... | Indictments pending Nov. 1, 1873, | 42 | 1 | 1 | 1 | 1 | - | 5 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending Nov. 1, 1873, | 55 | - | - | - | - | - | 7 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Feb T., 1874, | 45 | - | 1 | - | 1 | - | 30 | 2 | - | 1 | 5 | - | - | - | - | - | - | - | - | - |

| | | | | | | | | | | | | | | | | | | | | |
|----------------|--|----|---|---|---|---|---|---|---|---|---|----|---|---|---|---|---|---|----|----|
| | Appealed cases entered Feb T., 1874, | 37 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 17 | 9 |
| | Indictments found August T., 1874, | 30 | - | - | - | 1 | - | - | - | - | - | 4 | 1 | - | - | - | 1 | 1 | 12 | 3 |
| | Appealed cases entered Aug. T., 1874, | 74 | - | - | - | - | - | 1 | - | - | - | 16 | - | - | - | - | - | - | 38 | 19 |
| | Indictments pending at end of year, | 34 | - | - | - | - | - | 3 | - | - | 1 | 3 | 1 | - | - | - | 4 | 2 | 14 | 6 |
| | Appealed cases pending at end of year, | 59 | - | - | - | - | - | - | - | - | - | 15 | - | - | - | - | - | - | 25 | 19 |
| PISCATAQUIS... | Indictments pending Nov. 1, 1873, | 19 | 1 | 1 | 1 | - | 1 | 5 | - | - | - | 1 | - | - | - | 1 | 3 | 1 | 5 | 1 |
| | Appealed cases pending Nov. 1, 1872, | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Feb. T., 1874, | 16 | - | - | - | - | - | - | 1 | - | 1 | 1 | - | - | - | - | - | - | 3 | - |
| | Appealed cases entered Feb. T., 1874, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments found Sept. T., 1874, | 4 | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | 3 | - |
| | Appealed cases entered Sept T., 1874, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Indictments pending at end of year, | 18 | - | - | - | - | - | - | - | 1 | 3 | 1 | - | - | - | - | - | - | 6 | 7 |
| | Appealed cases pending at end of year, | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| SAGADAHOC.... | Indictments pending Nov. 1, 1873, | 20 | - | - | - | - | 3 | 5 | - | - | - | 5 | - | - | - | 2 | - | - | 4 | - |
| | Appealed cases pending Nov. 1, 1873, | 7 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 7 | - |
| | Indictments found April T., 1874, | 8 | - | - | - | - | 3 | - | - | - | 3 | - | - | - | - | - | - | - | 1 | 1 |
| | Appealed cases entered Apr. T., 1874, | 5 | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 4 | - |
| | Indictments found Aug. T., 1874, | 10 | - | - | - | 1 | - | - | - | - | 1 | - | - | - | - | - | - | - | 5 | - |
| | Appealed cases entered Aug. T., 1874, | 9 | - | - | - | - | - | - | - | - | - | - | - | - | 3 | - | - | - | 6 | - |
| | Indictments pending at end of year, | 16 | - | - | - | 1 | 3 | - | 2 | - | 2 | 4 | - | - | - | - | - | - | 1 | 1 |
| | Appealed cases pending at end of year, | 4 | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 36 | - |
| SOMERSET..... | Indictments pending Nov. 1, 1873, | 33 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending Nov. 1, 1873, | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | - |
| | Indictments found Dec. T., 1873, | 12 | - | - | - | - | 1 | 2 | - | - | 1 | 3 | - | - | - | - | - | - | 5 | - |
| | Appealed cases entered Dec T. 1873, | 7 | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - |
| | Indictments found March T., 1874, | 17 | - | - | - | 1 | 1 | - | - | - | - | - | - | 2 | - | - | - | - | 13 | - |
| | Appealed cases entered Mar. T., 1874, | 1 | - | - | - | 1 | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - |
| | Indictments found Sept T., 1874, | 9 | - | - | - | - | 1 | - | - | - | 3 | - | - | - | - | 2 | - | - | 2 | - |
| | Appealed cases entered Sept. T., 1874, | 4 | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 3 | - |
| | Indictments pending at end of year, | 42 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases pending at end of year, | 6 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| WALDO..... | Indictments pending Nov. 1, 1873, | 12 | - | - | - | - | 2 | - | - | 1 | 5 | - | 1 | - | 2 | 1 | - | - | - | - |
| | Appealed cases pending Nov. 1, 1873, | 7 | - | - | - | - | - | - | - | - | 3 | - | 1 | - | - | - | - | - | 3 | - |
| | Indictments found Oct. T., 1873, | 8 | 3 | 1 | - | - | - | - | - | 1 | - | - | - | - | - | 1 | 1 | - | - | 1 |
| | Appealed cases entered Oct., T., 1873, | 4 | - | - | - | - | - | - | - | - | 2 | - | 2 | - | - | - | - | - | - | - |
| | Indictments found Jan. T., 1874, | 21 | - | - | - | - | - | - | - | - | 1 | - | - | - | - | 1 | - | - | 19 | - |
| | Appealed cases entered Jan. T., 1874, | 9 | - | - | - | - | - | - | - | - | 1 | - | 5 | - | - | - | - | - | 3 | - |
| | Indictments found April T., 1874, | 9 | - | - | - | - | 1 | - | - | 1 | - | - | - | - | 1 | 1 | - | - | 4 | - |
| | Appealed cases entered Apr. T., 1874, | 3 | - | - | - | - | - | - | - | - | 1 | - | - | 1 | - | - | - | - | 1 | - |

T A B L E— Concluded.

| COUNTIES. | CASES. | CRIMES. | | | | | | | | | | | | | | | | | | | | |
|---------------|--|---------------|-----------|--------|----------|-----------------------------|-------------------|----------|-----------|----------|-------|--------------------------------|----------------------|-------------------|---|---------------------|---------------------------|----------------------|-----------|--------------------------|-----------------|---|
| | | Whole number. | Homicide. | Arson. | Perjury. | Forgery and counterfeiting. | Compound larceny. | Larceny. | Burglary. | Robbery. | Rape. | Assault with felonious intent. | Assault and battery. | Affray and riots. | Offences against chastity, morality, &c | Malicious mischief. | Cheating and conspiracies | Defects in highways. | Nuisances | Violation of liquor law. | Other offences. | |
| WALDO..... | Indictments pending at end of year, | 27 | 2 | - | - | - | - | 1 | - | - | - | 2 | 2 | - | - | - | - | - | - | 15 | - | - |
| | Appealed cases pending at end of year, | 15 | - | - | - | - | - | - | - | - | - | 7 | - | - | - | - | - | - | - | 3 | - | - |
| WASHINGTON... | Indictments pending Nov. 1, 1873, | 18 | - | - | - | - | - | 3 | - | - | - | 1 | - | - | 4 | 1 | - | 2 | - | 12 | - | - |
| | Appealed cases pending Nov. 1, 1873, | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | - | - |
| | Indictments found Jan. T., 1874, | 8 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Appealed cases entered Jan. T., 1874, | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - |
| | Indictments found April T., 1874, | 19 | - | 1 | - | - | - | 1 | - | 1 | - | - | - | - | - | - | - | - | - | 10 | 1 | 6 |
| | Appealed cases entered April 1, 1874, | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 | - |
| | Indictments found Oct. T., 1874, | 19 | - | - | - | - | - | 5 | - | - | - | 3 | - | - | - | 2 | 1 | - | - | 8 | - | - |
| | Appealed cases entered Oct. T., 1874, | 5 | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 4 | - | - |
| | Indictments pending at end of year, | 19 | - | 1 | - | - | - | 1 | - | - | - | 1 | - | - | - | - | - | 2 | - | 12 | 2 | - |
| | Appealed cases pending at end of year, | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 4 | - | - |
| YORK..... | Indictments pending Nov. 1, 1873, | 31 | 1 | - | - | 3 | 2 | - | - | 1 | 4 | - | - | - | - | - | 3 | - | - | 8 | 9 | - |
| | Appealed cases pending Nov. 1, 1873, | 6 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 3 | - |
| | Indictments found Jan T., 1874, | 117 | - | 1 | - | - | 1 | - | - | - | 1 | 1 | - | 1 | - | - | 3 | 2 | 102 | 5 | - | - |
| | Appealed cases entered Jan. T., 1874, | 5 | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 4 | - | - |
| | Indictments found May T., 1874, | 47 | - | - | - | - | 1 | - | - | - | - | 2 | - | 2 | - | - | 2 | 2 | 35 | 7 | 3 | - |
| | Appealed cases entered May T., 1874, | 6 | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 7 | - | - |
| | Indictments found Sept. T., 1874, | 84 | - | 1 | 3 | - | 4 | - | - | - | 1 | 4 | - | 2 | - | - | - | - | 1 | 68 | - | - |
| | Appealed cases entered Sept. T., 1874, | 7 | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - | - | - | - | 5 | 1 | - | - |
| | Indictments pending at end of year, | 100 | 1 | - | 1 | - | - | - | - | 1 | 3 | 1 | - | 4 | - | - | 2 | 2 | 80 | 5 | - | - |
| | Appealed cases pending at end of year, | 10 | - | - | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | 9 | - | - | - |

TABLE Showing disposition of Cases during the year, and condition of those not disposed of.

| COUNTIES. | INDICTMENTS AND APPEALS. | Disposition during the year ending November 1, 1874. | | | | | Condition at end of year Nov. 1, 1874 | | | Sentences. | | | | |
|-------------------|--------------------------|--|-----------------------------------|----------------------------|--------------------------|------------|---------------------------------------|-----------------|-------------------------|--------------------------|---------------|--------------------------------------|----------------|-------|
| | | Quashed | "Not pros'd" on payment of costs. | "Not pros'd" or dismissed. | Conviction and sentence. | Acquittals | Continuances. | Continued open. | Continued for sentence. | Continued, marked "Law." | State Prison. | County Jail and House of Correction. | Reform School. | Fines |
| Androscoggin.. | Indictments | - | 2 | 15 | - | - | 23 | 5 | 1 | 15 | 11 | 2 | 14 | 1 |
| | Appeals | - | - | 2 | 3 | 1 | 9 | 1 | 1 | - | - | - | - | - |
| Aroostook | Indictments | - | 4 | 2 | - | - | 14 | 3 | 1 | 2 | - | - | - | - |
| | Appeals | - | 1 | - | - | - | 8 | - | - | - | - | - | - | - |
| Cumberland | Indictments | 1 | 21 | 45 | 109 | 2 | 38 | 60 | 29 | 14 | 19 | 1 | 56 | - |
| | Appeals | 1 | 6 | 7 | 70 | 4 | 3 | 20 | 16 | - | 11 | - | 64 | - |
| Franklin | Indictments | - | - | 7 | 8 | - | 12 | 5 | 1 | 1 | 1 | - | 6 | - |
| | Appeals | - | - | 1 | - | - | - | - | 2 | - | - | - | - | - |
| Hancock | Indictments | - | - | 28 | 7 | 2 | 16 | 1 | 1 | 1 | 3 | - | - | - |
| | Appeals | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Kennebec | Indictments | - | 12 | 6 | 24 | 8 | 15 | 6 | 28 | 4 | 2 | - | 19 | - |
| | Appeals | 3 | 9 | 7 | 5 | 3 | 2 | 3 | 10 | - | - | - | - | - |
| Knox | Indictments | 1 | - | 9 | 17 | 2 | 2 | 4 | 6 | 3 | 13 | - | 14 | - |
| | Appeals | - | 1 | 7 | 6 | - | 6 | - | - | - | - | - | - | - |
| Lincoln | Indictments | - | - | 1 | 9 | - | 7 | 4 | 3 | 1 | 1 | - | 10 | - |
| | Appeals | 1 | 4 | 5 | 3 | - | 4 | 1 | - | - | - | - | - | - |
| Oxford | Indictments | - | 3 | 17 | 5 | 2 | 17 | - | 4 | 3 | 4 | - | 4 | - |
| | Appeals | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Penobscot | Indictments | 2 | 19 | 94 | 57 | 10 | 54 | 30 | 13 | 8 | 13 | 2 | 27 | - |
| | Appeals | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Piscataquis | Indictments | - | - | 2 | - | - | 16 | - | 1 | - | - | - | 1 | - |
| | Appeals | - | - | 2 | 1 | - | - | - | - | - | - | - | - | - |
| Sagadahoc | Indictments | - | 7 | 15 | 10 | - | 5 | 8 | 2 | - | 2 | - | 13 | - |
| | Appeals | - | 3 | 2 | 4 | - | 3 | - | - | - | - | - | - | - |
| Somerset | Indictments | - | 8 | 7 | 14 | 2 | 32 | 6 | 4 | 4 | 1 | - | 11 | - |
| | Appeals | - | 2 | - | - | - | 6 | - | - | - | - | - | - | - |
| Waldo | Indictments | - | 1 | 6 | 12 | 2 | 24 | 3 | - | - | - | - | 11 | 1 |
| | Appeals | - | - | 9 | 1 | - | 15 | - | - | - | - | - | - | - |
| Washington | Indictments | - | 3 | 21 | 27 | 2 | 17 | 5 | 1 | 4 | 11 | 1 | 11 | - |
| | Appeals | - | - | - | - | - | - | - | - | - | - | - | - | - |
| York | Indictments | - | 9 | 85 | 83 | 2 | 142 | 146 | 7 | 7 | 11 | - | 65 | - |
| | Appeals | 1 | 2 | 9 | 3 | 1 | 18 | - | 4 | - | - | - | - | - |

Sentences from 1865 to 1874, inclusive.

| YEARS. | State Prison. | County Jail. | Reform School. | Fines, &c | To be hung. | Insane Asylum. |
|--------------------------|------------------|-----------------|-------------------|-----------|----------------|-------------------|
| 1874..... | 67 | 101 | 5 | 326 | 2 | 3 |
| 1873..... | 24 | 66 | 6 | 155 | 1 | - |
| 1872..... | 49 | 50 | 1 | 163 | 1 | - |
| 1871..... | 59 | 83 | 10 | 169 | - | 2 |
| 1870..... | 54 | 93 | 3 | 174 | 1 | - |
| 1869..... | 87 | 96 | 6 | 148 | 2 | 2 |
| 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 | - | 1 |
| Total for ten years | 577 | 774 | 65 | 1,619 | 12 | 9 |

Liquor Cases disposed of in the Supreme Court.

| COUNTIES. | No. of Cases. | Fines, &c., collected. | Committals |
|--------------------------------|------------------|---------------------------|------------|
| Androscoggin | 7 | \$672 50 | - |
| Aroostook | - | - | - |
| Cumberland—Superior Court..... | 93 | 13,141 04 | 15 |
| Franklin | - | - | - |
| Hancock | 1 | 44 45 | 1 |
| Kennebec..... | 15 | 2,031 98 | - |
| Knox..... | 16 | 894 20 | 8 |
| Lincoln | 10 | 1,224 05 | - |
| Oxford..... | 4 | 583 60 | - |
| Penobscot..... | 22 | 1,447 98 | 1 |
| Piscataquis | 9 | 73 00 | - |
| Sagadahoc..... | 6 | 521 30 | 1 |
| Somerset..... | 10 | 933 58 | 1 |
| Waldo | 10 | 758 27 | - |
| Washington..... | 11 | 600 77 | 8 |
| York..... | 61 | 7,967 69 | 6 |
| Total for 1874..... | 276 | \$30,898 51 | 41 |
| Total for 1873..... | 105 | 13,212.96 | 1 |
| Total for 1872..... | 99 | 7,606 64 | 5 |
| Total for 1871..... | 258 | 11,053 05 | 22 |
| Total for 1870..... | 174 | 15,398 00 | 31 |
| Total for 1869..... | 95 | 7,773 00 | 17 |
| Total for 1868..... | 59 | 4,536 00 | 11 |
| Total for 1867* | 107 | 8,223 00 | 30 |

*The year of the Constabulary.

OPINIONS.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE,
Augusta, February 20, 1874. }

Hon. JOSHUA NYE, *Insurance Commissioner*:

DEAR SIR:—I am in receipt of your communication requesting my opinion upon the following question, viz:

“Whether insurance placed in foreign companies that have not complied with the laws of this State, is valid and binding upon such companies?” And I have the honor to reply:

1st. That if the policy be issued in another State where the company has a right to issue policies, such policy is good at Common Law, although it be a policy outside of the State for which it be issued. The laws of the State where the policy is issued, afford the rule of validity and construction.

2d. If the policy be issued in this State by an agent who has no right to issue it, the policy is good by virtue of the Insurance Law (Revised Statutes, chapter 49, section 50), which makes the policy valid, though the agent be liable to a penalty.

These two classes embrace all cases. If issued from without the State, the policy is good at Common Law; if issued from an agency within the State, it is good by Statute.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE,
Augusta, February 26, 1874. }

To the Hon. NELSON DINGLEY, JR., *Governor of Maine*:

SIR:—The following question is submitted for my opinion, viz.:

Whether upon the facts stated, the Sheriff's Enforcement Act, chapter sixty-two, Public Laws of eighteen hundred and seventy-two, gave to the Sheriff of Knox county the discretion to omit proceedings by complaint and warrant of search and seizure,

against certain alleged offenders, under the provisions of chapter twenty-seven, Revised Statutes, known as the Liquor Law, and to adopt the alternative method prescribed in said Enforcement Act, of proceeding by indictment.

Section second of said act of 1872, provides that it shall be the duty of sheriffs and their deputies, diligently and faithfully to inquire into, and institute legal proceedings against the illegal sale of intoxicating liquor, the keeping of drinking houses and tippling shops, &c., within their respective counties, either by entering complaints before a magistrate competent to try or examine the same, or by furnishing the County Attorney with the names of supposed offenders, together with the names of the witnesses, for the action of the Grand Jury.

These provisions of the said act are intended to secure the more efficient enforcement of the law against drinking houses and tippling shops, by imposing upon sheriffs and their deputies, in addition to local officers, the duty of instituting legal proceedings either by complaint or by indictment. Clearly the alternative methods of procedure prescribed by said Enforcement Act, do not give to the said officers the discretion to elect to proceed by indictment instead of by the process of search and seizure. If it were so, the process of search and seizure might become practically a dead letter. This most efficient feature of the law is quite independent of the proceeding by indictment, except so far as it is in aid of it—seizures being frequently made the foundation of indictments for nuisances. But the process of search and seizure is based upon complaint supported by the oath or affirmation of the complainant, that he *believes* intoxicating liquors are kept or deposited in the places designated, and intended for unlawful sale within this State. This is not a requirement of the statute merely, (sec. 35, chap. 27, R. S.), but a constitutional provision, intended to secure the people "from all unreasonable searches and seizures." If, therefore, these officers whose duty it is to make the complaints under the law, and upon which alone warrants of search and seizures can issue, do *not believe* intoxicating liquors are so kept and deposited and intended for illegal sale in the places designated, they cannot make the requisite complaints without swearing falsely, or execute the process without a violation of a sacred provision of the Constitution.

It appears from the statement of facts submitted, that the Sheriff of Knox county was requested, in writing, by certain prominent

citizens of Rockland, to procure a warrant of search and seizure, and to search certain designated places, where, it was alleged, intoxicating liquors were kept for illegal sale, and to prosecute the alleged offenders; that the Sheriff applied to the proper magistrate for such process, but before making his complaint, he learned that the proposed prosecution had come to the knowledge of the supposed offenders, without any fault on his part, and he believed that if search were made no intoxicating liquors would be found in the places designated; in other words, he believed that no such liquors were then and there kept and deposited for illegal sale. How, then, could he make oath that he believed they were then and there so kept and deposited and intended for sale in violation of law? In my opinion, he could no more make such complaint against the alleged offenders and the places designated, than he could against any other citizens of Rockland, or places of business where he did not believe intoxicating liquors were kept or deposited for illegal sale.

The only course open to the Sheriff under the circumstances, was to prosecute the supposed offenders for illegal sales, either by complaint to the proper magistrate, or by the alternative method prescribed, of indictments at the next session of the Grand Jury, early in March; and in my opinion, it was within his discretion to adopt either of these modes of procedure.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE,
Bangor, June 1, 1874. }

To the Honorable the Governor and Council:

I have the honor to submit my opinion, as requested by the Council, upon the following question:

“How many acres of land in all are the Trustees of the Maine Female Seminary entitled to receive from the State under their grant of May 20, 1850?”

The language of the grant is: “The Land Agent is hereby authorized and directed to convey to said Trustees a quantity of land equal to two townships from any lands held in severalty by this State,” (Chap. 374, Special Laws of 1850).

In this State the average township is six miles square, a size

fixed upon as convenient and suitable for the purposes of a town, and when the territory to be surveyed has admitted of the plan that size generally, but not exclusively, has been adopted. The location of townships for the permanent school fund has been sometimes of larger and sometimes of smaller size than six miles square, but in every case a township has counted one. The ten townships reserved in the grant to the E. & N. A. R. Co. have been selected and located, and in no single instance do they contain exactly 23,040 acres. Four of them contain respectively 24,826, 22,056, 30,826 and 16,874 acres.

The words of the grant, however, are to have effect, and a reasonable construction therefor is to be sought. In all legislative grants a "township" of land has uniformly been understood to refer to surveys of public lands as generally made, into townships of six miles square. That is the average township, containing 23,040 acres.

But in every township of the public lands a thousand of its acres are by law reserved and devoted to public uses, "and at the same rate in all tracts less than a township." R. S., Chap. 5, Sect. 9. This statute is virtually the enactment of a Constitutional provision, (Art. X, Sect. 5, "seventh" part). Every Legislative grant therefore, of a "township" such as is known to the laws as a township, without any other designation, is to be understood a grant of a tract of land six miles square, subject to this Constitutional charge or limitation. The power of the Legislature to the extent of such reservation is limited, and the grantee can take no more than the grantor has the right to convey.

Nor is it in the power of the Legislature by varying the terms of the grant from a "township of land" to "land equal to a township," to free the grant from the Constitutional charge. For if so, the grantee under the terms of such a grant, of viz: "land equal to a township," would have the right to locate the grant, *in solido* upon a single township, absorbing the whole 23,040 acres, and the Constitutional provision thus rendered wholly nugatory.

In my opinion, therefore, the grant to the Maine Female Seminary, does not entitle the grantees to receive 46,080 acres *free* from the reservations to public uses.

The only special privilege afforded the grantees by the peculiar terms of the grant, is that of a wider range in the selection of their lands. They may locate their whole grant of 46,080 acres upon two townships *in solido*, in which case the grant would be

satisfied, though subject to the "Reservations"; or they may locate the same number of acres in tracts of greater or less extent in several townships, or upon "tracts less than a township," but subject still to that constitutional charge which is of uniform operation upon every part of the public domain.

The grantees may locate 46,080 acres. The Reservations are not to be made by deducting 2,000 acres before the grant is located, thus reducing the grant to 44,080 acres. Such reduction would subject the grant to *double* "Reservations." For suppose the grantees locate 23,040 acres upon one township, and 21,040 upon another township containing that number of acres only, their grant would still be subject to the reservations of a thousand acres in each township selected. And so also, "at the same rate" if they locate upon "tracts less than a township." There is no deduction that can be made from their two full townships, and no limitation or change imposed, save the "Reservations" *proper*, and these can be imposed only in the manner prescribed by law, viz: by *locating* them upon the lands *selected*.

Properly, in the deeds given of the several tracts or parcels of land selected, the Reservations should have been made, but if not made in express terms, they are implied, for they exist by force of a higher law, and may be set out to the public use in the mode prescribed by law.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE, }
Bangor, June 25, 1874. }

To the Hon. Governor and Council of Maine:

The question submitted by the Council for my opinion is: "Whether the horses and cars of the Portland Horse Railroad Company is taxable by the city of Portland by an assessment upon said company—said company being a corporation created by the laws of this State?"

By the general provisions of law respecting the assessment of of taxes, all real and personal estate of corporations is liable to taxation. It is not a question, therefore, whether the horses and cars of such a corporation is exempt from taxation, but a mere question as to the form and mode, in which taxes are to be assessed.

It is a well settled principle of law that the stockholders of corporations are to be taxed for the corporate property, in the form of a tax upon the *shares* holden by the individual members, *except* so much of the corporate property as is *specifically* required by statute to be taxed to the corporation; and, in such case, a proper deduction is to be made therefor, from the valuation of the shares.

The only direct and specific authority given to towns by our statute, to tax the property of such corporations—corporations other than manufacturing corporations—applies to real property only. Hence the value of all personal property owned by such corporations is left to be included as a subject of taxation in the value of the shares, and in that form only, is taxable.

The provisions of sec. 19, ch. 6, R. S., are intended to prevent any corporation from escaping taxation altogether, through failure on its part to comply with the requirements of sec. 21, ch. 46, R. S. As to Railroad Corporations, that object is attained by the act 1874, ch. 258, and said sec. 19 as to said corporations is thereby repealed.

It is my opinion, therefore, that the horses and cars of the said Railroad Company are not taxable by the municipal authorities of the city of Portland.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE, }
Bangor, June 25, 1874. }

HON. NELSON DINGLEY, JR., *Governor of Maine* :

SIR:—I have the honor to reply to your communication of the 23d instant, requesting my opinion upon the following question :

“ Whether or not the Courts of this State have jurisdiction in the case of Charles Tilton Robbins of Deer Isle, who, on the 24th of May last, is alleged to have inflicted mortal injuries upon Solomon Camp, the mate of the British schooner “Annie B,” said mortal injuries having been inflicted on board of said schooner, when upon the high seas, and said Camp having died of the said injuries within this State ?”

From the question and the facts, as stated, it is clear that Great Britain has jurisdiction of the alleged offence, and as that Government claims jurisdiction and has demanded the extradition of

Robbins, our Government is bound by treaty stipulations to surrender him to that power, unless the offence is also cognizable by the courts, State or national, of this country.

Robbins is a citizen of the United States, and now in the custody of the United States authorities, and if the United States have jurisdiction of the offence with which he is charged, he will not be surrendered for trial to any other jurisdiction, foreign or otherwise.

By the Act of Congress of March 3, 1825, section 4, it is provided that if any person, upon the high seas, &c., "within the admiralty and maritime jurisdiction of the United States, shall commit the crime of murder, or shall wilfully and maliciously strike, stab, wound, poison or shoot at any other person, of which striking, stabbing, wounding, poisoning or shooting such person shall afterwards die upon the land," the offender shall, upon conviction, suffer death.

But the offence with which Robbins is charged was committed upon a *British* deck, and therefore not one "within the admiralty and maritime jurisdiction of the United States;" for it is the character of the vessel and not that of the offender that determines the question of jurisdiction under this statute. (*Imbert's Case*, 4 Washington C. C. 702). The United States, therefore, have no jurisdiction of the case.

Has this State jurisdiction?

If this State has jurisdiction, if the offence charged is justiceable in the courts of this State, the Executive may justly and properly demand that the accused be delivered up for trial in our own courts. He is a citizen of the State, and though charged with a great crime, the law presumes him to be innocent. Simple justice therefore, would seem to demand that he have his trial in his own country, where he can have his witnesses and a jury of his countrymen. Certainly is he entitled to the protection of his own government, to the extent of securing to him a fair trial in the courts of his own State, if those courts have jurisdiction.

Section 3, chapter 131 of the Revised Statutes reads as follows:

"If a mortal wound, or other violence or injury is inflicted, or poison administered, on the high seas, or without this State, whereby death ensues within this State, such offence may be tried in the county where the death ensues; and if such an act is done within and death ensues without this State, such offence may be tried in the county where the act was done, as if the death had there ensued."

This statute has been in force in this State since the Separation, and was derived from a Massachusetts Statute enacted in 1795, which reads as follows :

“When any person hereafter shall be feloniously stricken, poisoned or injured, on the high seas and without the limits of this Commonwealth, and die of the same stroke, poisoning or injury in any county thereof, that then an indictment thereof, found by the Grand Jury of the county where the death shall happen, before the Justices of the Supreme Judicial Court there held, shall be good and effectual in law as if the stroke had been given or the poisoning or injury done in the same county where the party shall die.”

By another section of this act of 1795, it is provided that when the mortal injuries are inflicted in one county and death ensues in another, the offender may be tried in either county ; which section was the original of our Statute, section 2, chapter 131.

These two provisions proceed upon the same general principle, that when a man commits a criminal act of the nature described, in one county or country, he may be held liable for its *continuous* operation in another county or country. Upon the same principle it is held, at Common Law, that when goods are stolen in one jurisdiction and carried by the thief into another jurisdiction, he may be tried in either. The unlawful carrying of the goods being deemed a continuous unlawful taking.

The Statute in question has stood through all revisions, and though it has never received judicial construction by the Courts of this State, its intent and meaning cannot be doubtful. It was, obviously, the intention of the Legislature to bring to justice the murderers of those who die within the State, without regard to the place where the mortal injuries were inflicted ; in all cases, when they were inflicted without this State.

In a case arising under the provision, that when the mortal stroke was given in one county, the offender might be tried in the county where the death happens, Chief-Justice Parker, in giving the opinion of the full Court of Massachusetts (2 Pick. 588), says :

“Murder is a complex term, denoting several facts of which the *death* of the party is one of the most essential. The mortal stroke, the administering the poison, does not constitute the crime unless the sufferer dies thereof, within a year and a day.”

This language applies with equal force to the question under consideration. There was no murder, at all, committed on board

the "Annie B," until the death of Camp, and then it was murder under *our* laws and within *our* jurisdiction; for the offender is deemed to have committed murder where the death ensued by a *continuance* of the mortal blows inflicted by him. It is my opinion, therefore, that the offence with which Robbins stands charged, falls within the intent and meaning of our statute; that it is cognizable by the courts of this State, and that in case the General Government shall not grant the request of Great Britain for his extradition, it will be the duty of the officers of the law to bring him to trial before the proper tribunal, in the country where the death ensued.

As to the second question submitted, it is my opinion that pending the settlement of the question of extradition, there is no authority by which this State can intervene to take Robbins out of the hands of the United States marshal who now has him in custody for the alleged offence.

The third question submitted, as to the duty of the prosecuting officers of this State in the premises, in case Robbins should not be extradited, is sufficiently answered in what has been said in connection with the first question.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE, }
Bangor, July 13, 1874. }

Hon. S. C. HATCH, *Treasurer of State* :

DEAR SIR:—In the matter of the West Waterville tax case, referred to me for my opinion, I have the honor to submit my conclusions :

First, That the assessment of \$2,858.72, required by the act of February 12, 1874, is the Tax of 1873, "chargeable (to use the language of the act.) to the town of West Waterville by the act of February 26, 1873, entitled 'an act to incorporate the town of West Waterville;'" and that the same should be assessed upon the polls and estates of 1873.

Second, That the warrant of the Treasurer of April 7, 1874, is sufficient in law. The authority of the Treasurer to issue the warrant is conferred by said act of February 12. He cannot

exceed that authority by any recitals of his warrant. The words, "Tax for 1874," and the requirement that the assessors "add to the sum aforesaid the amount of the county and town taxes to be by them assessed," are unauthorized and mere surplusage.

