

MAINE STATE LEGISLATURE

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Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1876.

VOLUME I.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1876.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

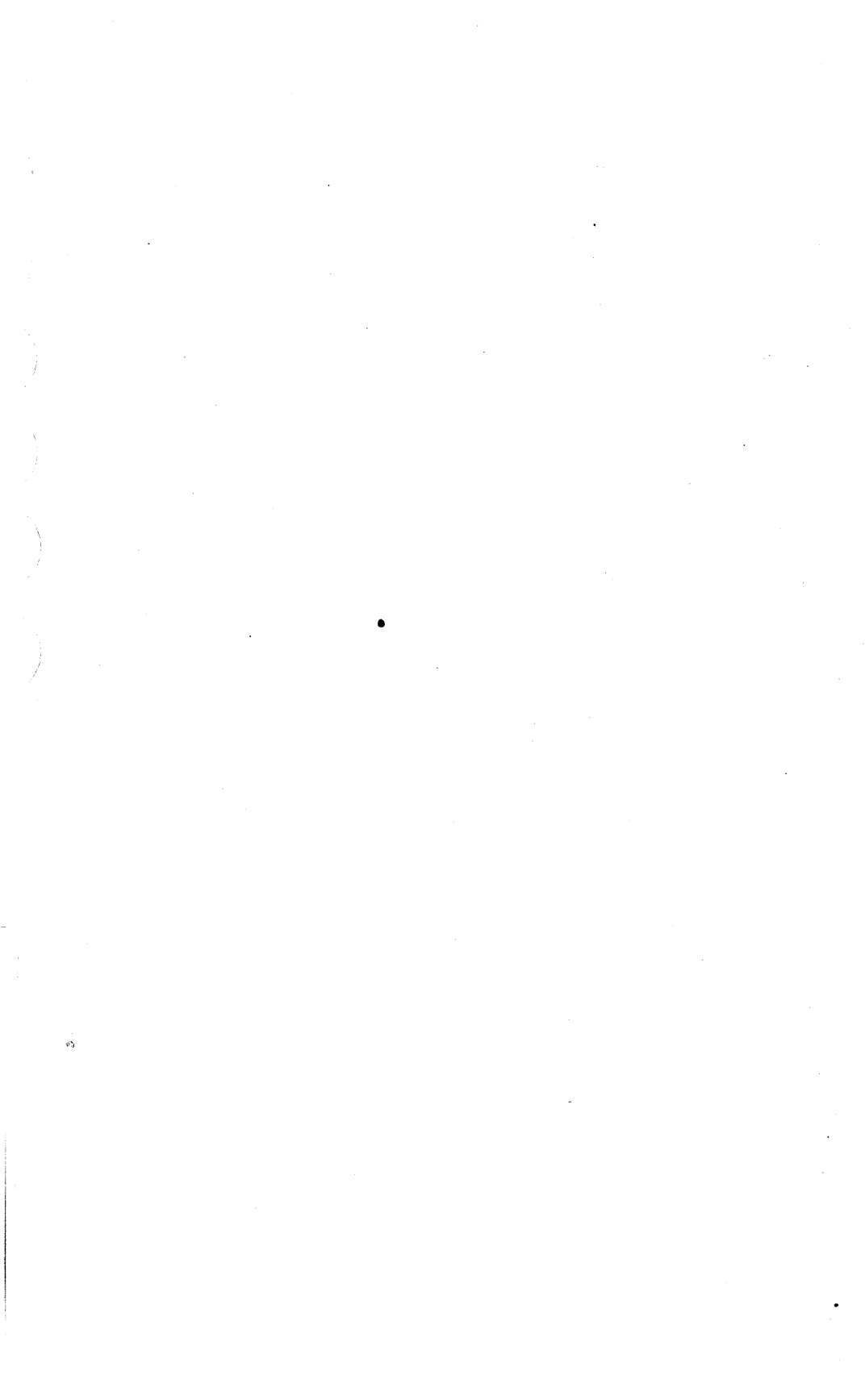
STATE OF MAINE.

1875.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

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REPORT.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE,
Bangor, November 20, 1875. }

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

I have the honor to submit my third annual report of the business of this office for the year ending October 31, 1875.

During the year 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 Rufus N. Higgins and Thomas Lawler for the murder of James Barlow, tried at the January Term, Judge Danforth presiding. Defence, a general denial.

After the evidence for the prosecution was out, a plea of guilty of manslaughter was tendered by defendants and accepted by the prosecution. At the same term the prisoners were sentenced to the State Prison; Higgins to seven years, and Lawler to three years and six months.

Hutchinson counsel for the prisoner. County Attorney Wing assisted me in the prosecution.

IN THE COUNTY OF PISCATAQUIS.

An indictment against Edwin D. McCauslin for *Arson*—the burning in the night time of a dwelling house at Guilford, occupied by Wealthy G. Stubbs; tried at the February Term, Judge Peters presiding. Defence, a general denial. After the evidence for the prosecution was out, the prisoner tendered a plea of guilty to a

second indictment for burning the house with intent to defraud an insurance company; which plea was accepted, and the prisoner was sentenced to the State Prison for five years. The trial occupied six days.

Hon. Josiah Crosby and Hon. A. M. Robinson counsel for the prisoner. County Attorney Everett assisted me in the prosecution.

IN THE COUNTY OF PENOBSCOT.

An indictment against George Carson for the murder of Nehemiah Brawn, at Oldtown, July 19, 1874, tried at the February Term, Judge Cutting presiding. Defence, a general denial. After a trial of twenty-two days, the prisoner was found guilty of manslaughter. Exceptions were filed by his counsel and argued at the Law Term for the Eastern District. The opinion of the Court has not been announced.

Abner Knowles, Esq., counsel for the prisoner. County Attorney Hutchings, assisted me in the prosecution.

An indictment against William Pangborn for the murder of his wife, at the August Term. The prisoner upon his arraignment plead guilty of manslaughter, and was sentenced by Judge Peters to the State Prison for ten years.

Hon. Abram Sanborn and F. E. Appleton, Esq., counsel for the prisoner.

There is now no capital indictment pending for trial in the courts of this State.

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

EASTERN DISTRICT—LAW TERM, 1875.

County of Aroostook.

State vs. John L. Atherton. On Exceptions. Exceptions overruled. Judgment for the State.

State vs. Same. Exceptions overruled. Judgment for the State.

State vs. Wm. D. Buzzell. Exceptions. Exceptions overruled. Judgment for the State.

State vs. George H. Garrison. Exceptions. Exceptions overruled. Judgment for the State.

State vs. Samuel Monson. Exceptions. Exceptions overruled. Judgment for the State.

State vs. William Martin. Exceptions. Exceptions overruled. Judgment for the State.

County of Hancock.

State vs. Benj. F. Gray. On Exceptions. Exceptions overruled. Judgment for the State.

State vs. Same. Exceptions. Exceptions overruled. Judgment for the State.

State vs. Jacob W. Coombs. Exceptions. Exceptions overruled. Judgment for the State.

State vs. Nehemiah H. Higgins. Exceptions. Exceptions overruled. Judgment for the State.

State vs. Neil J. Stewart. Exceptions. Exceptions overruled. Judgment for the State.

County of Waldo.

State vs. Chandler R. Merrill. Liquor case. Exceptions and motion. Motion overruled. Judgment for the State.

State vs. Same. Exceptions and motion. Motion overruled. Judgment for the State.

State vs. Samuel Merrill. Motion overruled. Judgment for the State.

State vs. Wm. H. McLellan. Exceptions. Argued in writing. Continued.

State vs. Cyrus B. Norris. Exceptions. Argued in writing. Continued.

County of Penobscot.

State vs. Daniel Donley, appellant. Search and seizure. Argued 1874. Motion to arrest and exceptions. Continued.

State vs. Peter Mercer, appellant. Search and seizure. Exceptions. Exceptions overruled. Judgment for the State.

State vs. Leonard Jordan, appellant. Search and seizure. Exceptions overruled. Judgment for the State.

State vs. Orville Carrow, appellant. Search and seizure. Exceptions overruled. Judgment for the State.

State vs. Fred Johnson, appellant. Search and seizure. Exceptions. Exceptions dismissed.

State vs. John O'Mara. Common seller. Exceptions on demurrer. Exceptions overruled. Judgment for the State.

State vs. Joseph Brown. Unlawful sale of intoxicating liquor while City Agent. Demurrer and exceptions. Dismissed. Nol. pros.

State vs. Hiram Sylvester. Tippling shop. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Eugene B. Garland. Common seller. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Loring D. Hayes, appellant. Search and seizure. Demurrer and exceptions. Exceptions overruled by consent.

State vs. Intoxicating Liquors. Charles E. Blackwell, claimant. Exceptions. Argued and continued.

State vs. John Gallagher. Common seller. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. George Carson. Murder. Exceptions. Argued and continued.

State vs. James Carlton and als. Malicious mischief. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Adoniram Stanley. Cheating in a horse trade. Exceptions. Argued. Continued.

State vs. John Gallagher. Common seller. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Noyes Ames, appellant. Search and seizure. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Same, appellant. Search and seizure. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Patrick Dolan, appellant. Search and Seizure. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. John McGuire, appellant. Search and seizure. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

State vs. Geo. A. Delano. Common seller. Demurrer and exceptions. Exceptions overruled. Judgment for the State.

MIDDLE DISTRICT.—LAW TERM, 1875.

County of Somerset.

State vs. Inhabitants of Madison. Exceptions overruled.

State vs. Norridgewock Falls Bridge. Argued last year. Continued.

State vs. Freeman H. Jewett. Exceptions overruled. Judgment for the State.

State vs. William Scallan. Argued and continued.

State vs. William Smith. Argued and continued.

County of Knox.

State vs. John N. Ames. Exceptions overruled. Judgment for the State.

State vs. Same. Exceptions overruled. First count adjudged good.

State vs. John Randlett. First count adjudged good.

County of Lincoln.

State vs. John E. Miller. First count adjudged good.

State vs. Same. First count adjudged good.

State vs. Same. First count adjudged good.

County of Sagadahoc.

State vs. John P. Leo. First count adjudged good.

State vs. Horace McDonald. Argued and continued.

State vs. Maurice McDonald. Argued and continued.

County of Kennebec.

State vs. Francis M. Bowman. Liquor nuisance. Judgment for the State.

State vs. William H. Folsom. Liquor nuisance. Judgment for the State.

State vs. R. J. Kenniston and al. Liquor nuisance. Judgment for the State.

State vs. Henry R. Hopkins. Liquor nuisance. Judgment for the State.

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

State vs. Ivory H. Hayes. Liquor nuisance. Judgment for the State.

State vs. Wm. H. Folsom, appellant. Search. Argued and continued.

State vs. M. L. Enright. Search. Judgment for the State.

State vs. Same. Search. Judgment for the State.

State vs. Michael Burns. Drunk. Judgment for the State.

State vs. Henry L. Fuller. Search and seizure. Argued and continued.

State vs. Ivory H. Hayes, appellant. Search and seizure. Judgment for the State.

State vs. Same. Search and seizure. Judgment for the State.

State vs. John Dunphey. Liquor nuisance. Judgment for the State.

State vs. Augustus Dunphey and al. Liquor nuisance. Judgment for the State.

State vs. Benj. Johnson. Liquor nuisance. Judgment for the State.

State vs. Charles H. Freeman. Search and seizure. Exceptions overruled, &c.

State vs. Albert E. Clary and als. Conspiracy. Argued and continued.

State vs. Harvey Mitchell. Liquor nuisance. Judgment for the State.

State vs. Francis M. Bowman. Liquor nuisance. Judgment for the State.

State vs. Benj. Johnson. Innholder. Argued and continued.

State vs. Daniel W. Starbird. Victualler. Argued and continued.

State vs. John Dunphey. Victualler. Argued and continued.

State vs. Matthew Taylor, appellant. Sale. Judgment for the State.

State vs. Edwin R. Robbins and al., appellant. Search. Judgment for the State.

State vs. William Britt, appellant. Loafing. Judgment for the State.

State vs. Jacob Bolton, appellant. Loafing. Judgment for the State.

State vs. George Wood, appellant. Loafing. Judgment for the State.

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

State vs. Charles E. McLaughlin, appellant. Search. Judgment for the State.

State vs. M. L. Enright, appellant. Search. Judgment for the State.

State vs. Same. Search. Judgment for the State.

WESTERN DISTRICT—LAW TERM, 1875.

County of Franklin.

State vs. Daniel Burnham. Argued. Exceptions overruled.

State vs. Augustus B. Warren and Luther Curtis. Swindling. Argued. Exceptions overruled.

County of Oxford.

State vs. Inhabitants of Oxford. Defendant's argument in. Plaintiff to reply in thirty days, and Defendant to answer in ten days or exceptions to be overruled.

County of Androscoggin.

State vs. Nathaniel Mayberry and Joseph H. Gleason. Entered 1873. 3d count argued 1874. Continued. Dismissed from Law docket.

State vs. Eben Merrill et al., appellant. Argued. Exceptions overruled.

State vs. Freeman F. Goodenow, et al. Submitted in brief.

County of York.

State vs. Frank Pierre, appellant. 1874. Continued.

State vs. John M. Goodwin. Exceptions overruled. Judgment for the State.

State vs. John M. Goodwin. Exceptions overruled. Judgment for the State.

State vs. Charles E. Gorham. Argued. Continued.

State vs. Charles E. Gorham. Argued. Continued.

State vs. Horace Wentworth, appellant. Argued. Continued.

State vs. Hugh Smith. Manslaughter. Argued and continued.

County of Cumberland.

State by E. N. Perry, Lib't vs. Charles McCarthy. Claimant of intoxicating liquors. Argued and continued.

State vs. William Parr, appellant. 1874. Argued. *Nol Pros.* to be entered on recommendation.

State vs. Patrick Plunkett. Argued and continued.

State vs. Parmenas E. Wheeler. Exceptions and motion overruled. Judgment for the State.

State vs. Parmenas E. Wheeler. Exceptions and motion overruled.

State vs. Patrick McGlinchey, appellant 1874. Continued. Exceptions overruled. Judgment for the State.

State vs. Jonathan Watson. Argued and continued.

State vs. Patrick Burke, appellant. Exceptions overruled. Judgment for the State.

State vs. Francis Hoffman, appellant. Exceptions overruled. Judgment for the State.

State vs. Michael O'Donnell, appellant. Exceptions overruled. Judgment for the State.

State vs. Robert Costello. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Abner Paine. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Cyrus Hanscomb. Nuisance. Exceptions overruled. Judgment for the State.

State vs. John F. McCarthy. Common seller. Exceptions overruled. Judgment for the State.

State vs. Simeon K. Yeaton. Common seller. Exceptions overruled. Judgment for the State.

State vs. Joseph F. Boardman. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Martha Hague. Common seller. Exceptions overruled. Judgment for the State.

State vs. Michael Joiner, appellant. Exceptions overruled. Judgment for the State.

State vs. John Howley, appellant. Argued and continued.

State vs. Anthony Bundy. Felonious assault. Exceptions overruled. Judgment for the State.

State vs. Mary J. Stafford. House of ill-fame. Argued and continued.

State vs. Michael Hogan. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Charles H. Adams. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Geo. Waterhouse and M. S. Gibson. Nuisance. Exceptions overruled. Judgment for the State.

State vs. George E. Ward. Nuisance. Exceptions overruled. Judgment for the State.

State vs. John K. Martin. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Jedediah Graffam. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Michael Jeyner. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Charles Mullen. Nuisance. Exceptions overruled. Judgment for the State.

State vs. James D. Moore. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Abner Paine. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Honora Reegan. Common seller. Exceptions overruled. Judgment for the State.

State vs. Hugh Doherty. Nuisance. Exceptions overruled. Judgment for the State.

State vs. John Howley and John Kennedy. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Patrick O'Malley. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Michael Howley. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Henry O. Moses. Nuisance. Exceptions overruled. Judgment for the State.

State vs. John F. Anderson. Innholder without license. Exceptions overruled. Judgment for the State.

State vs. Michael Jeyner, appellant. Exceptions overruled. Judgment for the State.

State vs. Wm. J. Keelan. Larceny. Exceptions overruled. Judgment for the State.

State vs. Benjamin F. Richards. Robbery. Exceptions overruled. Judgment for the State.

State vs. Michael Jeyner. Common seller. Exceptions overruled. Judgment for the State.

State vs. Frank L. Foss. Nuisance. Exceptions overruled. Judgment for the State.

State vs. George Keeley. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Michael Jeyner. Nuisance. Exceptions overruled. Judgment for the State.

State vs. M. S. Gibson. Nuisance. Exceptions overruled. Judgment for the State.

State vs. George E. Ward. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Hugh Doherty. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Abner Paine. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Patrick O'Malley. Nuisance. Exceptions overruled. Judgment for the State.

State vs. John Wall. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Granville D. Miller. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Charles D. Richards. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Hugh Kelley. Nuisance. Exceptions overruled. Judgment for the State.

State vs. William Parr. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Margaret Dennis. Common seller. Exceptions overruled. Judgment for the State.

State vs. James Dumphy. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Patrick Deehan. Nuisance. Exceptions overruled. Judgment for the State.

State vs. Arthur Perkins. Common seller. Exceptions overruled. Judgment for the State.

State vs. Mary Bervin. Nuisance. Exceptions overruled. Judgment for the State.

State vs. John E. Farrell. Common seller. Exceptions overruled. Judgment for the State.

ENFORCEMENT OF THE LAW AGAINST DRINKING HOUSES AND TIPPLING SHOPS.

The County Attorney of *Aroostook* reports :

“ I have to say that the Sheriff has been very active in furnishing testimony against the violaters of the liquor law, and has done his duty faithfully, and there is a genuine improvement as regards liquor drinking in this county. Three years ago six open shops were kept in Houlton, but now no village in Maine in my opinion is more free from this curse than Houlton.”

The County Attorney of *Cumberland* reports :

“ So far as the enforcement of the law is concerned, I have not much to add to my last report. It does not accomplish in this city all that its most zealous supporters desire ; and yet I think it has done much to restrain the sale of intoxicating liquors. Many old dealers have been driven out of the business by the large fines and imprisonment sentences imposed, but their places have been taken by new offenders. While the number of open bars has been largely reduced, I cannot say that the amount of liquor illegally sold has correspondingly diminished. ‘Liquor has been driven under cover,’ but not out of reach. The amount of fines collected in liquor prosecutions during the past year is largely in excess of that of any previous year, amounting to some \$28,000 in the Superior Court alone, while during the same period there has been paid in the Municipal Court of this city, (Portland) the sum of \$9,000. The total costs of the criminal terms of the court during that time amount to little more than \$12,000.”

The County Attorney of *Hancock* reports :

“ Relative to the temperance cause, I am able to report a very marked improvement over last year. The temperance revival has extended over the entire county, and the people are generally pledged to the good cause. In four of the five complaints made to the Grand Jury from towns other than Ellsworth, the parties have been successfully prosecuted, and, as I believe, the traffic broken up. The large and enthusiastic meetings held last winter in Ellsworth and throughout the county, when thousands signed the pledge, expressed no more than the honest sentiment of the public. Some of the leasing sellers here (Ellsworth) quit the business. At last April Term of court all were indicted, while

some plead guilty to indictments alleging a previous conviction. They stand continued until the respondents are caught offending again; and notwithstanding some discouraging circumstances, great progress has been made here during the year."

The County Attorney of *Knox County* reports:

"The liquor law in my judgment is well enough when the public are educated to a proper standard. I am in favor of a license law."

The County Attorney of *Lincoln County* reports:

"While the *open* sale of liquors has been substantially suppressed, I am persuaded that the traffic has not ceased. I am satisfied that sales are still made in certain localities, though in such a covert manner as to render detection and conviction extremely difficult. It is manifest that many witnesses who appear before the Grand Jury deliberately perjure themselves; and this is the most sad and disquieting feature of the rum traffic. We have but two terms of the Supreme Judicial Court per year in this county—April and October—and the long vacations afford the offenders an opportunity to ply their trade and make up in a measure the losses incurred during the session of the Court by the enforced payment of fines and costs. The Trial Justice Courts should and do remedy this difficulty to some extent. I know of no instance where they have failed to do their whole duty when complaints have been made and trials had before them. No complaint has been disregarded to my knowledge. The trouble does not lie at the door of Trial Justice Courts. If the complainant before a Trial Justice Court could be as securely screened and concealed as before a Grand Jury, complaints would be more frequent and rum sellers would be so constantly and vigilantly harrassed as to be compelled to abandon their business. But many professed temperance men who speak eloquently in temperance meetings and private circles are silent when the hour for action comes. At our last April Term but one liquor indictment was found and that was supported by meagre evidence. A few weeks previous to the sitting of the Court, some of our most persistent rum sellers and many hard drinkers professed a reform and joined Reform Clubs; and those interested in the enforcement of the law were only too glad to forget their past offences. Hence but one indictment. But within ten days after the adjournment of Court, some of these very men who had talked so piously, paid the

special tax as retail liquor dealers and renewed the trade. The Sheriff was notified of what was being done, and in several instances made successful searches and seizures, arrested and carried the offenders before a Trial Justice where they were convicted and fined. Some paid their fines and costs, while others appealed to the Supreme Judicial Court and thence carried their cases to the Law Court on exceptions to overruled demurrers. At last October Term there were fourteen indictments found in violation of the liquor law, and about \$800 collected. The amount of fines and cost collected since my last report is about \$1,200. The law works admirably when supported by a sound and hearty public sentiment."

The County Attorney of *Penobscot County* reports :

"Since the middle of April the Sheriff has been very active in enforcing the law for the suppression of drinking houses and tippling shops. During that time he has had four deputies who have devoted themselves mostly to that work; their labors, although not confined to, have been largely in Bangor. Many searches for and seizures of liquor have been made. At the last criminal term of the Court, August, one hundred liquor indictments were found, largely upon evidence obtained by these officers. There were entered at this term seventy-five appealed liquor cases. I am not informed of the number of cases of this class finally disposed of in the Police Court of Bangor and before Trial Justices. Most of the liquor prosecutions in this County during the present year (1875) have been instituted by the Sheriff and his deputies. Quite a large per cent. of these indictments go over for trial at the next term of the Court, the respondents absenting or secreting themselves so as not to be found at the last term. Of the liquor cases upon which action was had, a large part go by demurrer, (mostly for delay it is believed) to the next Law Court, and judgment and sentence must be delayed until the August Term next thereafter, 1876. These prosecutions have driven some out of the business; others, mostly in Bangor, still continue it. It is hoped, however, that when the prosecutions now pending, and others to be instituted, are brought to final judgment, that many more will be driven from the business."

The County Attorney of *Androscoggin County* reports :

"The Sheriff and his deputies have, in my opinion, faithfully endeavored to enforce all laws, and particularly that in relation to

the suppression of drinking houses and tippling shops; and much credit is due him for his personal efforts, and for his discrimination in selecting men most suitable for his deputies. One Deputy has, during the last five months, been specially designated by the Sheriff to act in this department alone, but with no special results, as the other deputies had been faithful in their duties. This County has no open bar within its borders, and rum is under complete control."

The County Attorney of *Oxford County* reports:

"Since the enactment of the law, Oxford County has been a poor field for liquor vendors. My predecessors were always willing to enforce the law, and both Grand and Traverse Juries have fearlessly and honestly performed their duties by the indictment and conviction of offenders. I have found no radical defects in the law; the main difficulty coming from a disposition on the part of the people to leave its enforcement in the hands of the County officers. The law will be a complete success when public sentiment shall have advanced to that point where no more odium is attached to complaints against and prosecutions of violators of the liquor law than there is now attaching to prosecutions of offenders against other criminal statutes; and I am happy to report that such a change is rapidly taking place, and I believe that the noble and effective work now being done by our Reform Clubs will soon completely turn public sentiment into that direction. I have always found the Sheriff of this County ready to do his duty; and although it contains over thirty towns, it is believed that not one open rum shop exists, but some disguised ones may in the town agencies."

The County Attorney of *Piscataquis County* reports:

"At the March Term no indictments of offenders against the liquor law were found, nor were any efforts made in that direction. At the September Term I summoned and examined more than thirty witnesses, but only obtained sufficient to indict three persons, and the Grand Jury refused to find a bill in either case. March Term, 1874, one offender was indicted and paid a fine and costs amounting to \$55. In August last I made three warrants for search and seizure, but the matter failed because the officer inadvertently or designedly divulged it three or four days before he served them. Last summer I attended a case at Abbot involving some seized liquors, before a trial justice, who ordered them returned. Sheriff

Foss has proved a very efficient and zealous officer in the enforcement of the law. At the September Term, 1874, three indictments were found against one party from Orneville for selling liquor, keeping a tippling house and as a common seller. He plead guilty on one of them and was sentenced to pay fine and costs—about \$75. His personal recognizance was accepted on the other two. He has removed from the State. At the same term three indictments were found against another party on the same grounds. In some manner he heard of his peril and left the State before the Grand Jury rose. The indictments stand on the docket. Before the illegal sale of liquor can be entirely suppressed, the town agencies of Dover and Foxcroft must be abolished; for I believe it is not difficult for the initiated to get accommodated at them, provided the money is forthcoming. These two are the only places licensed in the county, I think.”

The County Attorney of *Sagadahoc County* reports :

“I have no difficulty in the enforcement of the liquor law; the jury always being ready to convict when the evidence appears sufficient to warrant it. I believe the county is as free from tippling shops as it has ever been. I hear no complaints from any source, and am inclined to think the liquor business is not prosperous in this county. The Municipal Court at Bath, and the Trial Justice Courts in the other towns of the county, dispose of most of this class of cases.”

The County Attorney of *Washington County* reports :

“Since my occupancy of this office I have administered this as I have other laws, with a view principally to the suppression of the evils prohibited, and not as a license or revenue law; and since that has come to be understood by those in the trade, but little money has been realized from fines. It requires no special talent in a prosecuting officer to make the law yield a revenue to the county treasury; but viewing the subject in the light I do, it would appear to me very much like compounding crime. It is the province of the Legislature to determine when, if at all, the policy of license shall succeed prohibition; and to make the present law virtually a license law, would be simply usurpation in me, therefore, when the penalty incurred is by the statute imprisonment, that should be inflicted rather than to impose a money fine. Since the conviction has been produced in the minds of dealers that they

were in actual peril of the penalties written in the law, the trade has materially declined, and there is much less drinking in the county than formerly, I believe. Many offenders escape punishment because of the reluctance of citizens to complain and give information against them. This however is true of almost every class of criminals. There has been, with but few exceptions, a commendable alacrity shown by citizens composing Grand and Traverse Juries, to perform their duty in the prosecutions instituted."

The County Attorney of *York County* reports :

"During the present year the officers of York County have been unremitting in their efforts to effectually enforce the law for the suppression of drinking houses and tippling shops. While the traffic has not entirely ceased, the result shows that the law as it now is may be made effectual to suppress it. Close observation convinces me that its penal provisions are sufficiently stringent to effect its purpose. Its vigorous enforcement by the executive officers is the only other requisite.

"The Grand Jury of this county for the present year returned seventy-eight indictments for violating of this law, and forty-two appealed cases were entered in the Supreme Judicial Court during the same period. Out of these there were fifty-two convictions, where fines and costs to the amount of \$6,273.92 were imposed. Of this amount only \$3,992.10 was paid. This is a significant fact, showing that the business has not been lucrative, for such criminals seldom allow themselves to be committed when they can obtain money to pay. While the number of indictments is less than one-half the number returned last year, our efforts have not been relaxed in any particular. A dearth of such criminals has caused a reduction in the number of prosecutions. Petty crimes have diminished in number.

"The Municipal Court of Biddeford, aside from bills in liquor cases, returned only thirty-three bills of cost for six months, ending October 12. This is an unparalleled showing, in a city of 11,000 inhabitants, 5,000 of whom are of foreign extraction, and can only be attributed to a strict enforcement of the law. With one exception, the only felonious assaults committed in the county this year arose directly from the use of intoxicating liquor purchased in New Hampshire, and the assaults were committed near the State line.

"The people of the county are apparently satisfied with a result

which has not only given them greater peace and quietness, but accomplished a direct saving to the county during two years past or nearly \$20,000. In addition to this a reduction of 3-7 in the amount of the county tax has been rendered possible. Such a showing is an unanswerable argument in favor of the law for the suppression of the traffic which has in years past involved the direct expenditure by the people of this State of \$4,250,000 annually in addition to the enormous sums required to punish the criminals and maintain the paupers engendered thereby.

“In nearly every liquor case now pending on my docket, a *plea of guilty* is entered of record. The offender is liable to be arrested at any time, and knowing this, he is careful to abstain from violating the law. It is a preventative which I cordially recommend my brothers to use.”

I append the usual tables compiled from the returns made to me by the County Attorneys.

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.”

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 respectfully renew my recommendations of last year.

I have the honor to be,

Very respectfully,

Your obedient servant,

HARRIS M. PLAISTED, *Attorney General.*

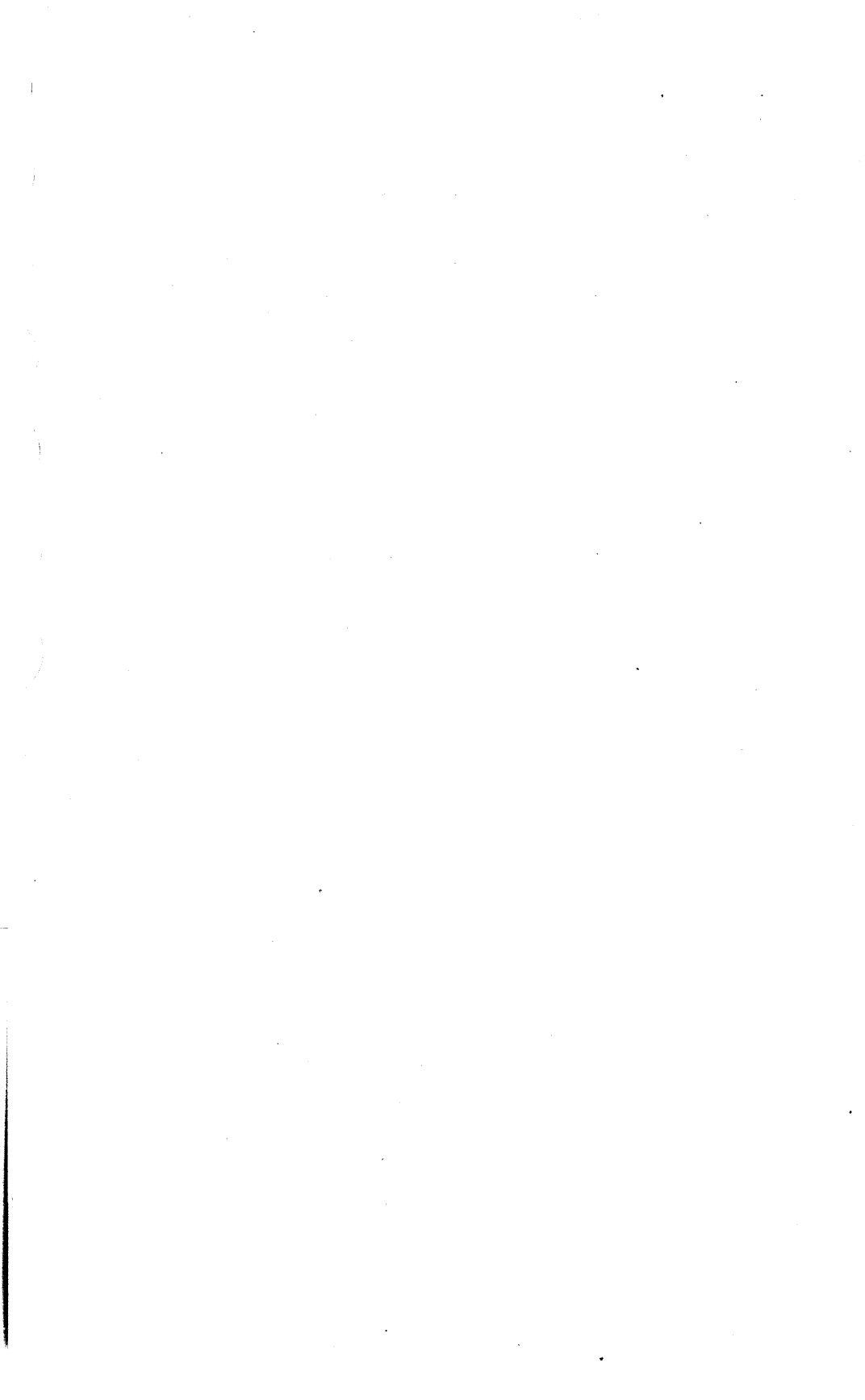


TABLE Showing the number and disposition of Criminal Cases pending on questions of law in the Supreme Judicial Court during the year 1875, by Counties.

COUNTIES.	Cases Pending.	Decided in favor of the State.	Decided against the State.	Argued and continued for decision.
Androscoggin.....	3	1	1	1
Cumberland.....	62	54	-	8
Franklin.....	2	-	-	-
Hancock.....	5	5	-	-
Kennebec.....	32	26	-	6
Knox.....	3	3	-	-
Lincoln.....	3	3	-	-
Oxford.....	1	-	-	1
Penobscot.....	21	17	-	4
Piscataquis.....	-	-	-	-
Sagadahoc.....	3	1	-	2
Somerset.....	4	1	-	3
Washington.....	-	-	-	-
York.....	7	2	-	5
Total.....	146	113	1	30

T A B L E .

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, 1874,	29	-	-	2	-	1	3	-	-	-	-	2	-	4	-	2	1	-	13	-
	Appealed cases pending Nov. 1, 1874,	12	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	10	-
	Indictments found Jan. Term, 1875,	36	1	-	-	-	2	1	2	-	-	1	3	-	-	1	-	-	6	19	-
	Appealed cases entered Jan. T., 1875,	7	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	5	-
	Indictments found April T., 1875,	51	-	-	-	-	-	2	-	-	-	-	1	-	1	-	-	1	16	28	2
	Appealed cases entered April T., 1875,	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-
	Indictments found Sept. T., 1875,	36	-	-	-	-	1	3	-	-	-	-	1	-	-	1	-	-	11	16	3
	Appealed cases entered Sept. T., 1875,	16	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	14	-
	Indictments pending at end of year,	37	-	-	-	-	-	2	1	-	-	-	2	-	2	-	2	2	10	14	2
	Appealed cases pending at end of year,	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-
AROOSTOOK....	Indictments pending Nov. 1, 1874,	18	-	-	-	-	3	-	-	-	-	-	2	1	-	-	2	1	9	-	
	Appealed cases pending Nov. 1, 1874,	8	-	-	-	-	1	-	-	-	-	4	-	-	-	-	-	-	1	2	-
	Indictments found Feb. T., 1875,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	5	-
	Appealed cases entered Feb. T., 1875,	6	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	1	-
	Indictments found Sept. T., 1875,	11	-	-	-	-	-	2	-	-	-	-	-	-	-	1	-	-	8	-	
	Appealed cases entered Sept. T., 1875,	6	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	4	1	
	Indictments pending at end of year,	23	-	-	-	-	-	4	-	-	-	1	1	1	-	1	2	-	1	13	-
	Appealed cases pending at end of year,	13	-	-	-	-	1	3	-	-	-	4	-	-	-	-	-	-	1	6	1
	CUMBERLAND...	Indictments pending Nov. 1, 1874,	86	1	1	-	2	3	-	-	-	1	2	-	5	-	1	2	1	65	2
		Appealed cases pending Nov. 1, 1874,	25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25	-
Indictments found Jan. T., 1875,		64	-	-	-	3	10	-	-	1	1	5	-	2	-	1	-	1	38	2	
Appealed cases entered Jan. T., 1875, Indictments found May T., 1875,		28 79	- -	- 1	- -	- 1	- 4	- 9	- -	- 1	- -	- 1	1 2	- 1	- -	- -	- 1	- 5	- -	28 54	- -

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 chaas- tity, 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. 7, 1874,	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending Nov. 7, 1874,	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found April T., 1875,	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Apr. T., 1875,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found October T., 1875,	18	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Oct. T., 1875,	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending at end of year,	21	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending at end of year,	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OXFORD.....	Indictments pending Nov. 1, 1874,	26	1	-	1	-	1	1	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending Nov. 1, 1874,	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Dec. T., 1874,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Dec. T., 1874,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found March T., 1875,	7	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Mar. T., 1875,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Sept. T., 1875,	6	-	-	-	-	1	1	-	-	-	-	-	1	1	-	-	2	-
	Appealed cases entered Sept. T., 1874,	5	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-
PENOBSCOT.....	Indictments pending at end of year,	25	-	-	-	-	-	3	1	-	-	-	1	-	1	2	7	6	-
	Appealed cases pending at end of year,	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4
	Indictments pending Nov. 1, 1874,	30	-	-	-	-	-	1	-	1	2	1	3	-	5	3	2	10	2
	Appealed cases pending Nov. 1, 1874,	53	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	23	17
	Indictments found Feb. T., 1875,	27	1	-	-	-	2	1	-	-	2	-	1	-	3	-	1	10	5

	Appealed cases entered Feb. T., 1875,	43	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	16	-	-	-	-	-	-	17	8
	Indictments found August T., 1875,	124	1	-	-	-	4	10	2	-	-	-	1	2	-	3	1	-	-	-	-	-	-	-	-	100	-
	Appealed cases entered Aug. T., 1875,	9	-	-	-	-	-	3	-	-	-	-	9	-	-	-	-	-	-	-	-	-	-	-	-	75	10
	Indictments pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PISCATAQUIS...	Indictments pending Nov. 1, 1874,	13	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	1	2	-	-	-	-	-	-	3	2
	Appealed cases pending Nov. 1, 1874,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Feb. T., 1875,	4	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
	Appealed cases entered Feb T., 1875,	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found Sept. T., 1875,	5	-	-	-	-	-	2	-	-	1	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
	Appealed cases entered Sept. T., 1875,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SAGadahoc....	Indictments pending Nov. 1, 1874,	16	-	-	1	-	3	-	2	-	-	2	4	-	-	-	-	-	-	-	-	-	-	-	-	1	1
	Appealed cases pending Nov. 1, 1874,	4	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	3	-
	Indictments found April T., 1875,	10	-	-	1	-	1	2	-	-	-	-	1	-	-	-	-	1	-	1	-	-	-	-	-	2	1
	Appealed cases entered Apr. T., 1875,	7	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	1	-	-	-	-	-	-	-	3	-
	Indictments found Aug. T., 1875,	2	-	-	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases entered Aug. T., 1875,	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	11	-
	Indictments pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appealed cases pending at end of year,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SOMERSET.....	Indictments pending Nov. 1, 1874,	44	-	-	-	2	3	4	-	1	-	8	1	1	-	-	-	1	6	-	-	-	-	-	-	15	2
	Appealed cases pending Nov. 1, 1874,	6	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	1	-	-	-	-	2	-
	Indictments found Dec. T., 1874,	15	-	-	-	-	-	2	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-
	Appealed cases entered Dec T., 1874,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Indictments found March T., 1875,	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	1	-	-	-	-	-	-	-
	Appealed cases entered Mar. T., 1875,	2	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
	Indictments found Sept. T., 1875,	15	-	-	-	1	2	-	-	1	-	-	-	-	-	-	-	-	2	1	7	-	-	-	-	7	1
	Appealed cases entered Sept. T., 1875,	6	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	1	-	-	1	3	-	-	-	3	-
	Indictments pending at end of year,	39	-	-	-	1	4	-	1	-	1	-	1	-	1	1	7	2	20	-	3	-	-	-	-	20	1
	Appealed cases pending at end of year,	6	-	-	-	-	1	-	-	-	-	-	1	-	-	-	-	-	3	-	3	-	-	-	-	3	-
WALDO.....	Indictments pending Nov. 1, 1874,	27	2	-	-	-	-	1	-	-	-	2	2	-	-	-	2	3	-	-	-	-	-	-	-	15	-
	Appealed cases pending Nov 1, 1874,	15	-	-	-	-	-	-	-	-	-	7	-	4	1	-	-	-	-	-	-	-	-	-	-	3	-
	Indictments found Oct. T., 1875,	14	-	-	-	-	-	-	-	-	2	2	-	2	-	-	-	-	1	6	-	-	-	-	-	6	1
	Appealed cases entered Oct. T., 1875,	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
	Indictments found Jan. T., 1875,	3	-	-	-	-	1	-	-	-	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
	Appealed cases entered Jan. T., 1875,	3	-	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
	Indictments found April T., 1875,	11	-	-	3	-	-	-	-	-	3	-	-	-	-	-	-	1	-	-	-	-	-	-	-	4	-
	Appealed cases entered Apr. T., 1875,	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-

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

COUNTIES.	INDICTMENTS. AND APPEALS.	Disposition during the year ending Novem- ber 1, 1875.					Condition at end of year Nov. 1, 1875.			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	-	1	84	36	-	29	3	5	5	13	-	-	-
	Appeals	-	22	11	1	-	7	-	-	-	13	-	30	-
Aroostook	Indictments	-	-	4	6	-	20	3	-	-	3	-	6	-
	Appeals	-	1	2	5	-	12	1	-	-	-	-	-	-
Cumberland...	Indictments	-	12	19	133	2	56	90	26	16	38	2	129	-
	Appeals	1	6	19	52	3	2	22	10	-	-	-	-	-
Franklin.....	Indictments	-	1	7	10	3	21	4	1	-	4	-	6	-
	Appeals	-	-	-	-	-	-	-	1	-	-	-	-	-
Hancock	Indictments	2	6	2	10	4	6	3	9	-	6	-	3	-
	Appeals	-	-	3	-	-	-	1	8	1	-	-	-	-
Kennebec	Indictments	-	-	-	-	-	-	-	-	-	-	-	-	-
	Appeals	-	-	-	-	-	-	-	-	-	-	-	-	-
Knox	Indictments	-	-	-	8	1	2	-	4	1	5	-	3	-
	Appeals	-	-	-	-	-	-	1	-	-	-	-	-	-
Lincoln.....	Indictments	-	-	8	11	-	13	5	3	1	3	-	7	-
	Appeals	-	1	1	-	-	1	-	3	-	-	-	-	-
Oxford	Indictments	-	1	4	3	-	25	-	-	-	4	-	2	-
	Appeals	-	1	9	2	-	9	-	-	-	-	-	-	-
Penobscot.....	Indictments	1	12	79	52	1	123	36	67	4	27	-	-	-
	Appeals	-	-	-	-	-	-	-	-	-	-	-	21	-
Piscataquis...	Indictments	-	1	2	2	-	2	-	-	1	1	-	-	-
	Appeals	-	-	2	-	-	-	-	-	-	-	-	-	-
Sagadahoc.....	Indictments	-	2	7	6	2	1	4	4	2	-	6	-	-
	Appeals	-	4	5	7	2	1	1	-	2	-	-	8	-
Somerset	Indictments	-	5	2	8	-	84	3	10	3	-	-	-	-
	Appeals	-	3	22	2	-	16	-	2	-	-	-	11	-
Waldo	Indictments	-	-	9	7	2	3	26	4	4	3	-	14	-
	Appeals	-	-	14	-	-	6	-	1	-	-	-	-	-
Washington ...	Indictments	-	-	-	-	-	27	8	1	5	5	-	10	-
	Appeals	-	2	16	16	2	1	3	-	-	-	-	-	-
York.....	Indictments	-	3	25	66	2	137	122	16	-	37	-	-	-
	Appeals	1	8	24	11	1	18	16	3	4	-	-	36	-

Sentences from 1865 to 1875, inclusive.

YEARS.	State Prison.	County Jail.	Reform School.	Fines, &c	To be hung.	Insane Asylum.
1875.....	40	168	2	276	-	-
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
Total for ten years	587	901	57	1,782	12	9

Liquor Cases disposed of in the Supreme Court.

COUNTIES.	No. of Cases.	Fines, &c., collected.	Committals
Androscoggin.....	23	\$1,627 15	5
Aroostook.....	6	494 29	1
Cumberland—Superior Court.....	30	28,216 97	5
Franklin.....	3	232 90	1
Hancock.....	1	-	1
Kennebec.....	-	-	-
Knox.....	15	240 00	12
Lincoln.....	6	782 65	-
Oxford.....	1	135 00	-
Penobscot.....	21	836 48	10
Piscataquis.....	-	-	-
Sagadahoc.....	8	625 66	4
Somerset.....	10	1,408 44	-
Waldo.....	3	130 00	-
Washington.....	9	394 64	6
York.....	54	2,923 63	28
Total for 1875.....	190	38,047 81	73
Total for 1874.....	276	30,890 00	51
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.