

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

1890.

VOLUME I.

AUGUSTA :
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

REPORT
OF THE
ATTORNEY GENERAL
OF THE
STATE OF MAINE.

1889.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE,
ROCKLAND, December, 1st, 1888. }

To the Governor and Council of the State of Maine:

I have the honor to submit herewith my report of the business of this office for the preceding year.

OPINIONS.

Beside numerous matters, upon which I have had occasion to advise the Governor and Council, and the various State departments, the following opinions, upon the request of the Governor, have been rendered:

GOVERNOR'S QUESTIONS.

EXECUTIVE DEPARTMENT,
AUGUSTA, March 30th, 1889. }

Hon. Charles E. Littlefield, Attorney General, Rockland, Maine:

DEAR SIR—Your opinion and advice is respectfully requested upon the following questions:

First—Will chapter 313 of the Public Laws of 1889, when it takes effect, vacate the offices of the present board of railroad commissioners?

Second—Will members of the legislature of 1889-90 be eligible to appointment, as railroad commissioners, under said chapter?

Third—What is the duty of the Governor as to appointments under said chapter?

Very respectfully,

EDWIN C. BURLEIGH, Governor.

REPLY.

ROCKLAND, April 8th, 1889.

Hon. Edwin C. Burleigh, Governor:

DEAR SIR—The questions presented in your communication of the 30th ult., requesting my opinion and advice thereon, have been carefully considered by me, and I herewith respectfully submit my conclusions.

As to the first question "Will chapter 313, of the Public Laws of 1889, when it takes effect, vacate the offices of the board of railroad commissioners?" I have to say, that in my opinion it will not vacate the offices of the present board of railroad commissioners. The Act referred to, is amendatory of section 113, chapter 51 of the Revised Statutes. Before the enactment of this amendment, this section, so far as the question involved is concerned, read, "The Governor, with the advice and consent of council, shall appoint three railroad commissioners, who shall act as a board and hold their offices for three years; two of them shall be experienced in the construction and management of railroads, and one of them shall be an engineer." As to this point, chapter 313, Public Laws of 1889, section 1, (all other provisions of the new statute being immaterial on this point,) reads: "The Governor, with the advice and consent of the council, shall appoint three railroad commissioners who shall act as a board and hold their offices for three years; one of them shall be learned in the law and appointed and commissioned as chairman; one of them shall be a civil engineer who shall have had experience in the construction of railroads; and the third shall have had experience in the management and operation of railroads." The only change in the law is the striking out of the words "two of them shall be experienced in the construction and management of railroads, and one of them shall be an engineer;" and inserting in lieu thereof, the words "one of them shall be learned in the law and appointed and commissioned as chairman; one of them shall be a civil engineer who shall have had experience in the construction of railroads; and the third shall have had experience in the management and operation of railroads." In other words, the law of 1889, prescribes special qualifications for

individual members of the board, that were not so required, when the members of the present board were appointed. The question is do these special qualifications apply to commissioners who *have been* appointed, or to the board as now constituted, so as to vacate their offices; or do they apply only to commissioners *to be* appointed as vacancies occur, and the board as thus constituted? Is the law prospective or retrospective in its operation? The rule by which such legislation is to be construed, is familiar and well settled. Chief Justice Fuller, speaking for the United States Supreme Court, states it thus: "Constitutions as well as statutes are construed to operate prospectively, only, unless, on the face of the instrument or enactment the contrary intention is manifest beyond reasonable question." *Shreveport vs. Cole* 32, L. C. P. 589, (129, U. S. 39.) Folger, J. in the opinion of the court in *People vs. Green*, 58, N. Y. 304, says: "A law may not operate upon existing rights and liabilities without it in terms expresses such intention. Though there is no vested right to an office which may not be disturbed by legislation, yet the incumbent has, in a sense, a right to his office. If that right is to be taken away by statute, the terms should be clear in which the purpose is stated." "It is a rule of construction to give a statute prospective operation only, unless its terms show a legislative intent that it should have retroactive effect," the court said in *Garrick vs. Chamberlain*, 97 Ill., 620, "A public officer cannot be deprived of the power conferred upon him for public purposes by implication." *Anderson vs. Van Tassell*, 53, N. Y. 631. *A fortiori* he cannot be deprived of the office itself by implication. See also, *Holmes vs. Wiltz*, 11, La. 439. Keeping this rule in mind, a brief analysis of this law will clearly show it to be prospective in its operation. It does not in terms apply to the present board. It does not abolish the office, and create another. It does not say that the present board shall even possess the special qualifications. It does not intimate that they do not possess them. It does not even say, that no commissioner shall act unless he possess the special qualifications.

It does not in any way refer to the present board. The title of the Act, "An Act amendatory of section 113, chapter 51 of the Revised Statutes, and additional to said chapter, relating to railroad commissioners," contains no indication of an intention to abridge the tenure of office of the commissioners. The Governor is not even required to appoint at any specific time, commissioners

with the special qualifications. The provision as to appointment, as to when they are to be made, has not been changed. The statute read, "the Governor shall appoint three railroad commissioners who shall act as a board and hold their offices for three years." This law reads precisely the same. Beyond all cavil this clause, as the statute stood, meant that appointments should be made as vacancies occurred. No change of any kind having been made in the language, what is it that has wrought so fundamental a change in its meaning? Is there any warrant for holding that the next clause, providing only for special qualifications in the appointees, saying nothing about when appointments are to be made, works so radical a change in the meaning of the preceding language, with no change in its tenor? Is it not more in consonance with reason to assume that the legislature apprehended its import, and making no change in its terms, intended no change in meaning? To vacate these offices the law should have read "shall appoint forthwith." But it does not so read. Had there been an intent to vacate these offices, it would not have been difficult to have plainly expressed it in terms about which there could be "no reasonable question." The single word "forthwith," in the proper place, would have accomplished the result. If the legislature intended to deprive these commissioners of their offices, what reason can be given why this purpose should not be declared in the Act in "clear and unmistakable terms," making the intent "manifest beyond reasonable question?" Why should not the "terms" be "clear" in which the purpose is stated?" It is too obvious for argument that this act of 1889 does not in "terms" declare any such purpose. If it has any such effect, it is accomplished by doubtful implication and indirection.

There is every reason why this result should not be thus accomplished. If the "intent" is not "clear" and "manifest beyond reasonable doubt," how can we be assured that the members of the legislature understood its purpose? Did its title, or terms, contain any clear notice "manifest beyond reasonable question" to the present board that they were being deprived, without notice and hearing, summarily and arbitrarily, of valuable rights? While I do not hold that it is, or is not, competent for the legislature to eject an officer, by legislative act, from an office created by the legislature, without notice or hearing, it is well to remember, as illustrative, at least, of the spirit of the law, that the constitutional provision, regulating removals from office, while providing

that "every person holding any office" may be removed by address, also provides "But before such address shall pass either house, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defense." Con. Art. IX., Section 5. Grave doubts may well be entertained, whether it is competent by mere act of the legislature to deprive an officer of his office; but, to hold that an act of the legislature, deprived any officer of his office, when it did not on its face, declare such a purpose "beyond reasonable question," thus depriving him of notice, and of an opportunity for a "hearing in his defense," would be to my mind, repugnant to every sense of justice and honorable dealing. Such a construction should never be given to a statute. There is no difficulty as I construe this law, in accomplishing its purpose, as to the personnel of this board, by making appointments in their order, as vacancies occur. Thus the purpose of the statute is accomplished, and its literal terms complied with, without the invasion of any rights.

The cases sustain this application of the rule. In *People vs. Haskell*, 5 Cal. 357, under a general law, Haskell was elected clerk of the Superior Court, in San Francisco, at a September municipal election, to hold office "for two years from and after his election." Subsequent to his election, and before the expiration of his term the charter of San Francisco, was amended so as to provide for the election of "all officers to be elected for the whole city" on the fourth Monday of May, also that the "officers" elected, should "enter upon the duties of their respective offices on the first Monday in July following." The relator was elected in May, and was held to be an officer "for the whole city." A literal construction of the act, would have ejected Haskell, and given the relator the office. Yet the court held that although he was properly elected, he was not entitled to the office until "the expiration of two years from the date of defendants election." They say the legislature has the power to alter or abridge an office of legislative creation, "But in this case we do not think it was the intention to do so." A section of the charter of 1873 of the city of New York, which in substance, provided that any person holding office who should during his term accept a seat in the legislature, should be deemed thereby to have vacated his office, was held prospective, and not to vacate the city office held by a member of the assembly, at the time of

the passage of the charter. *People vs. Green*, Supra. In both of these cases it will be perceived that the implication of removal is much stronger than in the case we are considering. The cases of *Gill vs. Milwaukie*, 21, Wis. 449, and *Currier vs. Boston and Maine Railroad*, 11 N. H. 209, are illustrative of similar applications of the rule. The only case that I find which at all militates against this construction, is *Bryan vs. Cattell*, 15 Iowa, 538, where it was held that a statute which provided that the acceptance of a commission to any military office, which required the incumbent to exercise his duties out of the State, for more than sixty days, vacated any civil office held under the State, in effect vacated the office of District Attorney, though the incumbent had accepted his military commission, before the enactment of the statute. This however, was an action to recover for salary, and it appeared that the plaintiff had not performed the duties of the office, or rendered any services, and the court held, that "having made no claim for months to the office" he was "estopped from demanding the State salary," and that he could not "gainsay the right of the Executive to fill the office," not because there was an actual vacancy, but, "as in case of a vacancy." This does not, therefore, affect the position. On the other hand, in nearly every case where an act of the legislature has been held to affect the tenure of an office, I find the act has, either "declared the office vacant," fixed a time beyond which the incumbent should not act, or a specific time when the new official should begin to act. Such are, *People vs. Van Gas-kin*, 5 Mont. 303; *In re Bulger* 45, Cal. 553; *Alexander vs. McKenzie*, 2 So. Car., (Rich.) 81; *Dickinson vs. Banvard*, 27 Cal. 470; *Robinson vs. White*, 26, Ark. 139; *Territory vs. Pyle* 1 Oregon, 148; and *Attorney General vs. Squires* 14 Cal. 12. Moreover, there is authority for the proposition, that an officer, with a fixed tenure, cannot be removed by mere act of the legislature, though the weight of authority is otherwise. See *Holmes vs. Wiltz*, 11 La. 439, and *Peters vs. McAlister*, 11 Ohio, 46. In the last case the court used this expressive language, "I concur with the counsel for the defendant that the legislature has no power by retrospective legislation to deprive a man of an office. When a man becomes an incumbent of an office, he has a vested right in that office and all such rights are supported by the constitution. An act that would attempt to deprive him of this right would savor more of despotism than of constitutional legislation. The legisla-

ture may prescribe rules prospective by which he shall be controlled, and these he is bound to obey; but to oust him from office by direct legislation cannot be done." It does not become necessary in this case, however, to determine whether it is within the power of the legislature to remove an officer by direct legislation, as, for the reasons above given, I am entirely satisfied that such a result is not intended by chapter 313 of the Public Laws of 1889.

In answer to your inquiry as to whether members of the legislature of 1889-90 will be eligible to appointment as railroad commissioners under said chapter, I have to say, that they will not be eligible until the expiration of two years from the first Wednesday of January 1889. Art. IV, Part 3, Sec. 10, of the Constitution, provides that "No senator or representative shall during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which increased, during such term, except such offices as may be filled by election by the people." The office of railroad commissioner is unquestionably a "civil office of profit." It is clear that the "emolument" of this office has been increased during the term for which the members of the legislature of 1889-90, have been elected. The provision of law fixing the compensation of the railroad commissioners, prior to the legislation of 1889, is found in the Revised Statutes, chapter 51, section 113, and reads thus, "Their compensation shall be five dollars a day while actually employed in their official duties." I find nothing in the law that authorizes them to receive any other fee or compensation. If they were "actually employed" every secular day in the year their "compensation" could not exceed \$1,565, (or possibly \$1,570 in a leap year) in any one year. Chapter 313 of the Public Laws of 1889, provides "The compensation of said commissioners, and clerk, which shall be in full for all services to be performed by them, shall be two thousand dollars per annum for each commissioner, and twelve hundred dollars per annum for the clerk." Their compensation for full time under the old law would amount to only \$1,565. Under the new law it amounts to \$2,000. An increase in "emolument" of \$435. A statement of the case decides it. That the duties to be performed under the new law are in excess of those previously imposed, does not affect the increase of the "emolument" received. Constant actual employment for a full year under the old law, would result in an "emolument" of only \$1,565. The com-

missioners can hardly devote more time to the duties of the office, in one year, under the new law.

In answer to your inquiry as to "What is the duty of the Governor, as to appointments, under said chapter?" I have to say that, inasmuch as this chapter contemplates that the board of railroad commissioners to be appointed, under its provisions, shall consist of three commissioners, each having separate and distinct qualifications, the object of the law can be adequately accomplished only by filling vacancies as they occur, in the board as now constituted, by appointing the commissioners in the order mentioned in the law. To fill the first vacancy, one, "learned in the law," who is to be "appointed and commissioned as chairman." To fill the second vacancy, a "civil engineer who shall have had experience in the construction of railroads." To fill the third vacancy, one who has "had experience in the management and operation of railroads." In order to avoid confusion, the appointment and commission in each case, should indicate the position and qualification of each commissioner appointed. Vacancies occurring after such appointments, would then be filled by a commissioner, with like qualification, as the outgoing commissioner. Thus the manner in which the board was constituted, and the respective positions of each commissioner, would always be a matter of record.

Very respectfully,

CHARLES E. LITTLEFIELD.

STATE OF MAINE, }
 EXECUTIVE DEPARTMENT, }
 AUGUSTA, March 30th, 1889. }

Hon. Charles E. Littlefield, Attorney General, Rockland, Maine:

DEAR SIR—Your opinion and advice is respectfully requested upon the following proposition:

The legislature of 1889-90, passed the following resolves, all of which require the appointment of commissioners, for the carrying out of their respective provisions, viz: "Resolve relating to the removal of the Maine State Prison;" "Resolve to provide a commission to inquire into the system of taxation of other states and this State, and report to the Governor and Council;" "Resolve authorizing the Governor to appoint a commission to select and purchase a site for an Insane Hospital;" and a "Resolve in favor of settlers in Madawaska Territory."

Are members of the legislature of 1889-90 eligible to appointment as commissioners, under either, or all, of said resolves, and what would you advise relative to said appointments?

Very respectfully,

EDWIN C. BURLEIGH,

Governor.

ROCKLAND, April 9th, 1889.

Hon. Edwin C. Burleigh, Governor:

DEAR SIR—Your communication of March 30th, requesting my opinion and advice, relative to several resolves passed by the legislature of 1889-90, and the eligibility to appointment, thereunder, of members of that legislature, has been carefully considered by me, and I beg leave to respectfully submit the following: As to the eligibility of members of that legislature to appointment as commissioners, under the three resolves, "Resolve relating to the

removal of the Maine State Prison ;” “Resolve to provide a commission to inquire into the system of taxation of other states and this State, and report to the Governor and Council ;” “Resolve authorizing the Governor to appoint a commission to select and purchase a site for an Insane Hospital ;” I have to say, that answering this question, in accordance with the opinion of our own court, and the weight of authority, which I feel bound to do, I answer it in the affirmative, and hold that they are eligible to appointment under these resolves.

This question arises under Art. IV, Part 3, section 10 of the Constitution, which reads, “No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which increased, during such term, except such offices as may be filled by election by the people, provided, that this prohibition shall not extend to members of the first legislature.” The question is, would a commissioner appointed under these resolves, hold a “civil office of profit?” Our court construed these words, in an opinion, (3 Me. 481,) answering the question as to whether the agency provided for by the following resolve, was a “civil office of profit,” holding that it was not. On this point, the resolve (chapter 26, resolves of 1822,) read, “The Governor by and with the advice and consent of Council, be and is hereby authorized and empowered to appoint one or more agents whose duty it shall be to perform all duties relative to the care and preservation of the timber and grass on the public lands, and the sale of any part thereof, as shall from time to time be prescribed by the Governor of this State ; and the said agents or agent shall receive such reasonable compensation for their services out of the proceeds of any timber or grass by him, or them, sold under the authority aforesaid, and as the legislature shall direct.” In *Burns vs. People*, 45 Ill., 397, the court held, that commissioners to build a State House, were not “officers,” citing and relying upon, 3 Me. 481. In *Shepherd, vs. Commonwealth*, 1, Serg. and R. 1, it was held that a commissioner who settled the compensation to claimants to lands in Lucerne county, did not hold an “office of profit,” though compensation was provided for his services, the court saying that “it was rather the execution of a special commission, than a holding of an office,” language singularly applicable to the commissioners under these resolves. Where a fudge was appointed for the purpose of investigating the genuineness

of certain relies, and certifying accordingly, it was held that such an appointment was not an "office" or public trust. *Washington vs. Nichols*, 52, N. Y. 478. Persons appointed by act of the legislature to conduct and execute and manage a lottery grant, involving a large sum of money, to be used for public purposes, (no compensation was provided,) were held not to be "public officers." *State vs. Platt*, 4 Del. (Harr.) 166. In *Underwood vs. McDuffy*, 15, Mich. 361, the court held that "executive officers" were "not created by the temporary nomination for a single and transient purpose," and that "Every public office includes duties to be performed constantly or as occasion arises during some continuous tenure," which is not the case with these commissioners. An "office" involves an "employment or duty" that "is a continuing one." *Hill vs. Boyland*, 40 Miss. 625. That the duty must be a continuing one, and defined by rules prescribed by law, were held essential elements of an "office" by Chief Justice Marshal, in *United States vs. Morriss* 2 Brock, 103. In *United States vs. Hatch*, 1 Pinney, 182, "officers" to manage and dispose of land donated to a territory to aid in the construction of a railroad, were held not to be "civil officers" within the meaning of the Constitution, the court relying upon 3 Me. 481, as in point.

On the other hand, commissioners to construct a highway, were held to be "officers," but, mainly on the ground that they exercised a part of the "functions of government." (The right of eminent domain,) *People vs. Nostrand*, 46 N. Y., 375. Commissioners to make a geological survey, were held to be "public officers," but the office was in one sense a continuing one, provision being made for removals, and filling vacancies, and in that case the court intimated that there was a distinction between such offices as they were considering, and the term "office" which requires a more strict construction, as used in a constitutional clause. *Hall vs. State*, 39 Wis. 79. In *Commonwealth vs. Evans*, 74 Pa. St. 124, an agent appointed to collect claims against the United States, was held to be a public officer, within the provisions of a statute excepting "public officers" from the operation of the law abolishing imprisonment for debt. This was a case where the agent was seeking to evade the payment of public funds, in his hands, and the case is controlled by that consideration. These three cases are, therefore, unlike the commissioners to be appointed under these resolves, and I have been unable to find any case where, with parallel facts, such commissioners have been held to be "public officers" or "civil officers."

It will be perceived that several of the above cases, that are in point, rely upon 3 Me. 481, and I find this case very frequently cited as authority when "office" or "civil office" is being defined. It is difficult to establish any substantial distinction between the "agents" in that opinion, and the "commissioners" here. That they are called "agents" in one case, and "commissioners" in the other, is not material, as it is the office or position itself, and not the name of the office or position that is of essence.

Inasmuch, however, as I do not feel satisfied with the construction adopted by the court in that opinion, and if I am to advise, cannot advise the appointments inquired about, though they may be legally competent, I ought perhaps, to give my reasons. In 3 Me. 481, in answering the question then before them, the court base their whole opinion upon Art. III, section 2 of the Constitution, which reads, "No person or persons belonging to one of the departments, (executive, legislative, or judicial,) shall exercise any of the powers, properly belonging to either of the others, except in the cases herein expressly directed or permitted." "With this provision in view" the court say "it seems proper to give such a construction of the Constitution as will be necessary to effect the object contemplated, which was to preserve the powers above mentioned, entirely distinct, except in the cases specified." Again they say, "By thus ascertaining the object which the framers of the Constitution had in view, in the distribution of powers, or division of the sovereign power, we apprehend the true construction to be given to the terms "office" and "offices" as used in the Constitution may also be ascertained." The purpose to keep the "powers above mentioned entirely distinct" is the only purpose expressed in the opinion. They treat this throughout as the only "object contemplated." The provision under which they were answering the question has already been quoted, Art. IV, Part III, Sec. 10. This opinion treats these two provisions of the Constitution as having one and the same purpose, as identical in meaning. They do not suggest any distinction of purpose and intent between the two. They invariably use Art. III, Sec. 2, as the standard for the construction of Art. IV, Part III, Sec. 10. Each provision is expressly prohibitory. Are they both intended to prohibit the same thing? I think not. I think there is a material and important distinction between the purpose and intent of the two provisions. The earlier is found under the article entitled "Distribution of

Powers." Its only purpose is to "preserve the powers" "distinct." The latter is found under the article entitled "Legislative Power." If identical in meaning with the former, the former covered the whole ground and the latter was an unnecessary repetition.

I do not think the latter is a reiteration of the principal declared in the former. It is not to be assumed that in so important an instrument as the Constitution, such unnecessary redundancy of expression would be tolerated. The purpose and intent of the latter is separate, distinct, independent, and more far reaching than the former. It does more than prohibit the person "belonging to one department" from exercising any of the powers belonging to another. It prohibits a member of the legislature from being "appointed to any civil office of profit" created by the legislature of which he was a member, not only while he "belongs to one department;" but "*during the term* for which he shall have been elected." So that, if such member ceased to "belong to one department" by resignation of his legislative office, he could not be appointed to any such "civil office of profit," "until the expiration of the term for which he shall have been elected." It is clear, then, that the purpose of the latter clause, is not to prevent the improper exercise of power in one department by those belonging to another, but to prevent the legislative creation of offices, to be filled by members of the legislature creating them. This purpose is not recognized in this opinion.

The court do not treat it as the "object contemplated." Instead of giving the terms "civil officer" a strict and technical construction, as the court do in that opinion, in order to "effect the object contemplated" by the earlier provision, as to the distribution of powers, I think they should receive a broader and more liberal construction, in order to "effect the object contemplated" by the latter provision, in which the term occurs, and which has a different purpose. Again, the language is, "civil office of profit." These words should be construed together. It is obvious that the words, "of profit" are of special significance, and should be given great weight in construing the whole clause. If it was an evil, and it is so pronounced by the Constitution, for a member of the legislature to participate in the creation of an office of profit, to be filled by himself, during his term, it does not require argument to show that the element of "profit" furnished the strongest incentive to the abuse of any power the legislature might have had in this direction. It is not so

much "any civil office," *per se*, that makes the inhibition necessary, but the "profit" issuing *from* the office. The underlying idea seems to be that no legislator, shall derive any personal "profit" from his action as a legislator. Whether an office is a "continuing one," involves an exercise of a "portion of the sovereign power," its duties are to be performed under the sanction of an oath, involves "carrying into effect any of the standing laws of the State," (all elements held to be necessary to constitute an "office") or otherwise, is of slight consequence, so far as the mischief sought to be prevented is concerned, while the element of "profit" issues from it. A "place," an "agency" a "commission" or an "employment," is equally within the principle involved in the mischief, (differing perhaps in degree) as is the most technical "civil office," if the element of profit, is alike incident to each. It is not so much, whether the profit continues for a longer or shorter time, is greater, or is less, it is still there. It is in the *fact* of profit, that the evil lurks. This element of "profit" as tending to aid in ascertaining the "object contemplated" is entirely overlooked in this opinion. In construing a statute which prohibited "increasing the salaries of those now in office," the court, in *Rowland vs. New York*, 83 N. Y. 372, said, in holding that an attendant on Supreme Court was within its provisions, "Its object was to limit or cut down expense; and the evil was an increase of compensation. The fruit and profit is in its sense and spirit; and so rendered includes the plaintiff's case. For, whether we consider the nature of the matter detailed or its obvious purpose, it is reasonable to suppose that the legislature had in mind when selecting the language above quoted, all persons who under any name were the recipients of salaries from the State, and in this sense the act should be construed." In order to give "effect to the object contemplated," in its "sense and spirit," by this provision of the Constitution, the term "civil office of profit," should, I think receive a construction, that would render a member of the legislature ineligible for appointment, "during the term for which he shall have been elected," to any place or position "of profit" under this State, in the creation of which he had participated as legislator.

I have stated that the law is held otherwise; but as my advice is asked as to your action in the premises, I feel bound to say, that while these appointments would be legally competent, they would, in my opinion, be in violation of the spirit of the Constitution, and I do not therefore feel justified in advising you to make them.

As to the commissioners provided for by the "Resolve in favor of settlers in Madawaska Territory," I have to say, that such commissioners would not hold a "civil office of profit," and that members of the legislature of 1889-90, would therefore, be eligible for appointment as commissioners under that resolve. The appropriation in that resolve, is "for the reasonable expenses of said commissioners" only. The Governor is to draw his warrant to pay "the expenses of said commissioners," only. No compensation is provided for.

Very respectfully,

CHARLES E. LITTLEFIELD,
Attorney General.

CASES FORMERLY CAPITAL.

There are now pending, argued, in the hands of the law court, awaiting their action, on appeals from the decisions of judges at *nisi prius* overruling motions for a new trial, the case of *State vs. David L. Stain and Oliver Cromwell*, and *State vs. Charles L. Beal*. These cases were both argued, in the Western District, at the July law term, 1889. In the case of *State vs. Charles L. Beal*, the defence being unable by reason of unavoidable delays, to present a copy of the case at that term. upon the suggestion of court, the appeal was heard on a statement of such facts as the counsel upon either side relied upon. As this case was tried before the beginning of my term of office, and I had no knowledge of the details, I was obliged to rely upon the County Attorney of Kennebec, L. T. Carleton, Esq., who assisted the Attorney General in the trial of the case, to present the case for the State. At my request he cheerfully and ably argued it.

At the request of E. P. Spofford, Esq., the County Attorney of Hancock County, I assisted him, at the April term, in the trial of *State vs. Chandler Collins*. This was an indictment for manslaughter. A trial of three days resulted in a verdict of guilty. The respondent was sentenced to two years imprisonment in the State Prison at hard labor, and is now serving out the sentence. Mr. Spofford had his case thoroughly prepared, well in hand, and discharged his duties in the trial with ability.

The case of *State vs. Rice K. Smith*, was an indictment for murder, found at the September term of the Supreme Judicial Court, for York County. The case occupied five days in its trial, and was very closely contested, the government contending that the respondent was guilty of murder in the second degree. The defense relied upon was that the death was accidental, and that everything done by the respondent was justifiable. The defense was ably conducted by B. F. Hamilton, Esq., and C. S. Hamilton, Esq., of Biddeford. I was diligently and efficiently assisted by the County Attorney, H. H. Burbank, Esq. The verdict was murder in the second degree. A motion was made for a new trial before the presiding judge, which was overruled, and an appeal has been taken to the law court. Exceptions have also been filed to some of the rulings of the court. The case of *State vs. Sarah Gifford* was an indictment for murder, found in Kennebec County. It came on for trial, at the April term 1889, while I was engaged in the trial of *State vs. Chandler Collins* at Ellsworth. The prosecution was conducted by L. T. Carleton, Esq., the County Attorney. Unexpected facts having developed at the trial, he became satisfied that a conviction could not be had, and entered a *nolle prosequi* to the indictment, and discharged the respondent. There are no other indictments for murder pending, in which there is any probability of a trial. Only two indictments for murder have been found since November 1st, 1888.

A detailed statement of the criminal business is annexed to this report.

I have authorized the prosecution of a petition for a writ of mandamus against County Commissioners of Franklin County, and a petition for a writ of *quo warranto* against the Old Town Bridge Company, as the legal questions raised in each case seemed to me fairly debatable, and no other adequate remedy being available. The suit for taxes against the Grand Trunk Railway Company, is now pending in the United States Supreme Court, and cannot be reached for argument before another year.

I have the honor to be

CHARLES E. LITTLEFIELD,

Attorney General.

Table A.

List of State cases in the Law Court, in which decisions have been rendered since November 1, 1888.

WESTERN DISTRICT.

FRANKLIN COUNTY.

State vs. the Maine Central R. R. Co. Decision rendered December 10, 1888. Nonsuit confirmed.

State vs. Abner Searles and Elijah W. Locklin. Decision rendered January 18, 1889. Exceptions overruled. Motion dismissed.

State vs. Joel Dunlap. Decision rendered January 7, 1889. Exceptions sustained. Motion sustained. Judgment arrested.

CUMBERLAND COUNTY.

State vs. James Kelleher, Aplt. Search and seizure. Decision rendered February 25, 1889. Exceptions sustained and a new trial granted.

State vs. Martin Ryan and Owen J. Ryan. Nuisance. Decision rendered December 28, 1888. Exceptions overruled. Judgment for the State.

State vs. Edward Carr. Nuisance. Decision rendered December 22, 1888. Exceptions overruled. Judgment for the State.

State vs. Peter O'Donnell. Nuisance. Decision rendered January 22, 1889. Exceptions sustained. Demurrer sustained. Indictment adjudged bad.

LINCOLN COUNTY.

State vs. Benjamin Dodge. Decision rendered March 19, 1889. Exceptions sustained. Motion sustained. Judgment arrested.

CUMBERLAND COUNTY.

- State vs. Samuel Nason. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Conwell, Jr., Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Conwell, Jr., Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mathew H. Kerwin, Aplt. Intoxication. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Andrew Lang, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Timothy J. Prindable, Aplt. Indecent exposure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Timothy J. Prindable, Aplt. Intoxication. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Reardon, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Ellen Stenborn, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John Tierney, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Jane Wogan, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Jane Wogan. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Ann Flaherty. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.

- State vs. John Tierney. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Cornwell, Jr. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary J. Shaw. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John Cady. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Julia M. O'Connor. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Arthur L. Kenney. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Andrew Lang. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Thomas F. Hart. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Reardon. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Edward H. Coleman, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Edward Kelley, Aplt. Assault and battery upon police officer. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Kilmartin, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Henry Murray, Aplt. Common drunkard. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Conwell, Jr., Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James Reddy, Aplt. Intoxication. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.

- State vs. James Reddy, Aplt. Resistance to police officer. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. George Emerson. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. George Emerson. Common seller. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. George Emerson. Drinking house and tippling shop. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Edward H. Coleman and Dennis E. Kilday. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Thomas Hamel. Breaking, entering and larceny. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Dennis E. Kilday and Edward H. Coleman. Common sellers. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Dennis E. Kilday and Edward H. Coleman. Drinking house and tippling shop. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Conwell, Jr. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Conwell, Jr. Common seller. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John McGowan alias, etc. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John McGowan alias, etc. Common seller. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Andrew Lang and Kate Lang. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Thomas Pike. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.

- State vs. Richard Collins. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John Smith. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Margaret Ring. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Curran and Daniel Welch, Apls. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Hugh Gilmore, Aplt. Common drunkard. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James Kelleher, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Kilmartin, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Andrew Lang, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Hannah O'Toole, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Hannah O'Toole, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Eugene E. Shaw, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Otis E. Wood, Aplt. Search and seizure. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James A. Conwell, Sr. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Albert Sawyer. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.

- State vs. Mary Curran and Daniel Welch. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Ann Flaherty. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Michael F. Barry. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Theorus B. Pollard. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Kate Lang. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Coyne. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Walter Smith and Edward Smith. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Eugene F. Shaw. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Isaac Knight and George L. Trafton. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Edward Eagan and Andrew Eagan. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Otis E. Wood. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John Tierney. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. John F. Mahoney. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. James Kelleher. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Liddy and Thomas J. Liddy. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Patrick J. Murphy. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.

- State vs. William J. Harkins. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Alden Mason. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Hannah O'Toole. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Hannah O'Toole. Common seller. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Hannah O'Toole. Drinking house and tipping shop. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Kilmartin. Nuisance. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Kilmartin. Common seller. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.
- State vs. Mary Kilmartin. Drinking house and tipping shop. Decision rendered August 3, 1889. Exceptions overruled. Judgment for the State.

MIDDLE DISTRICT.

Certified to Chief Justice from Superior Court, Kennebec County, September term, 1888, on exceptions adjudged frivolous. Order received December 24, 1888 to enter, exceptions overruled. Judgment for the State.

- State vs. Mary J. Carson, Aplt. Search and seizure.
- State vs. Chas. E. McLaughlin. Common seller.
- State vs. Chas. E. McLaughlin. Tipping shop.
- State vs. F. A. Coombs. Liquor nuisance.
- State vs. F. A. Coombs. Common seller.
- State vs. James Rumney. Liquor nuisance.
- State vs. James Rumney. Common seller.
- State vs. I. H. Hayes. Liquor nuisance.
- State vs. I. H. Hayes. Common seller.
- State vs. Albert Noyes. Liquor nuisance.
- State vs. Harry Meader. Liquor nuisance.
- State vs. Harry Meader. Common seller.

State vs. M. E. Kenniston. Common seller.
 State vs. Peter A. Houlehan. Common seller.
 State vs. Thomas A. Boulger. Liquor nuisance.
 State vs. William H. Merrill. Common seller.
 State vs. Mary J. Carson. Liquor nuisance.
 State vs. Mary J. Carson. Common seller.
 State vs. Philip J. Kelley. Liquor nuisance.
 State vs. Chas. H. Douglass. Common seller.
 State vs. Albert Noyes, Aplt. Search and seizure.
 State vs. Mary J. Carson, Aplt. Search and seizure.

Certified to Chief Justice from Superior Court, Kennebec County, December term, 1888, on exceptions adjudged frivolous. Order received February 28, 1889 to enter. Exceptions overruled. Judgment for the State.

State vs. Ivory Hayes. Liquor nuisance.
 State vs. Ivory Hayes. Common seller.
 State vs. Ivory Hayes. Tippling shop.
 State vs. Joseph Foye. Liquor nuisance.
 State vs. Joseph Foye. Common seller.
 State vs. Joseph Foye. Tippling shop.
 State vs. Edward Murphy. Liquor nuisance.
 State vs. Edward Murphy. Common seller.
 State vs. P. B. Crooker. Liquor nuisance.
 State vs. P. B. Crooker. Common seller.
 State vs. P. B. Crooker. Tippling shop.
 State vs. Evander G. Holmes. Liquor nuisance.
 State vs. Evander G. Holmes. Common seller.
 State vs. Emeline Holmes. Nuisance.
 State vs. Mary C. LaFountain. Liquor nuisance.
 State vs. Mary C. LaFountain. Common seller.
 State vs. Mary C. LaFountain. Tippling shop.
 State vs. Mary Jane Carson. Liquor nuisance.
 State vs. Mary Jane Carson. Common seller.
 State vs. Mary Jane Carson. Tippling shop.
 State vs. W. E. Albee. Common seller.
 State vs. W. E. Albee. Tippling shop.
 State vs. Geo. H. Winslow. Common seller.
 State vs. Geo. H. Winslow. Tippling shop.
 State vs. Geo. Stackpole. Common seller.
 State vs. Marshall Hayes. Liquor nuisance.

- State vs. Marshall Hayes. Common seller.
 State vs. H. A. Waite. Liquor nuisance.
 State vs. H. A. Waite. Common seller.
 State vs. Arthur Q. Hamilton. Common seller.
 State vs. Arthur Q. Hamilton. Tippling shop.
 State vs. Augustus Woods. Common seller.
 State vs. George Curtis. Common seller.
 State vs. Eleazor Lessor. Liquor nuisance.
 State vs. Eleazor Lessor. Liquor nuisance.
 State vs. Eleazor Lessor. Common seller.
 State vs. Geo. Lashus. Liquor nuisance.
 State vs. Geo. Lashus. Common seller.
 State vs. James Baldic. Liquor nuisance.
 State vs. James Baldic. Common seller.
 State vs. Wallace Simpson. Common seller.
 State vs. Richard Dixon. Single sale.
 State vs. John McLaughlin. Liquor nuisance.
 State vs. Rose Carson. Single sale.
 State vs. P. B. Crocker. Single sale.
 State vs. P. B. Crocker. Single sale.
 State vs. P. B. Crocker. Single sale.
 State vs. Augustus Woods. Single sale.
 State vs. Augustus Woods. Single sale.
 State vs. Augustus Woods. Single sale.
 Entered at May term, 1889, Law Court, Middle District.
 State vs. John H. Pray. Perjury.
 State vs. Nathan J. Stevens. Perjury.
 State vs. Wm. H. Rhodes. Assault with intent to kill.
 State vs. James Faulkner. Polygamy.
 June 4, 1889, exceptions overruled for want of prosecution in
 above four cases.
 State vs. F. B. Pierce. Obtaining goods by false pretense.
 September 4, 1889. State vs. F. B. Pierce.
 State vs. Thos. A. Boulger. Liquor nuisance.
 State vs. O. Ricker. Liquor nuisance.
 State vs. O. Ricker. Common seller.
 State vs. Geo. Carson. Liquor nuisance.
 State vs. Geo. Carson. Common seller.
 State vs. Augustus Woods. Liquor nuisance.
 State vs. Augustus Woods. Common seller.

- State vs. Gard Bigelow. Nuisance.
State vs. Gard Bigelow. Common seller.
State vs. David Marriner. Nuisance.
State vs. David Marriner. Common seller.
State vs. John McLaughlin. Liquor nuisance.
State vs. John McLaughlin. Common seller.
State vs. Joseph Cote. Liquor nuisance.
State vs. Josephine Ronco. Liquor nuisance.
State vs. Josephine Ronco. Common seller.
State vs. Selena Labby. Liquor nuisance.
State vs. Selena Labby. Common seller.
State vs. Chas. Cote. Nuisance.
State vs. Chas. Cote. Common seller.
State vs. Geo. Landry. Liquor nuisance.
State vs. Geo. Landry. Common seller.
State vs. James Baldic. Liquor nuisance.
State vs. James Baldic. Common seller.
State vs. Augustus A. Hallett. Liquor nuisance.
State vs. Augustus A. Hallett. Common seller.
State vs. Mary Lessor. Liquor nuisance.
State vs. Mary Lessor. Common seller.
State vs. Leroy Fogg. Nuisance.
State vs. Geo. A. McNamara. Liquor nuisance.
State vs. Geo. A. McNamara. Common seller.
State vs. Wm. H. Merrill. Liquor nuisance.
State vs. Wm. H. Merrill. Common seller.
State vs. John Carroll. Liquor nuisance.
State vs. John Carroll. Common seller.
State vs. T. P. Jordan. Nuisance.
State vs. Geo. H. Winslow. Liquor nuisance.
State vs. Geo. H. Winslow. Common seller.
State vs. John McLaughlin. Search and seizure.
State vs. Geo. Carson, Aplt. Search and seizure.
State vs. Geo. Carson, Aplt. Single sale.
State vs. Geo. Carson, Aplt. Drunkenness.
State vs. Augustus Woods, Aplt. Single sale.
State vs. Augustus Woods, Aplt. Single sale.
State vs. Augustus Woods, Aplt. Single sale.
State vs. Augustus Woods, Aplt. Single sale.
State vs. Geo. A. McNamara, Aplt. Single sale.

State vs. Chas. E. Cote. Aplt. Single sale.
June 4, 1889, Exceptions overruled. Judgment for the State.

KNOX COUNTY.

State vs. Stephen Kavannah *et als.* April 1, 1889. Indictment quashed.

State vs. Wm. R. Smith, Aplt. Exceptions overruled for want of prosecution.

State vs. George McLaughlin.

State vs. George McLaughlin.

State vs. A. S. Hamilton *et als.*

State vs. A. S. Hamilton *et als.*

State vs. Andrew O'Neil.

State vs. Andrew O'Neil.

State vs. Andrew O'Neil.

State vs. Wm. Crowley.

State vs. Wm. Crowley.

State vs. Wm. Crowley.

State vs. Geo. Merrifield.

State vs. Joseph S. Thorndike, Aplt. In the foregoing twelve cases exceptions overruled. Judgment for State. May law term, 1889.

SAGADAHOC COUNTY.

State vs. Geo. W. Hall, December 9, 1888. Exceptions overruled.

EASTERN DISTRICT.

HANCOCK COUNTY.

State of Maine vs. C. D. McGown, Aplt. Exceptions overruled for want of prosecution.

WALDO COUNTY.

State of Maine in *scire facias* vs. Abner Gilmore *et als.* Exceptions overruled.

State of Maine vs. Daniel O'Connell. Common seller. Exceptions sustained.

State of Maine vs. Frank Nash. Single sale. Exceptions overruled for want of prosecution. Judgment for the State.

State of Maine vs. Frank Nash. Common seller. Exceptions overruled for want of prosecution. Judgment for the State.

State of Maine vs. Everett Hodgdon. Common seller. Exceptions overruled. Judgment for the State.

State of Maine vs. Everett Hodgdon. Single sale. Exceptions overruled. Judgment for the State.

PENOBSCOT COUNTY.

State of Maine vs. John Duren, Aplt. Exceptions. Exceptions overruled. Judgment for the State.

State of Maine vs. Fred Soucie, Aplt. Exceptions. Exceptions overruled. Judgment for the State.

State of Maine vs. William Parrell, Aplt. Exceptions. Exceptions overruled. Judgment for the State.

State of Maine vs. John P. Simpson, Aplt. Exceptions. Exceptions overruled. Judgment for the State.

State of Maine vs. Mathew Kane, Aplt. Exceptions. Exceptions overruled. Judgment for the State.

State of Maine vs. George Astels, Aplt. Exceptions. Exceptions overruled. Judgment for the State.

KNOX COUNTY.

State of Maine vs. Eroid E. Hosmer. Cheating by false pretences.

Exceptions sustained. Demurrer sustained. Indictment bad.

State of Maine vs. Same. Cheating by false pretences. Excep-

tions sustained. Demurrer sustained. Indictment bad.

Table B—Showing the Number of Prosecutions Instituted and the Offences for the Year Ending November 1, 1889.

Counties.	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 the Liquor Law.	Other Offences.
Androscoggin ...	129	-	-	-	-	3	8	1	1	-	4	4	-	4	-	-	-	3	95	6
Aroostook	16	-	-	-	-	-	2	1	-	4	1	2	-	2	-	-	-	-	6	2
Cumberland	242	-	-	-	4	14	10	-	1	-	-	17	-	4	-	-	-	10	154	38
Franklin	40	-	-	-	4	1	3	-	1	-	-	1	-	1	-	-	-	8	10	1
Hancock	30	1	-	-	2	-	1	-	-	-	-	4	-	4	1	3	-	-	12	2
Kennebec	289	3	1	4	-	-	14	-	2	-	5	11	-	4	-	4	-	-	244	3
Knox	45	-	-	-	-	-	1	-	-	-	-	6	-	2	-	-	-	-	32	1
Lincoln	6	-	-	-	-	-	-	1	-	-	2	-	-	-	1	-	-	-	1	1
Oxford	24	-	1	-	1	-	2	-	-	-	-	1	-	2	-	2	-	2	3	3
Penobscot	145	-	-	-	-	6	8	1	-	2	1	15	2	7	3	-	1	-	85	14
Piscataquis	11	-	-	-	-	-	6	-	1	-	-	1	-	-	-	-	-	-	2	-
Sagadahoc	12	1	-	-	-	-	1	-	1	-	-	2	-	1	-	-	-	-	1	-
Somerset	52	-	-	-	-	-	1	7	-	-	-	4	-	-	-	1	-	-	36	3
Waldo	59	-	1	-	-	-	1	-	-	-	-	2	-	-	-	-	-	8	35	8
Washington	47	1	-	-	1	1	1	-	-	-	4	7	-	-	-	-	-	-	23	9
York	84	1	-	-	1	6	5	2	-	-	-	14	-	1	2	1	-	2	47	5

Table C—Showing the Disposition and Result of Prosecutions During the Year, and their Condition on November 1, 1889.

COUNTIES.	Disposition During Year Ending November 1, 1889.						Condition at End of Year, Nov. 1, 1889.			Sentences.			
	Quashed.	"Not Pros'd" on Payment of Costs	"Not Pros'd" or Dismissed.	Conviction and Sentence.	Acquitted.	Placed on File.	Continued Open	Continued for Sentence.	Continued Marked "Law."	State Prison.	Co. Jail & House of Correction.	Reform School.	Fines, &c.
Androscoggin... ..	-	1	25	63	6	-	121	6	6	4	15	-	16
Aroostook.....	-	-	8	7	-	-	32	23	-	1	5	-	2
Cumberland.....	-	5	52	123	4	-	47	109	41	17	53	-	72
Franklin.....	-	-	8	12	6	1	13	-	1	2	4	-	7
Hancock.....	1	3	2	4	1	-	15	1	6	2	1	-	1
Kennebec.....	1	5	137	151	8	-	79	84	21	5	44	-	103
Knox.....	3	2	18	26	5	-	112	26	10	1	-	-	-
Lincoln.....	-	-	1	2	-	-	18	-	-	-	2	-	4
Oxford.....	-	4	-	5	1	-	20	3	-	2	1	-	2
Penobscot.....	3	10	113	5	-	-	103	9	21	4	5	-	60
Piscataquis.....	-	-	15	3	-	-	25	1	-	-	1	-	2
Sagadahoc.....	-	1	3	8	1	-	36	3	4	2	-	-	5
Somerset.....	4	-	13	18	4	1	58	2	-	2	4	-	14
Waldo.....	1	4	26	22	2	-	51	2	12	1	4	-	21
Washington.....	4	-	10	13	1	-	22	1	1	-	5	-	11
York... ..	2	10	31	38	5	8	38	15	-	8	13	-	22

Table D—Giving List of Persons Sentenced in the Different Counties, with the Offenses and Sentences.

ANDROSCOGGIN.

Name.	Crime.	Imprisonment.	Fine, &c.
JANUARY TERM, 1889.			
John C. Hegarty	Liquor nuisance		\$113 38
Thomas McNamara	"		123 69
John C. Hegarty, Aplt.	Search and seizure		106 06
Mary Nolan, Aplt.	"		105 01
Ellen Feeney, Aplt.	"		106 68
Ellen Feeney, Aplt.	"		106 64
John C. Hegarty, Aplt.	"		107 18
John Creeden, Aplt.	"		118 49
J. B. Cote, Aplt.	"		107 44
John McGraw, Aplt.	"		121 93
George D. Young	Compound Larceny	4 years in State Prison	
William McGraw	Larceny	6 months in county jail	
Henry McCullough	Assault and battery	9 " "	
Hendre Rogers	Larceny	18 " State Prison	
Alphonso Eli	Breaking, entering and larceny	2 years " "	
Hugh McDumott	Larceny	60 days in county jail	
Warren Myrick	Assault with intent to ravish	2 years " "	
Richard Myrick	"	" " "	
John C. Hegarty	Liquor nuisance		118 43
Edward Lyon	"	\$100, costs, or 60 days in jail, com't'd	
Oliver Bourbean	"		113 86
APRIL TERM, 1889.			
Addison F. Irish, Aplt.	Search and seizure	6 months county jail	
Loren B. Griffin	Larceny in dwelling house at night time	5 years in State Prison	
Peter O'Brien	Keeping gambling place	\$100, costs, and to stand com't'd (com)	

SEPTEMBER, TERM, 1889.

Joseph Lezotte, Jr., Aplt.	Search and seizure		105 84
Michael O'Connell, Aplt.	Transportation intoxicating liquors		63 12
Eugene Beaudette	Liquor nuisance		121 90
Joseph Bernier	Breaking and entering with intent to steal	3 months county jail	
Edwin L. Judkins	Larceny	9 " "	
August Laroque	Compound larceny	1 year county jail	
Omer Lemay	Adultery	6 months " "	
John Hinds	Attempt to commit felony	2 " "	
George W. Jordan	Aiding in maintenance of nuisance		100 00
Ann Haley	Drinking house, etc.	3 months county jail	
Ann Haley	Common seller	" " "	

AROOSTOOK.

Andy Christian Anderson	Being a tramp	1 year	
John R. Brown	Selling rum		50 00
John R. Brown	"	30 days	100 00
John Anderson	Larceny	"	
Twan Belongie	"	"	
George Case	Assault and battery	60 days	
Robert Stewart	"	"	

CUMBERLAND.

Daniel Welch	Search and seizure	6 months in jail	
James M. Eagan	Liquor nuisance		356 07
John Flaherty	Search and seizure		127 01
John R. Chaplin	Liquor nuisance		247 85
Owen J. Ryan	"	6 months in jail	
John Sullivan	Search and seizure		128 81
John Sullivan	Fast driving		48 35
Edward Carr	Liquor nuisance	6 months in jail	
Frederick Ross, alias, etc.	Common seller	6 " "	
John P. Sullivan, alias, etc.	Liquor nuisance		347 81
Daniel Welch	Search and seizure	6 months in jail	

CUMBERLAND—CONTINUED.

Name.	Crime.	Imprisonment, &c.	Fine, &c.
Charles W. Bell.....	Assault and battery.....	60 days in jail.....	
James A. Conwell, Jr.....	Search and seizure.....		\$119 79
James A. Conwell, Jr.....	".....		119 79
Mathew H. Kerwin.....	Intoxication.....	30 days in jail.....	
Ellen Steuborn.....	Search and seizure.....		121 76
John Tierney.....	".....		119 46
Robert Hughes.....	Rape.....	15 years in State Prison.....	
Ann Flaherty.....	Liquor nuisance.....		548 20
John Tierney.....	".....		227 75
John Cady.....	".....	6 months in jail.....	
Mary J. Shaw.....	".....		328 37
Arthur L. Kenney.....	".....	5 days in jail.....	
Thomas F. Hart.....	".....	10 ".....	
Michael J. Flanagan.....	".....	8 months in jail.....	
Andrew Lang.....	".....	1 year in jail.....	
Kate Lang.....	Search and seizure.....		123 90
Andrew Lang.....	".....	6 months in jail.....	
Kate Lang.....	".....		119 69
Edward H. Coleman.....	".....		118 69
John Duran.....	".....	90 days in jail.....	
John Duran.....	Open shop.....	30 ".....	
Daniel Friel.....	Single sale.....	30 ".....	61 18
Daniel Friel.....	Search and seizure.....	90 ".....	112 64
Edward Kelley.....	Assaults on an officer.....	90 ".....	
Mary Kilmartin.....	Search and seizure.....		124 67
Charles Gay.....	Gambling nuisance.....		263 54
Edward Doyle.....	B. E. and larceny.....	18 months in jail.....	
John Highland, alias, etc.....	Compound larceny.....	3 years in State Prison.....	
Jeremiah Reardon.....	Felonious attempt.....	2 ".....	
James Brogan.....	B. E. and larceny.....	3 ".....	
Charles B. F. Clark, alias, etc.....	Larceny.....	5 ".....	
Thomas Burns.....	".....	3 months in jail.....	

Michael Feeney.....	Larceny from the person.....	18 " "	
John P. McDonald.....	Gambling nuisance.....		212 71
William W. Morgan.....	" "		212 70
James P. Welch.....	Breaking, entering and larceny.....	3 years in State Prison.....	
Willard W. Strout, alias.....	Having short lobsters in close time.....	30 days in jail.....	1292 85
Bertha R. Taylor, alias, etc.....	Nuisance—house ill fame.....		238 32
Mary E. Howell, alias, etc.....	Liquor nuisance.....		449 58
George Emerson.....	" "		566 64
Dennis E. Kilday.....	" "		107 54
Dennis E. Kilday.....	Common seller.....	30 days in jail.....	107 54
Edward H. Coleman.....	" "	30 " ".....	107 54
Dennis E. Kilday.....	Drinking house and tippling shop.....	90 " ".....	107 54
Edward H. Coleman.....	" " " ".....	90 " ".....	107 54
John McGowen, alias, etc.....	Liquor nuisance.....	6 months in jail.....	
John McGowen, alias, etc.....	Common seller.....	30 days in jail.....	
Timothy Powell.....	Liquor nuisance.....		239 20
Mary Ellen Shea.....	" "	6 months in jail.....	
Peter Shea.....	" "	6 " ".....	
Frank Hutchins.....	" "	6 " ".....	
Kate Graffam.....	" "	6 " ".....	
John J. Cronin.....	" "		321 07
Richard Collins.....	" "		225 60
Charles McGlinchey.....	" "		233 36
Michael Welch.....	" "	6 months in jail.....	
John Smith.....	" "	6 " ".....	
Margaret Ring.....	Search and seizure.....	90 days in jail.....	
Margaret Ring.....	" "	90 " ".....	
Dennis C. McCarthy.....	Witness in contempt.....	30 " ".....	
Mary Curran.....	Search and seizure.....	6 months in jail.....	118 96
James Kelleher.....	" "		117 59
Mary Kilmartin.....	" "		117 59
Hannah O'Toole.....	" "		117 09
Hannah O'Toole.....	Open shop.....		31 53
Hannah O'Toole.....	Search and seizure.....		117 09
Eugene F. Shaw.....	" "		117 59
Otis E. Wood.....	" "		117 59
Henry Welch.....	Breaking, entering and larceny.....	1 year in jail.....	
James J. Connors.....	" " " ".....	1 " ".....	
James McGovern.....	" " " ".....	1 " ".....	

CUMBERLAND—CONTINUED.

Name.	Crime.	Imprisonment, &c.	Fine, &c.
Frank Smith, alias, etc.	Forgery and uttering	2 years in State Prison	
Frank Smith, alias, etc.	" "	2 " "	
John H. Gray	Larceny	3 " "	
Lester B. Harlow	Common thief	4 " "	
John T. Harrington, alias, etc.	Robbery	4 " "	
Seth Hamilton	Escape	6 months in jail	
David Buckley	Assault and battery	2 years in State Prison	
James A. Connell, Sen.	Gambling nuisance		\$417 08
James M. Cobb	"	6 months in jail	
James B. Lorette	"		229 41
Mary Curran	Liquor nuisance	6 months in jail	
Ann Flaherty	"		641 26
Michael F. Barry	"		340 84
Theorus B. Pollard	"		245 67
Simeon Tracy	"		248 84
Walter Smith	"		219 01
Edward Smith	"		219 01
Eugene F. Shaw	"		262 95
Isaac Knight, alias, etc.	"		243 34
Andrew O'Neil, alias, etc.	"		218 53
Andrew Eagan	"		319 60
Edward Eagan	"		319 59
Otis E. Wood	"		215 60
John Minock	"	6 months in jail	
John Tierney	"		342 60
John F. Mahoney	"		239 31
James Kelleher	"		315 60
Patrick J. Murphy	"		332 36
Joseph A. Soulard	"		285 02
James M. Safford	"		250 26
William J. Harkins	"		247 22
Alden Mason	"		222 69
James H. Irish	"		340 47

Hannah O'Toole.....	"		423 86
Byron G. Coburn.....	"		224 10
Wilbur J. Coburn.....	"		224 11
Mary Kilmartin.....	"		215 80
Martin P. Wall.....			61 53
Francisco Martiguineto, alias, etc.....	Illegal transportation.....		
Bridget Lally.....	Assault and battery.....	4 years in State Prison.....	
Samuel Hamilton.....	Larceny.....	1 year in jail.....	
Fannie Eustis.....	"	10 months in jail.....	
Luke Mulkern.....	Exposing child with intent to abandon it.....	1 year in jail.....	
Patrick Feeney.....	Assault and battery.....	4 years in State Prison.....	
John Minnough, alias, etc.....	Breaking, entering and larceny.....	4 " " ".....	
William Oakes.....	" " ".....	4 " " ".....	
Lendall G. L. Foote.....	Common thief.....	6 " " ".....	
James White.....	Breaking and entering with felonious intent.....	5 " " ".....	
Frank C. Small.....	Disorderly house.....	30 days in jail.....	
Helen V. Lombard.....	".....	30 " " ".....	
John T. Skillings.....	Fornication.....	30 " " ".....	
Emma Desselle, alias, etc.....	".....	30 " " ".....	
Albion Kimball.....	Forgery and uttering.....	2 years in State Prison.....	
James B. Lorette.....	Gambling nuisance.....		350 00
James M. Cobb.....	".....	6 months in jail.....	
Martin Ryan.....	Liquor nuisance.....		387 59

FRANKLIN.

Walter H. Moore.....	Robbery.....	Life.....	
Charles H. Neal.....	Cruelty to animals.....		41 04
Clara M. Nye.....	Larceny.....	6 months in county jail.....	
Calvin B. Hunnewell.....	Common seller.....		144 47
Charles S. Flanders.....	" ".....		160 59
Charles S. Flanders.....	Liquor nuisance.....		255 73
Weston C. Lufkin.....	Larceny.....		49 75
Augustus Brooks.....	Larceny.....	6 months in county jail.....	
George W. Russell.....	Forgery.....	2 years in State Prison.....	
Mary Dustin, Aptl.....	Single sale.....	6 months in county jail.....	209 95
Joseph Dustin, ".....	Search and seizure.....		125 04
R. R. Thompson, Aptl.....	" ".....	90 days in county jail.....	

HANCOCK.

Name.	Crime.	Imprisonment, &c.	Fine, &c.
Chandler A Collins.....	Manslaughter.....	Two years hard labor.....	
Charles Clark.....	Forgery.....	“ “ “.....	
Lizzie M. Kelley.....	Single sale.....		\$50 00
Horace Bouzy.....	Drunk and disturbance.....	30 days county jail.....	

KENNEBEC.

John Mulverhill.....	Manslaughter.....	2 years and 6 months State Prison...	
Benj. P. Kyer.....	Assault.....	4 months county jail.....	
Rocky Morse.....	Assault with intent to kill.....	“ “ “.....	
Algernon Dudley.....	“ “ “.....	\$61 or 60 days county jail.....	
Fred Billedeaux.....	Breaking and entering.....	6 months county jail.....	
James T. Gilson.....	Assault and battery.....	4 months county jail.....	
Chas. A. Sawyer.....	Robbery.....	To be confined at hard work in State	
Geo. H. Campbell.....	“.....	Prison during the period of their	
		natural lives.....	
James Carville.....	Incest.....	1 year in State Prison.....	
Nathan J Stevens.....	Perjury.....	Sentence 6 months county jail.....	
John H. Pray.....	“.....	“ “ “.....	
J. C. Mosher <i>et als.</i>	Killing trout.....	“ fine.....	\$45 00
James Baldie, Aplt.....	Drunk.....	Costs and fines.....	8 60
Clara Trepanier, Aplt.....	“.....	“ “ “.....	9 94
Celestine Labby, Aplt.....	Assault and battery.....	“ “ “.....	14 07
Frank G. Godfrey.....	Incendiary and inciting the same.....	Sentence 6 months county jail.....	
Chas. Grover, alias Gray.....	Cheating by false pretences.....	“ “ “.....	
Wm. P. Stanton.....	Breaking, entering and larceny.....	“ 60 days county jail.....	
Benj S. Riley, Jr.....	Perjury.....	“ 1 year State Prison.....	
John Berry.....	Assault with intent to ravish.....	“ 60 days county jail.....	
Benj F. B. Knox, Aplt.....	Drunk.....	“ fine.....	8 00
Wm H. Manson, Aplt.....	Insult.....	Costs.....	3 96

James M. Buck	Liquor nuisance	25 00
Same	Common seller	100 00
Same	Single sale	30 00
Eleazor Lessor	Liquor nuisance	Fine \$100 or 2 months county jail
Same	Common seller	30 days county jail and fine
Thomas A. Boulger	"	" " "
Wm. H. Merrill	Liquor nuisance	Fine \$150 or 60 days county jail
Same	Common seller	30 days county jail & fine of
Mary Jane Carson	Liquor nuisance	Fine \$100 or 60 days county jail
Same	Common seller	30 days county jail and fine of
J. D. White	Liquor nuisance	150 00
A. S. Young	"	50 00
W. E. Albee	"	100 00
Geo. H. Winslow	"	100 00
Arthur I. Hamilton	"	100 00
Augustus Wood	"	40 days county jail
Rose Carson	"	" " "
Benj. Riley	Common seller	30 days " " &
Wm. Stinchfield	"	30 days " " &
Robert McColl	"	" " " &
Geo. W. Williams	"	100 00
Dennis Garrity	Liquor nuisance	30 days county jail or fine
D. A. Garrity, Aplt	Search and seizure	Fine \$100 & costs or 3 mos. Co. jail
Geo. Laundry	Liquor nuisance	100 00
Mary C. LaFontain	Common seller	Fine \$100 or 30 days county jail
L. J. Cote	"	Sentence fine \$100 & costs \$84.22
Mary Lessor	Common nuisance	" \$100 or 60 days county jail
Dennis Garrity	Liquor nuisance	" \$100 fine or 30 days Co. jail
F. A. Coombs	"	100 00
James Rumney	"	Sentence \$100 & cost \$25
I. H. Hayes	"	fine
I. H. Hayes	Common seller	200 00
Dennis Garrity	Liquor nuisance	200 00
Mary J. Carson, Aplt	Search and seizure	" " \$100 & cost \$25
Ivory Hayes	Common seller	200 00
Same	Tippling shcp	200 00
Edward Murphy	Liquor nuisance	100 00
Same	Common seller	100 00
P. B. Crocker	Liquor nuisance	150 00

KENNEBEC—CONCLUDED.

Name.	Crime.	Imprisonment, &c	Fine, &c.
Evander G. Holmes	Liquor nuisance.	Sentence fine	\$100 00
Mary C. LaFontain	"	" \$100 fine or 4 mos. Co. jail,	
Geo. H. Winslow	Common seller	fine \$100 & costs, \$7 49	107 49
Same	Tippling shop.	" " " " 5.40	105 40
George Stackpole	Common seller	" " " " 9.00	109 00
Marshall Hayes	Liquor nuisance.	" " 100	100 00
Same	Common seller	" " & costs \$9 00	109 00
H. A. Waite	Liquor nuisance.	" " 75	75 00
Augustus Woods	Common seller	" 60 days county jail	
Geo. Curtis	Liquor nuisance.	fine	100 00
Geo. Lashus	"	"	50 00
James Baldie	"	" \$100 or 60 days Co. jail,	
Wm Stinchfield, Aplt.	Transporting liquors.	"	50 00
Same	"	" \$50 or 3 months county jail,	
Augustus Woods, Aplt	Single sale.	50 & cost & Impris. 30 dys	50 00
Same	"	" " " 30 days	
Same	Liquor nuisance.	" 60 days county jail	
O. Ricker	"	fine	100 00
Augustus Woods	"	" 4 months county jail	
Gard Bigelow	Common seller		100 00
Jos. Foye	Liquor nuisance.		100 00
Joseph Cote	"		100 00
Vede Libby	"	Sentence fine \$100 or 60 dys. Co jail,	
Geo. A. McNamara	"	"	100 00
John Carroll	"	"	100 00
Peter A. Houlehan	"	"	100 00
Same	Common seller	" \$100 & costs \$25	125 00
Fred Lawrence	Liquor nuisance.	" fine	40 00
Chas H. Nye	"	" 30 days county jail	
Geo. W. Williams	Common seller	fine \$100 & 30 dys. Co. jail,	100 00
Same	Tippling shop.	" " " or 60 " "	100 00

Geo. Carson	Liquor nuisance.	"	\$150 or 6 months	
Same	Common seller	"	100 & 30 days Co. jail.....	
Chas K. Bessee	Liquor nuisance.	"	fine	40 00
Maurice Quinn	Common seller.	"	100 & costs \$2.50	102 50
Geo. Stackpole	Liquor nuisance.	"	fine	100 00
Harry T. Muroh	"	"	"	100 00
Patrick Regan	"	"	"	100 00
Girard Crummett	"	"	"	100 00
Wm. H. Merrill	"	"	"	100 00
Chas. H. Douglass	"	"	"	100 00
Chas. J. Burk	"	"	"	100 00
F. M. Bowman	"	"	"	100 00
F. A. Coombs	"	"	"	100 00
C W. Morrill	"	"	"	100 00
Same	Common seller.	"	"	100 00
James Rumney	Liquor nuisance.	"	"	100 00
Chas O. Tibbetts	"	"	"	100 00
Isaac Bennett	"	"	"	125 00
Arthur Tetrault	"	"	"	100 00
Frank R. Partridge	"	"	"	100 00
F. G. Kinsman	"	"	"	100 00
C. B. Murphy	"	"	"	100 00
C. K. Partridge	"	"	"	100 00
James E. Devine <i>et al.</i>	"	"	"	100 00
Chas. H. Guppy <i>et al.</i>	"	"	"	100 00
J M. Mixer	"	"	"	100 00
Otis Webster <i>et al.</i>	"	"	"	100 00
Jennie Garrity	Common seller	"	\$100 fine & costs, \$15.40	115 40
Ira T. Lovejoy, <i>et al.</i>	Liquor nuisance.	"	fine	100 00
L. B. Weever	Common seller	"	"	100 00

ATTORNEY GENERAL'S REPORT.

KNOX.

Name	Crime.	Imprisonment, etc.	Fine, etc.
Thomas B. Severance.....	Common nuisance.....		\$200 00
Edward W. McIntire.....	Common seller.....		106 29
Same.....	“.....		106 29
Same.....	Common nuisance.....		106 30
Oscar L. Fitch.....	Common seller.....	60 days in Auburn jail.....	
Emery Ketchin.....	Larceny.....	2 years in State Prison at hard labor.....	
William R. Smart.....	Single sale.....		116 51
William H. Kennedy.....	Search and seizure.....		109 00
Fred S. Lynde.....	Common seller.....	\$100, costs and 30 days in Rockl'd jail.....	
George McLaughlin.....	“.....	\$100, costs and 30 days in Rockl'd jail.....	
A. T. Hamilton and George McLaughlin.....	Search and seizure.....	Each \$100, costs, and 90 days in Auburn jail.....	
Andrew O'Neil.....	Common seller.....	\$100, costs and 30 days in Rockl'd jail.....	
Same.....	Drinking house and tippling shop.....	\$100, costs and 60 days in Auburn jail.....	
William Crowley.....	Common seller.....	\$200, costs, and 4 months in Rockland jail, and in default 4 months additional.....	
Same.....	Common nuisance.....	\$500 and costs.....	
George H. Merrifield.....	Common seller.....	\$100, costs and 30 days in Wiscasset jail.....	
Lulu M. Eastman.....	Danger of falling into vtee.....	Committed to Industrial School.....	
George H. Merrifield.....	Search and seizure.....	\$100, costs and in default 90 days in Auburn jail.....	
Joseph S. Thorndike.....	Common seller.....	\$100, costs and 30 days in Rockl'd jail.....	
George W. Dean.....	Assault and battery.....	Fine and costs.....	24 81
Charles Clark.....	Common nuisance.....	\$300 and costs.....	309 00
George Brown.....	Larceny.....	3 months in Auburn jail at hard labor.....	
John West.....	Assault and battery.....	30 days in Rockland jail.....	
James H. Kennedy.....	“.....	75 days in Auburn jail at hard labor.....	
A. T. Hamilton and George McLaughlin.....	Common seller.....	Each \$100, costs and 30 days in Rockland jail.....	
Simeon Taylor.....	Assault and battery.....	60 days in Auburn jail at hard labor.....	

LINCOLN.

Ellis Hurd.....	Common seller.....	\$140 00
Willie A. Davis.....	“.....	140 00
J. Edwin Eaton.....	“.....	125 35
Fred A. Robinson.....	Larceny.....	10 months in county jail.....
Alvin Creamer.....	Assault.....	40 00
J. Eddie Gross.....	Assault and battery.....	3 months at hard labor in county jail,

OXFORD.

Samuel Favor.....	Common seller, (town agents).....	\$200 00
William Richardson.....	“.....	200 00
Mellen Lombard.....	Adultery.....	6 months.....
John Eldridge.....	Forgery.....	2½ years.....
Walter G. Blake.....	Arson.....	4 years.....

PENOBSCOT.

John McGuire, Aplt.....	Drunk.....	\$ 9 75
Jere Dwyer, Aplt.....	“.....	10 00
Henry Jordan.....	Larceny.....	Bail paid on sci fac.....
Albert S Chick, Aplt.....	Search and seizure.....	300 00
John Hennessy, “.....	“.....	50 00
Robert Crawford, “.....	“.....	35 00
Frank McGuire, “.....	“.....	5 00
Alice Haverty, “.....	“.....	109 00
Hugh McGrath, “.....	“.....	50 00
George Hanson <i>et al</i> , “.....	“.....	25 00
Albert Perkins, “.....	“.....	35 75
Hugh McHugh, “.....	“.....	10 69
Catherine Kerwin, “.....	“.....	100 00
Joseph Gaffney, “.....	“.....	35 00
John J. Cronin, “.....	Single sale.....	25 00
	Assault and battery.....	20 89

PENOBSCOT—CONCLUDED.

Name.	Crime.	Imprisonment, &c.	Fine, &c.
Michael Sullivan, Aplt.	Assault and battery		10 00
Michael Driscoll,	Drunk		5 00
Frank Pooler,	"		8 00
Barney Cassady,	"		10 00
Edward Dodwell,	"		10 00
Michael Conroy,	"		4 00
John Welch,	Assault and battery		5 00
Frank W. Doherty,	Search and seizure.		100 00
Fardy Linsky,	"		55 00
Charles Sandon,	Single sale.		10 50
Joseph Mitchell,	"		60 00
Theodore Boulter,	"		10 50
James McKenney,	Search and seizure.		50 00
John J. Cronin,	" "		109 59
Patrick Burke,	" "		50 00
Vill Erickson,	" "		125 00
Patrick Shaughnessy,	" "		10 00
John J. Cronin,	Disorderly conduct		28 89
James Campbell,	Assault and battery		2 00
Dennis Higgins,	"		7 00
John J. Cronin,	Single sale.		60 63
James Campbell <i>et al</i>	Assault and battery		5 00
Dennis Higgins,	Drunk		8 00
Maxim Traverse,	Search and seizure.		110 00
Jaman Perry,	"		110 00
David Leahey,	"		109 00
Daniel Molloy,	Larceny	6 months in county jail.	
Morgan McGinty,	"	3 " "	
Harry Cole,	"	18 months in State Prison.	
Fred Bailey,	Compound larceny.	2 years " "	
William Hutchinson,	Burglary	5½ " "	
John Whalen,	Assault and battery	4 months county jail.	

Frank Frost, Aptl.....	Search and seizure.....	Fine \$100 & costs, \$10 or 90 days,	\$110 00
William Cannon, ".....	" " ".....	" 100 " 11.85 90 "	
Fred Soucie, ".....	" " ".....	" 100 " 14.50 90 "	114 50
John Cushman, ".....	Assault and battery.....		7 00
William Parrell, ".....	Search and seizure.....	Fine \$100 & costs, \$12.50 or 90 days,	
John P. Simpson, ".....	" " ".....	" 100 " 11.50 90 "	111 50
Charles Mann, <i>et als.</i> , ".....	Assault and battery.....		36 00
Matthew Kane, ".....	Search and seizure.....		100 00
George Astels, ".....	" " ".....	Fine \$100 & costs, \$12.06 or 90 days	112 06
John Mitchell, ".....	" " ".....	" 100 " 10 90 "	110 00
Samuel Breen, ".....	" " ".....		75 00
Perry Arnold, ".....	Assault and battery.....		9 14
Michael McGinnis, ".....	Single sale.....		25 00
" ".....	" " ".....		25 00
Newton Twitchell.....	Search and seizure.....	Fine \$100 & costs, \$10 or 90 days,	110 00
Clovis Baker.....	Single sale.....		10 00
Todal Baker.....	Search and seizure.....		25 00
Joseph Mitchell.....	Larceny.....	3 months in county jail.....	
Herman LeBallester.....	".....	3 years in State Prison.....	
Fred Wilton.....	".....	1 year in county jail (labor).....	
Charles Babb.....	House ill fame.....	Fine \$25.....	13 63
Alonzo Doughty, Aptl.....	Assault and battery.....		30 00
Norman T. Mills.....	Fornication.....		41 44
Appleton S. Perkins, <i>et al.</i>	Assault and battery.....		

PISCATAQUIS.

Charles J. Anderson.....	Larceny.....	6 months in county jail.....	
Alton Perkins }.....	".....		
Frazier J. Grant }.....	".....		144 92
Christance Gengal.....	Assault and battery.....	Nol. pros. entered on payment of.....	20 00

SAGADAHOC.

Name.	Crime.	Imprisonment.	Fine, etc.
George Shoppe, Aplt.	Search and seizure.		\$ 17 00
Herbert Willis	Assault.		20 00
Benj. F. Rolfe.	Rape.	7 years in State Prison.	
Anthony Seckle.	Compound larceny.	1 year in State Prison.	
C. C. Lancaster	Assault.	Fine and costs.	14 81
Norman Smith	"	" "	30 00
Robert Kaulback	Common seller.	" "	111 80

SOMERSET.

A. B. Rawles	Evading payment of fare on railroad trains		9 39
Albra Kincaid	Common seller, Intox. Liq.		115 94
Same	Tippling shop.		101 40
Nelson Eugene Knight	Burglary	1 year in Auburn jail	
Moses Cleveland	Common seller Intox. Liq		152 30
John H. Frain	" " " "		139 25
Manley Bean	" " " "		116 72
Frank Cotton	" " " "		165 76
John H. McCone	Burglary	11 months & 25 days Auburn jail	
Sophrona Pooler	Assault and battery.		2 00
Roger Chase	Single sale Intox. Liq		50 05
David Longley	Drunkenness		5 73
William Howard	Single sale Intox. Liq.		50 01
Freeman Butler	" " " "	\$50 & \$20 costs or 60 days Co. jail.	
Freeman Moody	" " " "	" " " "	
Jas. and Paul Gero	Burglary	2 years each in State Prison	
William Howard	Common seller Intox. Liq		100 01
Micah W. Norton	Nuisance, Liq		520 00
Same	Common seller Intox. Liq		120 00

YORK.

Name.	Crime.	Imprisonment.	Fine, etc.
Catharine Donovan.....	Nuisance.....		\$137 90
Stillman I. Thompson.....	Libel.....	3 months and.....	200 00
Jesse Giles.....	Common seller.....	30 days and.....	146 72
Same.....	Drinking house and tippling shop.....	60 days and.....	132 38
Frederick M. O'Neil.....	Search and seizure.....		159 12
Ivory Emmons.....	Nuisance.....		149 01
Leon Hutchins.....	Compound larceny.....	2 years in State Prison.....	
Horace W. Howe.....	Violation of liquor laws.....		123 13
James Munday.....	" ".....	\$100 and costs, or 90 days in jail.....	
William Manuel.....	" ".....		135 79
Same.....	" ".....		111 86
Thomas H. Banks.....	Nuisance.....		25 00
Frank J. Tibbetts.....	" ".....		371 04
Ervin Littlefield.....	Violation of liquor laws.....		163 07
Frank C. Allen.....	" ".....		265 51
James Cotter.....	" ".....		258 96
Oren Cheney.....	" ".....		139 52
John Edwards, Jas. Murray, Chas. McCarthy.	Breaking and entering a shop.....	3 years State Prison.....	
James A. McKenney.....	Larceny.....	6 months in jail.....	
William McCarthy.....	Breaking and entering.....	" ".....	
A. M. Ross.....	" ".....	" ".....	
William McCarthy.....	Assault and battery.....	3 " ".....	
A. M. Ross.....	" ".....	" ".....	
Charles H. Guppy.....	Violation of liquor laws.....		138 95
John Kerwin.....	" ".....		124 84
Timothy Flynn.....	" ".....		159 41
Kelly F. Smith.....	Assault and battery.....	60 days in jail.....	
George Foster and Frank Parker.....	Compound larceny.....	5 years in State Prison.....	
Same.....	" ".....	" ".....	
Same.....	Burglary.....	2 " ".....	

Alfred Pruneau	Assault and battery	60 days in jail	
Albert F. Hurd	Larceny	" "	
Fred Holland	Compound larceny	6 months in jail	
Fred A. Ewell	Nuisance		184 51
John C. Walker	"		152 74
Sarah A. Berry	Violation of liquor law		113 18

Table E—*Showing Costs of Prosecution, Fines and Costs Imposed and Fines and Costs Collected for Year Ending November 1, 1889.*

COUNTIES.	Costs and Expenses of Prosecution.	Fines and Costs Imposed.	Fines and Costs Collected.
Androscoggin.....	\$2,455 71	\$3,624 30	\$2,904 29
Aroostook.....	574 83	150 00	
Cumberland.....	9,185 20	21,435 64	17,476 28
Franklin.....	967 04	986 57	651 58
Hancock.....	621 12	No return.	No return.
Kennebec.....	5,856 51	9,915 36	7,763 44
Knox.....	2,459 92	3,014 82	1,182 60
Lincoln.....	490 68	520 35	520 75
Oxford.....	1,057 51	450 01	450 00
Penobscot.....	3,073 90	3,209 31	2,959 96
Piscataquis.....	531 09	164 92	164 92
Sagadahoc.....	594 02	51 81	193 61
Somerset.....	1,598 16	1,788 56	1,648 56
Waldo.....	1,561 06	783 48	1,344 94
Washington.....	1,776 38	840 77	638 32
York.....	3,239 13	2,875 68	2,875 68

Table F—*Showing the amounts paid out by County Treasurers for costs of prosecutions in Supreme Judicial Court, and in the Superior Court for Cumberland and Kennebec Counties; on bills of costs allowed by County Commissioners for support of prisoners 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, jailers, and other officers, year ending November 1, 1889.*

COUNTIES.	Costs of prosecutions in Supreme Judicial and Superior Courts.	Amount Paid for Support of Prisoners in Jail.	Amount Paid Grand Jurors.	Amount Paid Traverse Jurors	Amount Received from Fines, &c.	Suppression Liquor Traffic per diem.
Androscoggin	\$2,455 71	\$5,280 20	\$428 98	-	\$10,707 59	
Aroostook.....	1,342 22	1,133 61	411 90	-	651 72	
Cumberland	10,378 48	14,314 55	930 32	\$1,175 24	23,692 70	\$ 2,647 35
Franklin	984 54	354 23	379 72	-	651 58	
Hancock.....	2,772 70	826 26	452 56	-	1,208 84	
Kennebec.....	6,856 51	4,962 02	634 60	-	11,695 61	
Knox.....	1,546 15	1,182 60	530 96	-	2,545 71	
Lincoln.....	490 68	830 34	307 88	-	549 95	
Oxford.....	1,057 51	140 54	446 96	-	513 01	
Penobscot.....	3,693 45	5,006 20	452 68	1,094 46	4,709 27	
Piscataquis.....	639 02	354 39	354 72	-	1,268 74	
Sagadahoc.....	1,508 56	267 47	193 88	-	449 61	
Somerset.....	1,598 16	554 93	548 69	-	3,918 91	
Waldo..	3,551 61	1,221 00	536 63	-	882 05	
Washington	1,776 38	1,116 00	816 76	-	1,764 88	
York.....	3,542 37	3,004 08	720 92	-	6,470 82	