

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 85.

STATE OF MAINE.

RESOLVE in favor of Warren W. Rice.

Resolved, That the sum of two hundred and fifty-
2 three dollars be, and the same is hereby appro-
3 priated out of the state treasury to be paid to
4 Warren W. Rice, the same being for moneys paid
5 by him as damages, costs and expenses by reason
6 of a suit brought against him by Darius Gross, an
7 ex-convict, for false imprisonment.

STATEMENT OF FACTS.

BANGOR, January 11, 1881.

The late warden, W. W. Rice, Esq., had a judgment rendered against him for acting in obedience to a statute in this state which has been in existence, and all the time by all the wardens obeyed, since 1824; which the court, with a closely divided opinion, felt constrained to declare unconstitutional in view of the personal liberty clauses in the late amendments of the constitution of the United States. The point was that a prisoner could not be detained over his time as a punishment, without a trial by jury. Nothing could be more manifestly just than for the warden to be indemnified by the state, while acting in obedience to its orders. The defence was managed with great care and good sense, and the damages recovered, fortunately, were small.

Respectfully,

JOHN A. PETERS.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 17, 1881. }

Reported by Mr. PITCHER, from Committee on Claims, and
ordered printed under Joint Rule with statement of facts.

ORAMANDAL SMITH, *Clerk.*