

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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SENATE.

No. 101.

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## STATE OF MAINE.

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RESOLVE in favor of John E. Kelley.

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*Resolved,* That the Treasurer of State be directed  
2 to pay John E. Kelley, Sheriff of Lincoln county,  
3 the sum of twelve hundred and nine dollars, the  
4 same being the amount of his actual loss on account  
5 of a lien attachment of a vessel made by him under  
6 the provisions of the Revised Statutes of Maine,  
7 which provision was subsequently held by the  
8 Supreme Court of Maine to be unconstitutional.



## STATEMENT OF FACTS.

July 2, 1886, said Kelley made a lien attachment of schooner "Corporal Trim," on writ of James McDougal and another, against Parker Robbins, said schooner being then at East Boothbay, Maine. The suit was to collect pay for labor and materials for repairs on said schooner, and the attachment was made pursuant to provisions of sect. 8, chap. 91, R. S. of Maine. In making said attachment, said Kelley, who was then sheriff of Lincoln county, followed the provisions of the statute in every particular. A keeper was put on board the vessel, and George M. Warren, the owner of said vessel, abandoned said property, and proceeded against said Kelley by a suit of trespass, upon the ground that the act authorizing said lien attachment was in contravention of the constitution and laws of the United States. Said Warren prevailed in said suit, and obtained judgment on said claim of \$1700, which, together with interest and costs of court, amounted to \$1901.29. Said Kelley has also been put to expense in defending said suit, of \$507.72, amounting in all in \$2409. The vessel, under the decision of the court, is now the property of said Kelley. The value of the vessel said Kelley is now willing to call \$1200; the best offer he has been able to obtain for her is \$1000. This leaves \$1209 which said Kelley has lost in consequence of the unconstitutional act under which he proceeded, and to which he looked for his protection.

STATE OF MAINE.

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IN SENATE, February 15, 1889.

Reported by Mr. AUSTIN from Committee on Claims, and laid on table to be printed under joint rules, with statement of facts,

C. W. TILDEN, *Secretary*.