

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



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1892.

Sixty-Fifth Legislature.

SENATE.

No. 231.

STATE OF MAINE.

IN SENATE, March 20, 1891.

Resolved, That both branches of the legislature after due notice given according to the Constitution will proceed to consider the adoption of an address to the governor for the removal of Charles S. Hamilton, judge of the municipal court of the city of Biddeford, Maine, for the causes following :

First—Because the said Charles S. Hamilton at Biddeford, aforesaid, on the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and on divers other days between the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and the thirteenth day of March in the year of our Lord one thousand eight hundred and ninety-one, publicly appeared intoxicated.

Second—Because the said Charles S. Hamilton, at Biddeford, aforesaid, on the first day of March, in the year of our

Lord one thousand eight hundred and eighty-nine, was, and to the thirteenth day of March, in the year of our Lord one thousand eight hundred and ninety-one, continues to be notoriously subject to habits of intemperance.

Third—Because the said Charles S. Hamilton, at Biddeford, aforesaid, on the first day of March, in the year of our Lord one thousand eight hundred and eighty-nine, was and to the thirteenth day of March, in the year of our Lord one thousand eight hundred and ninety-one, continues to be notoriously subject to habits of immorality and licentiousness.

Fourth—Because the said Charles S. Hamilton at Biddeford aforesaid on the first day of March, in the year of our Lord one thousand eight hundred and eighty-nine, and on divers other days between the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and the thirteenth day of March in the year of our Lord one thousand eight hundred and ninety-one held, presided over, said municipal court of the city of Biddeford, determined causes and rendered judgments therein, heard complaints and issued warrants under the seal of said court and his signature officially as judge thereof for the arrest of divers people while in a state of intoxication himself.

Fifth—Because the said Charles S. Hamilton at Biddeford aforesaid on the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and on divers other days between the first day of March in the year of our Lord one thousand eight hundred and eighty-nine, and the thirteenth day of March in the year of our Lord one thousand eight hundred and ninety-one, signed as judge of said court certain blank forms called jurats attached to forms prepared for the use of and in said court for complaints for violations

of the laws of the State of Maine, in which forms and complaints the commission of crime or misdemeanor was alleged and complained against and of no person, and by no person complainant, signed and sworn to, and also signed officially as judge aforesaid, certain blank forms called warrants en sealing the same with the seal of said court, said forms for warrants being attached to said complaints, and the same delivered to and permitted divers officers in said Biddeford and in Saco, in the county of York, Maine, authorized to serve legal precepts issued by said court, to use as said officers saw fit and to meet the wishes of such officers, some of said pretended warrants appearing to authorize the entry and search of buildings and premises.

Sixth—Because the said Charles S. Hamilton at Biddeford aforesaid on the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and on divers other days between the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and the thirteenth day of March in the year of our Lord one thousand eight hundred and ninety-one signed and attested as judge aforesaid certain blank forms of certificates of bills of costs of and from the municipal court of the city of Biddeford aforesaid in which no complainant was named; no respondent mentioned, no witnesses or officers stated as entitled to fees from the county of York and the same delivered to and permitted divers officers in said Biddeford, authorized to serve legal precepts issued by said court to use and fill as such officers thought fit.

Seventh—Because the said Charles S. Hamilton at Biddeford aforesaid on the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and on

divers other days between the first day of March in the year of our Lord one thousand eight hundred and eighty-nine and the thirteenth day of March in the year of our Lord one thousand eight hundred and ninety-one as judge of said court signed and ensealed with the proper seal of said court certain mittimuses as issued from and by said court by virtue of the authority of said Hamilton as judge aforesaid in which the name of no respondent appeared and in which no decree and adjudication of said court were stated. Said mittimuses being in blank so far as names of respondents and decree of said court effecting respondents were concerned and the same delivered to and permitted divers officers in said Biddeford, authorized to execute legal precepts and mittimuses issued by and from said court, to hold and use as such officers wished.

Eighth—Because the continuance of such habits, acts and proceedings nullify the proper and just operation of law and its due execution, and brings judicial proceedings into contempt and excites the disrespect of all.

Ninth—Because the safety of all legitimate pursuits of happiness and of those rights of life and liberty unalienable depends upon the personal integrity, purity and uprightness of character of the judges of the various courts of the State to a great degree.

Resolved, The House concurring, that these resolutions and statements of causes of removal be entered on the Journal of the Senate, and that a copy of the same be signed by the President of the Senate and served on said Charles S. Hamilton by such person as the President of the Senate shall appoint for that purpose, who shall make return of such service upon his personal affidavit without delay, and that the twenty-seventh (27th) day of March, A. D. 1891, at ten

o'clock in the forenoon be assigned as the time when the said Charles S. Hamilton may be admitted to a hearing in his defense.

Rules of procedure at the Joint Hearing in the matter
of Charles S. Hamilton.

First—For the purpose of granting a joint hearing, agreeably to a vote of the two branches of the legislature, they will meet in convention in the hall of the House of Representatives, on Friday, the 27th inst., at eleven o'clock in the forenoon.

Second—The President of the Senate shall preside in the convention, and in the absence of the President of the Senate, the Speaker of the House shall preside.

Third—The petitioners may be heard by counsel, and the respondent by himself and by counsel.

Fourth—The same rules of evidence shall govern as in the trial of civil actions in the Supreme Judicial Court. All depositions shall be taken forthwith, but no depositions shall be admitted unless it is shown that the deponent is unable to be present. The presiding officer shall decide all questions of the admissibility of evidence, and from his decision there shall be no appeal.

Fifth—No debate whatever shall be admitted in the convention.

Sixth—No motion shall be submitted or entertained except to take a recess to a time certain or to dissolve the convention, and every such motion shall be decided without debate.

Seventh—No person shall be admitted to the floor of the House except members of the convention, the parties, counsel, witnesses, reporters for the press and the officers of both branches.

STATE OF MAINE.

IN SENATE, March 25, 1891.

On motion by Mr. POWERS of Aroostook, laid on the table to be printed.

KENDALL M. DUNBAR, *Secretary*.