

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 191.

STATE OF MAINE.

RESOLVE in favor of James McDougall & Son.

Resolved, That the sum of eight hundred and seventy-
2 eight dollars be and is hereby appropriated, said sum to be
3 paid by the State treasurer to James McDougall & Son
4 in full for all claims against the State to date.

STATEMENT OF FACTS.

On July 2, 1886, John E. Kelley, Sheriff of Lincoln county made a lien attachment of the schooner Corporal Trim on a writ of James McDougall & Son and another against Parker Robbins, said schooner then being 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 the provisions of section eight, chapter ninety-one of the Revised Statutes of Maine. In making the attachment said McDougall & Son followed the provisions of the statute in all particulars. A keeper was put on board the vessel and the owner thereof abandoned said property, and proceeded against said Sheriff Kelley in action of trespass upon the ground that the act authorizing said lien attachment was in contravention of the constitution and laws of the United States. The owners of the vessel prevailed in said suit and obtained judgment in said action amounting with interest and costs of court to the sum of \$1,901.29. Said Kelley in defending the case was put to the expense of \$507 72, amounting in all to the sum of \$2,409.00. The vessel under the decision of the court became the property of the said Kelley, and he has since sold the same for the sum of \$1,000. The legislature at its session of 1889 passed a resolve paying the said Kelley the sum of \$700, which, with the sum realized from the sale of said vessel amounted to the sum of \$1,700, then leaving \$709 as the amount of loss which Kelley actually sustained in consequence of the unconstitutional act under which he proceeded and to which he looked for protection. The balance of said Kelley's loss was allowed by the legislature of 1891, so that said McDougall & Son, although they strictly followed the law as enacted by the legislature, lost their bill of \$778, and in addition were put to great expense.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 24, 1893. }

Reported by Mr. WOODBURY of Deering, from Committee on Claims,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*