

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 193.

STATE OF MAINE.

RESOLVE relative to Claim of Herbert M. Heath.

Resolved, That the claim of Herbert M. Heath for fees
2 as counsel in defence of Charles S. Hamilton before the
3 legislature of eighteen hundred and ninety-one, is hereby
4 referred to the governor and council with full power to
5 hear and determine the same upon equitable principles,
6 and if allowed, to fix the amount thereof, and the governor
7 is hereby authorized to draw his warrant for the amount,
8 if any, so found to be equitably due.



STATEMENT OF FACTS.

During the session of 1891 John Lord and others of Biddeford presented a petition asking that Charles S. Hamilton, judge of the municipal court of Biddeford, be removed. Charges were formulated and served. I appeared as counsel in defence. The petitioners employed counsel who conducted their case. By chapter 123 of the resolves for 1891 the sum of twenty-seven hundred dollars was appropriated "for the purpose of paying witnesses and officers to be audited by the governor and council." The fees so audited for witnesses, sheriffs, messengers and stenographers, and so paid, were \$1,687.93. On October 27, 1891, by warrant number 1,693 the governor and council, construing the word "officers" to include counsel, paid the bills rendered by the counsel for the petitioners amounting to \$920.35, the senior counsel receiving \$500 and the junior counsel \$420.35. The balance \$82.72 was covered into the treasury.

I have received in part payment \$100. The balance is not collectible. I did not charge \$500 on my books, but the State having allowed that sum to one of the counsel on the other side as a proper and reasonable fee, I submit that I should now be paid \$400.

The State having paid all the bills on both sides but mine, I ask the legislature as a matter of even justice to permit no discrimination and as a matter of common fairness to pay this claim. The legislature of 1891 intended to treat both sides alike, but the appropriation being exhausted I am compelled to ask this legislature to make good the deficiency. Respectfully submitted.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 24, 1893. }

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

W. S. COTTON, *Clerk.*