

# State of Maine

In House of Representatives  
Feb 13, 1861

Ordered - That the Justices of the Supreme Judicial Court be requested to communicate forthwith, to the House of Representatives their opinion, in writing, upon the following question:

Are sections twenty of Chapter Seventy Nine; sections thirty seven & fifty three of Chapter Eighty; and section four of Chapter one hundred & thirty ~~two~~ of the Revised Statutes of the State of Maine or either of them, repugnant to the Constitution of the United States or in contravention of any law of the United States made in pursuance thereof?

Read and Passed

Charles A. Miller Clerk

Note  
The following are the sections <sup>of the Revised Statutes</sup> referred to in the foregoing order:

Sec. 20 of Chap. 79 ~~of the Revised Statutes~~ when he (the County Attorney) is informed that any person has been arrested in his county and is claimed as a fugitive slave under the provisions of any act of Congress, he shall immediately return to the place of his custody; render him all necessary legal assistance & his defense; and summon such witnesses as he deems necessary therefor; and then



fees and all other necessary legal expenses <sup>therein</sup> shall be paid by the state

---

Sec. 37 Chap 80 The keepers of the several jails in this state shall receive and safely keep all prisoners committed under the authority of the United States, except persons claimed as fugitive slaves, until discharged by law under the penalties provided by law for the safe keeping of prisoners under the laws of this state

---

Sec. 53. Chap. 80. No Sheriff, Deputy Sheriff, Coroner, Constable, justice of the peace or other officer of this state shall arrest or detain, or aid in so doing, in any person or building belonging to the state or to any county or town, any person on account of a claim on him as a fugitive slave. Any of said officers violating any of the aforesaid provisions, or aiding or abetting any person claiming, arresting or detaining any person as a fugitive slave, shall forfeit a sum not exceeding one thousand dollars for each offense, to the use of the County where it is committed, or be imprisoned less than one year in the County jail

---



Sec 4, Chap 132 They (Juries of Municipal and Police Courts & Justices of the Peace) shall have jurisdiction of assaults & batteries, breaches of the peace and violations of any Statute or By Law of a town when the offence is not of a high & aggravated nature, & offences and misdemeanors, jurisdiction of which is conferred by law; and may cause offenders, rioters, breakers of the Peace & violators of law to be arrested; and may try and punish by fine not exceeding ten dollars, & may require them to find sureties for keeping the peace; but they shall not take cognizance of any case relating to a person claimed as a fugitive slave nor aid in his arrest detention or surrender, under a penalty not exceeding one thousand dollars, & imprisonment less than one year.

[Sec. 53 Chap. 80 is the Provision ~~referred~~ referred to as the Personal Liberty Law.]