

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

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**AUGUSTA:**  
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

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CHAP. 183. eighteen hundred and fifty, or the act to which that was additional, entitled "An act respecting fugitives from justice," to any person who claims any other person as a fugitive slave, within the jurisdiction of this state.

Arrest of,  
prohibited.

SECT. 2. No sheriff, deputy sheriff, coroner, constable, jailor or other officer of this state, in his official capacity, shall hereafter arrest or detain, or aid in arresting or detaining in any prison or building belonging to this state, or any county, city or town thereof, of any person by reason of his being claimed as a fugitive slave.

Offense, penalty  
for.

SECT. 3. Any justice of the peace, sheriff, deputy sheriff, coroner, constable or jailor, who shall in his official capacity directly or indirectly, offend against the provisions of this act, or aid and abet any person claiming any other person as a fugitive slave in the arrest and detention of such person so claimed as a fugitive slave, shall forfeit a sum not exceeding one thousand dollars for every such offense, to the use of the county where said offense is committed, or shall be subject to imprisonment not exceeding one year in the county jail.

Officers of the  
United States  
not obstructed  
in the discharge  
of their duty.

SECT. 4. Nothing in this act shall be construed to hinder or obstruct the marshal of the United States, his deputy or any officer of the United States from executing or enforcing the laws of the United States referred to in the first section of this act.

[Approved March 17, 1855.]

### Chapter 183.

An act relating to criminal proceedings and to prevent unnecessary costs to the state.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

In complaints on  
oath, justices of  
the peace and  
judges of police  
courts may sum-  
mon witnesses  
to testify thereto.

SECT. 1. In all cases when a complaint on oath shall in writing be made to any justice of the peace, or judge of any police or municipal court within this state, and the complainant shall therein complain that any offense has been committed, or that he has reason to believe and does believe that any offense against the laws of this state has been committed by any person or persons, and shall therein pray that a warrant in due form of law may be issued against the person or persons so complained against, such justice of the peace, or judge, shall have power and authority before issuing any such warrant, to issue a summons in due form of law in behalf of the state, requiring any person or persons who may be supposed to have any knowledge touching the truth of any such complaint to

appear before him forthwith to testify in relation thereto; *provided*, **CHAP. 184.**  
*however*, that the costs of such summons and the service thereof, Costs and fees,  
how paid.  
 and the lawful fees of all witnesses therein named shall be paid in  
 the first instance by the complainant in the case, and neither the  
 said justice nor the officer serving the same, nor the witnesses  
 therein named, shall have any claim upon the state therefor.

SECT. 2. Any person so summoned as aforesaid, shall be held Persons sum-  
moned, held to  
testify, &c.  
 to appear and testify in accordance with such summons, in the same  
 manner, and shall be subject to the same penalties as he would be  
 for disobeying the summons of the state issued in any other case,  
 provided such witness shall have been paid his lawful fees for travel  
 and attendance in the case, at the term he was so summoned, and  
 not otherwise.

SECT. 3. In case any such justice of the peace or judge shall, Complainant,  
entitled to costs.  
 after hearing the testimony of any such witness or witnesses, deter-  
 mine to issue any such warrant so prayed for, upon any complaint  
 so made, (which he is hereby authorized to do,) and the person or  
 persons therein named, or any of them, shall upon the final trial or  
 hearing upon such complaint, or upon any indictment for the same  
 offense, be convicted of the offense therein named, the complainant  
 shall be allowed, and there shall be taxed for him in the bill of  
 costs relating to such matter, any and all sums of money by him  
 paid for legal costs as aforesaid to any justice, judge, officer or  
 witness as aforesaid, and not otherwise.

SECT. 4. This act shall take effect from and after its approval  
 by the governor.

[Approved March 17, 1855.]

### Chapter 184.

An act relating to criminal proceedings.

*Be it enacted by the Senate and House of Representatives in  
 Legislature assembled, as follows:*

SECT. 1. If the clerk of any court in any other of the New Witnesses may  
be summoned  
out of the state  
to testify in  
certain cases.  
 England states shall certify that there is a criminal cause pending  
 in such court, and that a person residing in this state is supposed  
 to be a material witness therein, any justice of the peace shall,  
 upon such certificate or paper annexed thereto, issue a summons  
 requiring such witness to appear and testify at such court; *pro-  
 vided*, no such certificate shall be issued unless upon affidavit filed  
 in said court.