

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

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1849.

TWENTY-EIGHTH LEGISLATURE.

No. 19.

SENATE.

STATE OF MAINE.

The joint select committee to which was referred the petition of Reuben Blake and others, praying for the passage of a law making ten hours a legal day's work, have had the same under consideration, and ask leave to

REPORT:

That there is borne on the several petitions referred to your committee the names of three thousand one hundred and eighty-nine men, from many parts of the state, and of all trades, occupations and professions; and all representing to your committee that evils exist in community of such a character as in their opinion to render legislation necessary in order to protect the laborer in the exercise of his rights and the enjoyment of liberty, and to promote the cause of virtue, health, and education.

Your committee find, upon examination of the statute of the state, that the laws have established standards for the regulation of weights and measures which apply to almost every article of trade or commerce, so that when a person speaks of buying or selling any commodity which enters into trade or exchange, the terms used to designate quantities are perfectly understood as being in

accordance with the standard fixed by law ; and there is no uncertainty about what amount a man is to give or receive by the terms of his contract or agreement.

But when a man agrees with another for work to be done, who can tell what length of time is to be given or received for a day's work ? The laborer cannot tell, well knowing as he does that the employer in almost all cases claims to get all the work from him which he can in the twenty-four hours.

It is in vain that men endeavor to fix the hours by agreement ; for (however unreasonable and preposterous such a course may be) employers claim that any such arrangement is an infringement on their *rights*, and instances are not wanting in which men have been refused contracts for job work where the prices asked were satisfactory, unless they would consent to work *as long as they could see*.

Such is the pride of power that man will oppress his fellow man when he can gain nothing by it, and does not expect to gain anything but the poor gratification of his will. The high latitude in which we live is such that day-light constitutes no uniform standard of a day's work, and admitting that a man has the physical ability to work every day as long as there is sufficient light for him to do so, the manifest injustice of paying a man as much for a day's work in September and October as in May and June, would of itself render the passage of a law defining the length of a working day desirable and necessary as a measure of justice to all parties.

But such is not the fact. Every one knows by observation and experience, that a man can endure a certain amount of labor every day, and that he must have a certain amount of rest ; and that if he is compelled to toil on day after day from early morning till late at night, he may for a few days do more work, but if long continued he actually becomes unable to accomplish as much per day, as he could do if permitted to divide his time more equally.

What reasonable man would think that because he could drive his horse sixteen miles one day, and accomplish sixty or seventy miles travel, that the animal could do it every day ? On the con-

trary, the result of an attempt to drive his horse that number of hours every day would demonstrate his inability to perform ten miles in a day ; and yet, if properly used, the animal could work eight hours every day, and travel twenty or twenty-five miles without injury. And does man's physical construction differ so widely from the rest of the animal creation that he alone can abuse himself with impunity ? The answer to this question is found in the well known fact, that those persons succeed best in life who economize their time by introducing system into all their affairs ; dividing their time in such a manner that they have some portion of each day for reflection, study, and business, while the main part is devoted to labor. And your committee are firmly of the opinion, from all the facts and information which they can procure, that men accomplish more work in ten hours, where that system is reduced to practice, than where they work as long as they can see.

It may be asked, if such is the fact, why is legislation demanded ? Why will not the interest of men prompt them to adopt the system ?

Your committee answer, that there are many classes of people scattered over our state—the rich and the poor, the high and the low, the educated and the unlettered, the man of industry and the man of ease, the employer and the laborer ; and it is in behalf of this latter class that we now propose to specially legislate ; not that we would take from the employer any of the rights that justly belong to him, but give to each equal protection, that all may enjoy equal rights—securing to the laborer by law, what the employer has secured to him by his money. And why should not this portion of our community receive legislative aid ? Many other portions of our people have protection in their business by special legislation. And again we say, why should the day-laborer be passed by unnoticed ?

They have long labored under great burthens and disadvantages. Burthens imposed upon them by those possessed of the power that wealth almost always imparts, and exercised without any regard for the comfort, happiness or prosperity of those less favored. That

there are honorable exceptions, is cheerfully admitted; and your committee are happy in bearing testimony to the worth of such men, for they are as occasional green spots in the otherwise barren desert. Wealth is too often apt to beget an overbearing disposition, and men too often impose onerous duties upon those less independent, forgetting that they are subjects of the same wants, both physical and intellectual, as themselves. It is believed by your committee, that the laboring class of the community have been required to employ too much time in actual labor—that the twenty-four hours of the day have been divided into *two* parts only, the one devoted to labor, the other to refreshment and sleep necessary to support the *body*. But another division is deemed necessary, that man may have a portion to devote to the worship of God, either in the study of his works, the improvement of his own or his family's intellectual powers, or the relief his fellow-men.

The citizens of this state have secured to them, by the constitution, certain inalienable rights, among which are those of thinking and acting upon matters pertaining to the government. How important, then, that they have an opportunity to inform themselves in relation to the affairs of state, that they may be able to act understandingly. And how can they become acquainted with the true policy of government, if they are compelled to labor all the time, except what is actually necessary for sleep and the taking of their meals. A man placed in the situation above alluded to, often becomes the mere tool of his employer, following *his* lead, and acting as *he* directs, however erroneous his opinions may be. The stability of our government and the preservation of our institutions depend on the intelligence of the people. Give to the laboring man, then, an opportunity to qualify himself for the intelligent discharge of his duties at the ballot box, and all is safe.

One word in relation to the youth, whom the accompanying bill proposes to protect. This country is fast approaching the old countries in relation to manufactories, and it seems to your committee, particularly necessary, that some legislation should be had to secure to the young who go into those establishments as operatives, the

means in some measure of preserving their health and improving their minds. Give to those youth but the time, and they will find means of improvement. Although corporations are said to have no souls, yet there are men connected with them whose hearts are filled with the milk of human kindness, and who will take pride in placing within reach of those youth the facilities for improvement. Open, then, to them a field for the display of their benevolence, and they will surely exercise it. But close the doors against the exercise of those praiseworthy principles now, and the love of gain will become the all-absorbing question with them, and they will become indifferent to the welfare of those around them; for it is a well established fact, that the more any *one* feeling or propensity of man is brought into active exercise, the stronger becomes that feeling, and the more prominently will it display itself. Encourage, then, every philanthropic feeling, every act that tends to the improvement of the youth of our land, and show to the people that their legislators are not indifferent to the well being of the rising generation.

In view of all these considerations—in view of the all important duty binding on us, of handing down to our children, unimpaired, the blessings our fathers bequeathed to us, and in view of justice, that standard or boundary of right, which enables us to render to every man his just due without distinction, your committee have prepared a bill, which is herewith submitted.

HIRAM CHAPMAN, *Chairman.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT.

AN ACT regulating the hours of labor.

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

SECTION 1. In all contracts for labor, ten hours of
2 actual labor shall be a legal day's work ; and no per-
3 son shall be required or holden to perform more than
4 ten hours labor in any one day, except in pursuance
5 of an express contract requiring a greater length of
6 time.

SEC. 2. No minor under the age of sixteen years
2 shall be employed in any labor for any manufacturing
3 or other corporations for more than ten hours in any
4 one day : and if any manufacturer, or agent, or other
5 officer of any corporation, shall employ any such
6 minor in violation of the provisions of this section,

HOURS OF LABOR.

7

7 he or they shall be punished by a fine not exceeding
8 one hundred dollars.

SEC. 3. This act shall take effect and be in force
2 on and after its approval by the governor.

STATE OF MAINE.

IN SENATE, July 11, 1848.

ORDERED, That 1,000 copies of the foregoing Report and accompanying Bill, be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*