

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FOURTH LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1844.

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

AUGUSTA:

W^M R. SMITH & Co., PRINTERS TO THE STATE.

1844.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

SECT. 3. Between the first day of May and the first day of September in each year, no person shall take or destroy in any of said waters, any of the fish aforesaid, either by seines or nets, except between sunrise on Monday and sunrise on Friday, of any week. And any person offending against the provisions of this act, or aiding or abetting therein, shall forfeit and pay for every such offence, the sum of ten dollars.

CHAP. 122.
Limitations for taking fish by seines, &c.

Forfeiture.

SECT. 4. All forfeitures prescribed by this act, shall be recoverable by complaint in behalf of the State, before a justice of the peace for the county of Lincoln or of Cumberland, and such justice is hereby empowered, on conviction, to impose said penalties to an amount not exceeding the sum of ten dollars. And in case any person convicted and sentenced by said justice shall neglect or refuse to pay such penalty, with costs of prosecution, the justice, by his mittimus, may cause said offender to be committed to the jail of the county, there to be detained till discharged by order of law; reserving, however, to every person accused, the right to appeal to the district court, on entering into recognizance as in other cases of appeal from justices of the peace in criminal suits. Complaints for offences mentioned in this act may be made by any fish warden or deputy warden or any other person.

How recoverable.

Any person convicted shall be committed if he refuse to pay.

Right to appeal.

Complaints, how made.

SECT. 5. Each fish warden and deputy fish warden shall receive for his services one half of all the fines, imposed and collected by virtue of this act, wherein he shall have been the complainant, the other half thereof, to be paid over to the treasurer, for the use of the town where such offence was committed.

Compensation of wardens and their deputies.

[Approved March 22, 1844.]

Chapter 122.

AN ACT to organize, govern and discipline the militia.

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

SECT. 1. Every able bodied white male citizen, resident within this state, who is, or shall be of the age of eighteen years, and under the age of forty-five years, excepting persons enlisting into volunteer companies, persons already exempt from the performance of military duty by the sixteenth chapter of the revised statutes, idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime in this or any other state, shall be enrolled in the militia.

Description of persons to be enrolled in the militia of this state.

CHAP. 122.

Militia subject to no active duty, except for choice of officers, invasion, war, &c.

How called out, governed and trained.

State to furnish arms, and pay them until time of service expire.

In case of tumult, riot, mob, &c., how militia shall be called out.

SECT. 2. The militia, as enrolled, shall be subject to no active duty whatever, except for the choice of officers or in case of insurrection, war, invasion, to prevent invasion, or other public danger or emergency ; in such case the governor and commander-in-chief is hereby authorized and required to order out from time to time, by draft or otherwise, as many of the militia as the necessity of the case may require. The militia, whenever called into actual service, shall be governed and trained according to the laws of the United States and of this state.

SECT. 3. Whenever the militia shall have volunteered or been drafted and mustered for actual service, as specified in the third [second] section of this act, the state shall furnish arms and equipments for the use of each non-commissioned officer and private, and pay them until their time of service shall have expired.

SECT. 4. Whenever there shall be, in any county, any tumult, riot, mob or any body of men acting together by force, with intent to commit any felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or any such tumult, riot or mob shall be threatened, and the fact be made to appear to the commander-in-chief, or the mayor of any city, or to any court of record, sitting in said county, or if no such court be sitting therein, then to any justice of any such court, or if no such justice be within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice or sheriff may issue his precept, directed to any commanding officer of any division, brigade, regiment, battalion or corps, to order his command or any part thereof, describing the kind and number of troops, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws ; which precept, if issued by a court, shall be in substance as follows :

STATE OF MAINE.

Form of precept.

_____, ss.
[L. s:] To (insert the officer's title) A. B., commanding (insert his command.)

Whereas it has been made to appear to our justices of our _____, now holden at _____, within and for the county of _____, that (here insert one or more of the causes above mentioned,) in our county of _____, and that military force is necessary to aid the civil authority in suppressing the same ; now therefore, we command you that you cause (here state the number and kind of troops required) armed, equipped, and with ammunition, as the law directs, and with proper officers, either attached to the troops or detailed by

you, to parade at ———, on ———, then and there to obey such orders as may be given them, according to law. Hereof fail not, at your peril, and have you there this precept with your doings returned thereon.

Witness, L. S. Esquire, at ———, on the ——— day of ———, in the year ———.

C. D., Clerk.

And if the same be issued by any mayor, justice or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case. But no greater number of troops than a single regiment shall be ordered out, in any such case, except by the authority of the commander-in-chief.

To be under seal, &c.

Number to be called out limited.

SECT. 5. All officers now in commission, and all persons who shall be in commission, by virtue of any election before the approval of this act by the governor, in the militia of this state, shall be entitled to an honorable discharge.

Officers in commission at the date of the approval of this act, to be discharged.

SECT. 6. The officer to whom the order of the commander-in-chief, or such precept shall be directed, shall forthwith order the troops therein mentioned, to parade at the time and the place appointed; and if he shall refuse or neglect to obey such order or precept, or if any officer shall neglect or refuse to obey an order issued in pursuance thereof, he shall be cashiered and be further punished by fine, or imprisonment not to exceed six months, as a court martial may sentence. And any non-commissioned officer or soldier, who shall neglect or refuse to appear at the place of parade to obey any order in such case, or any person who shall advise or endeavor to persuade any officer or soldier to refuse or neglect to appear at such place, or to obey such order, shall forfeit and pay fifty dollars, to be recovered to the use of the state, in an action of debt, at the suit of any citizen of this state, or by complaint or indictment in any court competent to try the same.

Duty of officers ordered to call out troops.

Penalty for neglect.

If any non-commissioned officer shall refuse or neglect to appear, &c.

Penalty.

SECT. 7. Such troops shall appear at the time and place appointed, armed and equipped, and with ammunition, as for inspection of arms, and shall obey and execute such orders as they may then and there receive, according to law.

Duty of troops to appear, &c.

SECT. 8. So much of the sixteenth chapter of the revised statutes as is inconsistent with the provisions of this act, is hereby repealed.

Certain parts of ch. 16, R. S. repealed.

[Approved March 22, 1844.]