

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

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

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1848.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

CHAP. 83.**Chapter 83.**

An act regulating the hours of labor.

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

Ten hours a legal day's work.

SECT. 1. In all contracts for labor, ten hours of actual labor shall be a legal day's work; and no person shall be required or holden to perform more than ten hours labor in any one day, except in pursuance of an express contract requiring a greater length of time: *provided* the provisions of this section shall not apply to monthly labor or agricultural employments.

Proviso.

Minor under 16 years not to be employed by any corporation more than ten hours in any one day.

SECT. 2. No minor under the age of sixteen years shall be employed in any labor for any manufacturing or other corporation for more than ten hours in any one day; and if any manufacturer, or agent, or other officer of any corporation, shall employ any such minor in violation of the provisions of this section, he or they shall be punished by a fine not exceeding one hundred dollars; and all fines and forfeitures accruing by virtue of this act shall be paid, one half to the city, town or plantation, where the offense is committed, the other half to the person so held to labor or to their parent or guardian, on complaint to any court competent to try the same.

Penalty.

Fines, to whom paid.

SECT. 3. This act shall take effect and be in force on and after the twentieth day of April, eighteen hundred and forty-nine.

[Approved August 10, 1848.]

Chapter 84.

An act in addition to the sixteenth chapter of the revised statutes.

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

Persons liable to be enrolled.

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 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 infamous crime in this or any other state, shall be enrolled in the militia. It shall be the duty of assessors of cities, towns and plantations, within this state, to prepare a list annually, of all persons liable to be enrolled, living within their respective

Duty of assessors of cities, towns and plantations.

limits, and said assessors shall annually place a list of such persons in the hands of the clerk of every city, town or plantation in this state, and it shall be the duty of every such clerk to preserve such list of names in his office and make an annual return of the militia thus enrolled to the office of the adjutant general in the month of May or June.

—clerks of towns, &c.

SECT. 2. The militia thus enrolled, shall be subject to no active duty whatever, except 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 when called into actual service, shall be governed and trained according to the laws of the United States, and this state.

When subject to active duty.

SECT. 3. If necessary, the order of the commander-in-chief may be made and directed to the mayor and aldermen of any city, the selectmen of any town, or the assessors of any plantation within the state. And it shall be the duty of the mayor and aldermen, the selectmen or assessors aforesaid, to appoint a time and place of parade, for the militia in each city, town or plantation, and to order them to appear at the time and place, by leaving, or causing to be left a written or printed notice at the usual place of residence of each soldier within their respective limits, and then and there to proceed to draft as many thereof, or to accept as many volunteers as may be required by the order of the commander-in-chief; and the mayor and aldermen, selectmen or assessors, shall notify the commander-in-chief forthwith, that they have performed the duty aforesaid, by returning to the commander-in-chief an alphabetical list of those drafted or volunteered, and whenever any person thus ordered out, detached or drafted, or any volunteer shall neglect or refuse to appear at the time and place designated by the mayor and aldermen, selectmen or assessors as aforesaid, and shall not within twenty-four hours after he shall have been notified, pay to the mayor and aldermen, selectmen or assessors the sum of fifty dollars, or procure an able bodied white male person in his stead, such person on being ordered to march to the place of rendezvous, shall be considered a soldier belonging to the detachment, and shall be dealt with accordingly.

Appointment of time and place of parade.

Any volunteer or person drafted to pay fifty dollars, or procure a substitute, or be liable to march as a soldier.

SECT. 4. Any civil officer named in this act, who shall neglect or refuse at any time to obey the provisions thereof, shall forfeit and pay not less than twenty dollars, nor more

Liability of civil officers for neglect or refusal.

CHAP. 84. than five hundred dollars for each and every offense, to be recovered in any court of competent jurisdiction, for the use and benefit of the state.

Volunteer Militia.

Active militia,
how composed.

SECT. 5. The active militia of this state shall consist and be composed of volunteers, or companies raised at large, without limitation or restriction as to the numbers in the standing companies within whose bounds they may be enlisted, and in all cases shall first be ordered into service to suppress riots, invasions, or to aid civil officers in the execution of the laws of the state.

Not to exceed
10,000 men.
How apportioned.

SECT. 6. The whole number of volunteers shall not exceed ten thousand men, and shall be divided or apportioned to each division of the militia throughout the state according to the number enrolled, in such manner, however, as to retain as many as practicable of the volunteer companies, with their officers now raised and organized.

Same subject.

SECT. 7. If any division shall neglect or refuse for the term of two years, to raise at large their quota of volunteers, according to the provisions of this act, the commander-in-chief may grant petitions to citizens in any other division, to raise at large the prescribed number of volunteers herein provided.

Organization.

How organized.

SECT. 8. The commander-in-chief, with the advice of the council, may grant petitions for raising companies at large, not exceeding two hundred companies, including the number selected from those already raised.

Election of officers,
when ordered.

SECT. 9. Whenever forty-eight men shall have been enlisted, according to the provisions of this act, an election of officers may be ordered upon notification being given by one or more of the petitioners, attested by the mayor and aldermen of any city, the selectmen of any town, or the assessors of any plantation in the state to the commander-in-chief.

Companies to be
numbered and
record made
thereof.

SECT. 10. The several volunteer companies of cavalry, artillery, light infantry, and riflemen in each division, shall be numbered and a record made of such numbers in the adjutant general's office; and when they exist in sufficient numbers in any one division, they shall compose battalions and regiments, and be put under the command of such regimental, brigade and division officers as the commander-in-chief may designate; and when not attached to any battalion or regiment, to remain

Battalions and
regiments.

in command of its captain, or commanding officer, subject to the orders of the brigadier general of the brigade to which the company is attached. CHAP. 84.

SECT. 11. Every non-commissioned officer and soldier of any company raised at large shall be holden to do duty therein for the term of five years from his enlistment, unless disability after enlistment should absolutely incapacitate him to perform such duty, or he should be regularly discharged by the proper officer. Non-commissioned officers and privates entitled to a discharge after five years.

How Officered.

SECT. 12. To each company of light infantry or riflemen, there shall be one captain, one first and one second lieutenant, four sergeants, four corporals, one or more fifers or buglers, and one or more drummers. To each company of artillery, one captain, one first and two second lieutenants, five sergeants, four corporals, one or more fifers, one or more drummers and three drivers. To each company of cavalry, one captain, two lieutenants, one cornet, five sergeants, four corporals, one saddler, one farrier and one or more trumpeters. Officers.

Articles Furnished.

SECT. 13. Each company of light infantry and riflemen raised at large, shall be furnished with muskets or rifles, and every company of cavalry with sabres, belts and pistols, and every company of artillery with swords and belts and musketoons, whenever the state may have them on hand, on application to the acting quartermaster general, and producing to the governor and council satisfactory evidence that said company is organized and uniformed agreeably to the provisions of this act. Arms, and equipments.

SECT. 14. Each company of artillery, light infantry and riflemen, shall be furnished with a drum and fife or bugle horn, and each company of cavalry with a trumpet, and all of them with more or other instruments, as the commander-in-chief shall order. The commissioned officers of the several companies organized under this act, shall be jointly and severally liable for the safe keeping of the arms and equipments or instruments which may be delivered to them by the state, and for the return thereof when required by the state. Instruments of music.
Liability of commissioned officers.

Discipline, Inspection, Trainings, Reviews.

SECT. 15. The system of discipline and field exercise which Discipline and field exercises.

CHAP. 84.

are ordered to be observed by the regular army of the United States in the different corps of cavalry, artillery, light infantry and riflemen, or such other system as may at any time hereafter be directed for the volunteers and militia, by the laws of the United States, shall be observed by the companies raised at large in this state, in the discipline and exercise of said corps respectively.

Inspection on the first Wednesday in May.

SECT. 16. Every commanding officer of a company raised at large, shall parade his company on the last Wednesday in May, annually, at one o'clock in the afternoon, for the purpose of inspecting, examining and taking account of all equipments of his men, in order that a thorough inspection may be made of all volunteer companies in the state. Every commanding officer of a company shall exercise and discipline as well as inspect his company on said day. Every commanding officer as aforesaid, shall in addition thereto, parade his company for exercise and discipline on two other days, at the hour aforesaid, by his own order.

Company trainings.

Reviews.

SECT. 17. There shall also be an inspection and review in each year, and the commanding officer of each division within which such volunteer corps may be located, shall order such troops to parade in the month of September annually, at such time as he shall deem expedient, regard being had to the scattered or compact situation of the troops. The commanding officer of the brigade shall appoint the place and give notice thereof to the commanding officer of the division. But if the troops to be inspected compose a regiment or battalion, the commanding officer thereof, shall appoint the place and give notice to the commanding officer of the brigade; and the place appointed for inspection and review shall be as central as in the judgment of the officer appointing the place may be expedient. *Provided*, that no officer, non-commissioned officer or private, shall be obliged to travel more than twenty miles from the armory of the company to which he belongs, to any review of a regiment or less body of troops, and that no larger body than a brigade be ordered to parade at the same time and place, except by order of the major general.

Appointment of time and place.

Soldiers not compelled to travel more than twenty miles.

Annual returns of commanding officers.

SECT. 18. It shall be the duty of the commanding officers of all volunteer companies, on or before the first day of November annually, to make out and certify to the adjutant general a list of all persons belonging to their respective companies, describing the duties performed by each individual in his company throughout the year.

Fines and Penalties.

CHAP. 84.

SECT. 19. Every non-commissioned officer, musician or private, who shall unnecessarily neglect to appear on the days and at the times and places appointed for such duty, agreeably to the provisions of this act, shall pay two dollars for each and every such neglect, to be collected in an action of debt, one-half of which shall go to the prosecutor, and the other half to the clerk of the company, for the use of said company.

Fines for non-appearance.

SECT. 20. Whenever any volunteer company which has received any arms and equipments from the acting quartermaster general, shall be disbanded, the acting quartermaster general is required to receive said arms and equipments on presentation of the same by the officers of said company or their agents.

Acting quartermaster general to receive the arms and equipments of disbanded companies.

SECT. 21. No adjutant shall be entitled to any pay for services, by this act.

No adjutant entitled to pay.

SECT. 22. It shall be the duty of the adjutant general to furnish the necessary blanks for all returns required by this act.

Blanks.

SECT. 23. An act to repeal the forty-second section of the sixteenth chapter of the revised statutes, approved March eleventh, eighteen hundred and forty-two, and an act to govern and discipline the militia, approved March twenty-second, eighteen hundred and forty-four, are hereby repealed; and so much of the sixteenth chapter of the revised statutes, and the act to amend the sixteenth chapter of the revised statutes, approved March twenty-fourth, eighteen hundred and forty-three, as was repealed by said act, approved March twenty-two, eighteen hundred and forty-four, excepting sections forty-one and forty-two of said chapter, and is not inconsistent with the provisions of this act, are hereby revived. And the line providing for the pay of the adjutant general in section one, chapter one hundred and fifty of the revised statutes, shall be amended by striking out the word seven, and inserting two, so that the line shall read "adjutant general two hundred dollars;" and all acts providing pay for services of any military officer, or for the distribution of rations, pay or powder, to any soldier, are hereby repealed; and no officer discharging any duty under this act, shall be entitled to any pay whatever.

Acts of Mar. 11, 1842, and March 22, 1844, repealed.

Certain acts revived.

Salary of adjutant general.

Acts providing pay for military officers, or for distribution of rations, pay or powder, repealed.

SECT. 24. This act shall take effect from and after its approval by the governor.

SECT. 25. This act shall not authorize any distribution or supply of powder to any company of artillery, except in any case when a special order for that purpose shall be made by the commander-in-chief.

Distribution of powder to artillery companies.

[Approved August 10, 1848.]