

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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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:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1847.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1847.

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purchase or distribution, in her own name, and as of her own property, exempt from the debts or contracts of her husband."

SECT. 2. The said first section shall be subject to the proviso, that if it shall appear that the property so possessed, being purchased after marriage, was purchased with the moneys or other property of the husband, or that the same, being the property of the husband, was conveyed by him to the wife directly or indirectly, without adequate consideration and so that the creditors of the husband might thereby be defrauded, the same shall be held for the payment of the prior contracted debts of the husband.

Held for payment of prior contracted debts of husband, if purchased with his property without adequate consideration.

SECT. 3. The provisions of said act, as hereby amended, shall apply to all married women whether married before or after the passage thereof; but the same shall in no wise affect any marriage settlement or rights of property acquired by virtue of any life insurance, as provided by an act in relation to insurance on lives, passed the twenty-first day of March, one thousand eight hundred and forty-four.

How far applicable.

[Approved August 2, 1847.]

### Chapter 28.

An act granting appeals from the decisions of county commissioners.

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

SECT. 1. Any person or corporation aggrieved by any decision of any court of county commissioners, on an application to lay out, alter or discontinue any highways, may appeal to the district court held in the county where the location, alteration or discontinuance is prayed for, under the limitations and restrictions contained in this act.

Appeals from the decisions of co. commissioners.

SECT. 2. The parties, petitioners, or respondents may enter their appearance before the county commissioners on any such application, either jointly or severally; and any party so entering an appearance may take an appeal from the decision of said county commissioners after the same shall be entered on record, and before the term of said district court then next to be holden in said county, and not afterwards; and such appeal shall be entered in the district court at the term next to be holden after said decision of the county commissioners shall be entered on record as aforesaid, and not afterwards; which appeal may be prosecuted by any other person or corporation, being any such party of record, upon the

Appeal, how taken and prosecuted.

**CHAP. 23.**

neglect of the party so appealing to prosecute the same ; and thereupon all proceedings shall be stayed in said court of county commissioners, until a decision shall be had in said district court, from which there shall be no appeal ; and all persons and corporations claiming such appeal, shall be held jointly and severally liable for all costs that may be adjudged against them.

District court may appoint a committee to view the route, &c.

**SECT. 3.** In all cases of appeal from the judgment of the county commissioners in any county, it shall be lawful for the district court in such county at the term when such appeal shall be entered as aforesaid, and not afterwards, to appoint a special committee of three disinterested persons, who, after giving such notice as the court shall order, and being duly sworn, shall proceed to view the route named in the original petition ; and after a hearing of the parties and their evidence, shall report at the next term of said district court in said county, whether in their opinion the judgment of the county commissioners shall be, in whole or in part, affirmed or reversed.

When report is accepted, course of procedure.

**SECT. 4.** Upon the acceptance of such report, judgment shall be entered accordingly by the district court, including judgment for costs as hereinafter provided, and the same shall be forthwith certified to the court of county commissioners. If such judgment shall be wholly against the location, alteration, or discontinuance in question, no further proceedings shall be had thereon by the county commissioners ; but if otherwise, then the county commissioners shall proceed to lay out, alter, or discontinue such highway in whole or in part, as the judgment may be ; and in the manner and according to the regulations and limitations provided by law, where no appeal is taken.

Compensation to committee.

**SECT. 5.** Such committee shall be paid by the county, for their time and travel, such compensation as is now, or may be provided by law for the county commissioners when acting upon original petitions for the same purpose, subject, however, to the decision of the district court as to the number of days attendance to be allowed said committee ; and in case the judgment of the county commissioners shall be affirmed in whole or in part, the party prosecuting the appeal shall, if so adjudged by the district court, pay all costs that have arisen since the appeal, and the county commissioners shall issue their warrant therefor, in the same manner as is now provided for the collection of costs awarded against petitioners for a road ; and the district court shall have discretionary powers to allow costs to be paid out of the county treasury to the prevailing party in any such appeal.

Costs.

Appeal may be dismissed and restored, in certain cases.

**SECT. 6.** In case no person appears to prosecute such appeal

the same may be dismissed by the court ; but it may be restored by the court at any time during the term at which the same is entered, if in its opinion justice requires it.

SECT. 7. If the judgment upon such appeal shall be wholly against the laying out, altering, or discontinuing of the road prayed for, no petition, praying substantially for the same action, shall be entertained by the county commissioners, within two years from the rendition of judgment on such appeal.

If judgment be against said appeal, no petition for the same action to be entertained within two years.

[Approved August 2, 1847.]

Chapter 29.

An act to provide for the better education of youth in cotton and woolen manufacturing establishments.

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

SECT. 1. From and after the first day of January, in the year of our Lord one thousand eight hundred and forty-eight, no child under the age of fifteen years, and over twelve years, shall be employed to labor in any cotton or woolen manufacturing establishment, unless such child shall have attended some public or private day school, where instruction is given by a teacher, qualified as the laws of this state require teachers in our public schools to be qualified, at least three months of the twelve months next preceding any and every year in which such child shall be so employed.

Children employed between the age of 12 and 15 years, to attend school three months each year.

SECT. 2. No child, under the age of twelve years, shall be employed in any cotton or woolen manufacturing establishment, unless such child shall have attended some public or private day school, where instruction is given by a teacher, qualified as in section first of this act is provided, at least four months of the twelve months next preceding any and every year in which such child shall be so employed.

— under the age of 12 years, four months.

SECT. 3. The owner, agents, or superintendent of any cotton or woolen manufacturing establishment, who shall employ any child in any such establishment, under fifteen years of age, without first having deposited with the clerk or agent thereof a certificate from a teacher duly qualified, and under oath, certifying that such child has attended school under his or her charge, as is provided by this act, shall forfeit the sum of fifty dollars for each offence, to be recovered by indictment in any court competent to try the same, one half to the complainant, and the other half to the town where the offence

Certificate of the fact to be deposited with the clerk, or agent.

Penalty.