

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,  
1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

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**CHAP. 150.**

Fees of justice, and expenses, regulated.  
—to be added to tax of town.

—how collected.

SECT. 7. The fees of said judge or justice, and the expenses of said inquisition shall in amount and manner of payment, be the same as now provided by law for coroner's inquests, and the county commissioners in apportioning the county tax shall add to the sum apportioned to the town where such fire occurred, the amount paid by the county for the inquest, and the same shall be paid by such city or town; and the same remedies for collecting the same as is by law provided for the collection of county taxes.

[Approved March 9, 1860.]

**Chapter 150.**

An act additional to the one hundred and twenty-sixth chapter of the revised statutes relating to the sale of personal property under mortgage, or to which the vendor has no title.

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

Fraudulent sale.

Whoever, knowingly, and with intent to defraud, sells to another any personal property on which there is an existing mortgage, or to which he has no title, without notice to the purchaser of the existence of such mortgage, or of such want of title, shall be deemed guilty of cheating by false pretences, and be punished as provided in the first section of said chapter one hundred and twenty-six.

Penalty.

[Approved March 14, 1860.]

**Chapter 151.**

An act in addition to chapter six of the revised statutes relating to the assessment and collection of taxes on corporations.

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

Clerks failing to make returns, property deemed corporate.

SECT. 1. Whenever the clerk of a corporation holding property liable to be taxed, shall fail to comply with the requirements of the twenty-first section of the forty-sixth chapter of the revised statutes, whether the corporation was chartered before or since the separation of Maine from Massachusetts, the property for the purposes of taxation, shall be deemed corporate property, liable to be taxed directly against the corporation, although its stock may have been divided into shares, distributed among any number of stockholders. Such property, both real and personal, is hereby made taxable to state, county, city, town, school district, and parochial taxes, to be

Such property, how taxable.

assessed and collected in the same manner and with the same effect as upon similar sorts of unexempted property owned by individuals.

SECT. 2. If the corporation be one which has the right to receive tolls, such right or franchise may be taken and sold on warrant of distress for payment of the taxes assessed as aforesaid, upon the same notifications and preliminary procedures, and in the same manner and with the same effect, with reservation to the corporation of the same right of redeeming, as pertain to sales of such property on execution.

SECT. 3. Nothing in this act shall be construed to impair or affect the penal provision contained in the twenty-third section of said forty-sixth chapter. And this act shall take effect from and after its approval by the governor.

[Approved March 14, 1860.]

**CHAP. 152.**

Taxes, how assessed and collected.

Franchise may be sold in certain cases.

Right of redemption.

Not to affect penalty of ch. 46, sec. 23, R. S.

**Chapter 152.**

An act to promote safety of travel on railroads.

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

SECT. 1. No railroad company in this state, after its road shall be in operation, shall change the gauge or width of its tracks between the rails, so as to increase or diminish the distance between the same, or shall lay down an extra or third rail for the working of its road by means of a mixed gauge, without the express authority of the legislature first had and obtained ; and it shall be the duty of the attorney general on suggestion or request of any person complaining of a violation of the provisions of this act by any railroad company, to file a process in equity against said company before the supreme court in any county in which such violation shall be had to obtain an injunction against such violation. Any justice of said court may grant a preliminary injunction according to the provisions of chapter seventy-seven, section ten of the revised statutes to restrain and prohibit such violation ; *provided however*, this act shall not apply to the roads east of Portland.

SECT. 2. This act shall take effect when approved.

[Approved March 14, 1860.]

Change of gauge prohibited.

Proceedings in case of violation.

Injunction may be granted.

Proviso.