

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1862.

---

AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1862.

---

---

# FORTY-FIRST LEGISLATURE.

---

HOUSE.

No. 8.

---

---

## STATE OF MAINE.

---

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

---

---

### TAX ACT.

---

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

SECT. 2. The stock of any bank or other corporation  
2 held by persons unknown, and that has not been cer-  
3 tified according to the provisions of chapter forty-six  
4 section twenty-one of the revised statutes to any city  
5 or town in this state and is there assessed, and the  
6 stock of any bank or other corporation appearing by  
7 the books of such bank or other corporation to be held  
8 by persons residing beyond the limits of this state, and  
9 not exempted from taxation by the charter of such  
10 corporation, shall be assessed for its proportion of any  
11 state, county or town tax in, and by the assessors of

12 the city or town where such bank or other corporation  
13 is located or transacts its ordinary business ; and such  
14 city or town making the assessment aforesaid, shall  
15 have a lien attaching from and after the date of such  
16 assessment to such stock and all dividends thereon un-  
17 til such tax and any cost or expenses arising in the  
18 collection thereof has been fully paid. No assignment,  
19 sale, transfer or attachment shall pass any property on  
20 such stock unless the vendee shall first pay such tax  
21 and cost ; and the cashiers of banks, and clerks of cor-  
22 porations required by the chapter and section aforesaid  
23 to make annual returns to assessors, are hereby di-  
24 rected to return to the assessors of the city or town  
25 where such bank or other corporation is located or  
26 transacts its business as aforesaid, all the stock in such  
27 bank or corporation not returned to the assessors of  
28 other cities or towns according to the provisions of said  
29 section ; and such returns shall be made at the time  
30 and in the manner prescribed in said section, and shall  
31 be the basis of taxation of such property.

SECT. 3. The cashier of each bank and the clerk or  
2 other officer of any corporation having possession of  
3 the books thereof, are required to exhibit on demand  
4 to the assessors of any city or town, all the books of  
5 such bank or corporation that contain any record of

6 the stock of such bank or corporation or any dividend  
7 declared or paid thereon, and if requested shall deliv-  
8 er such assessors a true and certified copy of so much  
9 of such record as they may require. Should any cash-  
10 ier, clerk or other officer neglect or refuse to perform  
11 the duties required by this and the preceding section,  
12 the assessors aforesaid may proceed to doom such bank  
13 or corporation in such sum as they deem reasonable,  
14 and the assessment shall bind the bank or corporation,  
15 and the tax thereon shall not be abated ; and such  
16 cashier, clerk or other officer shall be liable for such  
17 neglect or refusal to the penalty prescribed in section  
18 twenty-three, chapter forty-six of the revised statutes.

SECT 4. The collector of any city or town to whom  
2 has been committed a tax upon the stock of any bank  
3 or other corporation, shall within thirty days after the  
4 bills of assessment are delivered to him, cause a notice  
5 in writing to be delivered to the cashier of such bank,  
6 or clerk, president, or director or treasurer of such cor-  
7 poration, stating the description contained in the bills  
8 to him committed, of the stock taxed, to whom assessed  
9 if stated in the bills, and the tax thereon. No divi-  
10 dend shall be paid on such stock after the service of  
11 the notice aforesaid, until the tax and any cost thereon

12 has been paid. The cashier, clerk, or other officer  
13 aforesaid may pay such tax, and such payment shall  
14 constitute a lawful charge in offset against any divi-  
15 dend on the stock taxed. Should such tax remain un-  
16 paid ninety days after the service of the notice afore-  
17 said, the collector may proceed to sell such stock in  
18 the manner presented in chapter six, section ninety-  
19 four and ninety-five of the revised statutes. For the  
20 purposes of collecting taxes on stocks, the limits and  
21 powers of collectors of taxes are extended and enlarged,  
22 and they may act in any city or town in this State.

SECT. 5. In addition to the remedies now provided  
2 by law for collecting taxes upon stocks of banks or  
3 other corporations, the treasurer of any city or town  
4 for the time being may maintain an action on the case  
5 against any bank or corporation aforesaid, and may  
6 recover therein the tax assessed and lawful charges  
7 upon any share thereof, provided there has been de-  
8 clared or paid after such tax, was assessed, any divi-  
9 dend upon any share of said bank or corporation; but  
10 judgment shall not be rendered in such action for a  
11 larger sum in damages than the dividend thus declared  
12 or paid on any share of said stock would amount to,  
13 on any share of the stock taxed as aforesaid. The  
14 cashier of any bank, and the clerk or treasurer of any

15 corporation, are hereby prohibited from paying any  
16 dividend to any stock holder on any share of such bank  
17 or corporation until the tax assessed on such share  
18 has been paid.

SECT. 6. The provisions of this act shall not be con-  
2 strued as repealing any of the provisions of chapter  
3 sixth of the revised statutes, but as enlarging the same  
4 for the purposes contemplated in the second section of  
5 this act.

SECT. 7. The treasurer of this state shall in the  
2 month of May, in the year of our Lord one thousand  
3 eight hundred and sixty-two, send his warrant with a  
4 copy of this tax act, directed to the mayor and alder-  
5 men, selectmen or assessors of each city, town and  
6 plantation taxed as aforesaid, requiring them respect-  
7 ively to assess in dollars and cents, the sums so charged  
8 according to the provisions of the laws for the assess-  
9 ment of taxes, and to add the amount of such tax to  
10 the amount of county and town taxes to be by them  
11 assessed in each city, town, plantation or other place  
12 respectively.

SECT. 8. The treasurer in his said warrant shall re-  
2 quire the said mayor, aldermen, selectmen or assessors  
3 respectively to pay or to issue their several warrant or  
4 warrants requiring the collectors of their several cities,

5 towns and plantations to pay the said treasurer, on or  
6 before the first day of January, one thousand eight  
7 hundred and sixty-three, the sums against said cities,  
8 towns and plantations respectively in this act contained;  
9 and said mayor, selectmen and assessors respectively  
10 shall return a certificate of the names of such collec-  
11 tors, with the sum which each may be required to col-  
12 lect, to said treasurer some time before the first day of  
13 December, in the year of our Lord one thousand eight  
14 hundred and sixty-two.

SECT. 9. Whenever for the period of forty days after  
2 the time fixed for the payment of this tax there shall  
3 be any delinquency to pay the same on the part of the  
4 collector of any city, town or plantation, it shall be  
5 the duty of the treasurer of the state to issue his war-  
6 rant for enforcing the collection of the same against  
7 such collector. The warrant shall be directed to the  
8 sheriff or his deputy of the appropriate county, and  
9 made in accordance with the laws already existing on  
10 that subject, except that it shall be returnable in  
11 ninety days from its date; and in addition to the tax  
12 itself it shall require the officer to collect interest  
13 thereon at the rate of six per cent. yearly from the  
14 day when the tax became payable, with fifty cents



15 more for the warrant and the lawful fees of such sher-  
16 iff or deputy arising thereon.

SECT. 10. When any state tax assessed upon any  
2 city, town or plantation remains unpaid, such city,  
3 town or plantation is precluded from drawing from the  
4 state treasury, the school fund set apart for such city,  
5 town or plantation, so long as such tax remains un-  
6 paid.

SECT. 11. This act shall take effect when approved  
2 by the governor.

STATE OF MAINE.

---

IN HOUSE OF REPRESENTATIVES, }  
March 8, 1862. }

*Ordered*, That the Committee on Finance are authorized to cause the Tax Act by them to be reported, except the first section, to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk*.