

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-SECOND LEGISLATURE

OF THE

## STATE OF MAINE.

1863.

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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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PUBLIC LAWS

OF THE

STATE OF MAINE.

1863.

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## CHAP. 192.

## Chapter 192.

An act to amend the forty-sixth chapter of the revised statutes, relating to returns of stockholders of manufacturing corporations.

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

Actions against clerks of corporations, not maintainable.

Proviso.

SECT. 1. That no action shall be maintained against manufacturing corporations for the neglect of the clerk to make returns of stockholders, unless it shall appear that the same was wilful and for the purpose of concealment.

SECT. 2. This act shall take effect from and after its approval by the governor.

Approved March 21, 1863.

## Chapter 193.

An act to provide for taxing bank stock.

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

Bank stock owned out of the state or unknown, taxation of.

—in city or town where bank is located.  
Lien created.

Assignments, sales, &c., invalid unless tax be paid.

Cashier's return.  
—to whom made.

—when made.

Cashiers required to exhibit books.

SECT. 1. The stock of any bank, held by persons out of the state, or unknown and that has not been certified according to the provisions of chapter forty-six, section twenty-one of the revised statutes in any city or town in this state and is not there assessed; and the stock of any bank, appearing by the books of such bank to be held by persons residing beyond the limits of this state, or unknown, shall be assessed for its proportion of any state, county and town tax in and by the assessors of the city or town where such bank is located or transacts its ordinary business; and such city or town making the assessment aforesaid, shall have a lien attaching from and after the date of such assessment, to such stock and all dividends thereon until such tax and any cost or expenses arising in the assessment and collection thereof has been fully paid. No assignment, sale, transfer or attachment shall pass any property in such stock unless the vendee shall first pay such tax and cost; and the cashiers of banks required by the chapter and section aforesaid to make annual returns to assessors are hereby directed to return to the assessors of the city or town where such bank is located or transacts its business as aforesaid, all the stock in such bank not returned to the assessors of other cities or towns according to the provisions of said section; and such returns shall be made at the time and in the manner prescribed in said section and shall be the basis of taxation of such property.

SECT. 2. The cashier or other officer of each bank is hereby required to exhibit on demand to the assessors of any city or town

all the books of such bank that contain any record of the stock of such bank or any dividend declared or paid thereon, and if requested shall deliver to such assessors a true and certified copy of so much of said record as they may require. Should any cashier neglect or refuse to perform the duties required by this and the preceding section, the assessors aforesaid may proceed to doom such bank in such sum as they deem reasonable and the assessment shall bind the bank and the tax thereon shall not be abated; and such cashier shall be liable for such neglect or refusal to the penalty prescribed in section twenty-three, chapter forty-six of the revised statutes.

—to deliver certified copy of record of dividend.  
Penalty.

Cashier also liable.

SECT. 3. The collector of any city or town to whom has been committed a tax upon the stock of any bank, shall within thirty days after the bills of assessment are delivered to him, cause a notice in writing to be delivered to the cashier or president of such bank, stating the description contained in the bills to him committed of the stock taxed, to whom assessed, if stated in the bills, and the tax thereon. No dividend shall be paid on such stock after the service aforesaid until the tax and any cost thereon has been paid. The cashier aforesaid may pay such tax and such payment shall constitute a lawful charge in offset against any dividend on the stock taxed. Should such tax remain unpaid ninety days after the service aforesaid, the collector may proceed to sell such stock in the manner specified in chapter six, sections ninety-four and ninety-five of the revised statutes. For the purpose of collecting taxes on bank stock, the limits and powers of collectors of taxes are extended and enlarged, and they may act in any city, town or plantation in this state for such purpose.

Collectors of taxes to give notice.

No dividend paid till tax is paid.  
Tax charged in offset.  
Stock may be sold.

Powers of collection extended.

SECT. 4. In addition to the remedies now provided by law for collecting taxes upon stocks of banks, the treasurer of any city, town or plantation and any successor in office may maintain an action on the case against any bank aforesaid, and may recover therein the tax assessed and the lawful charges upon any share thereof, provided there has been declared or paid after such tax was assessed any dividend upon any share of said bank; but judgment shall not be rendered in such action for a larger sum in damages than the dividend thus declared or paid on any share of said stock taxed as aforesaid, and all such taxes and charges may be recovered in one suit if said treasurer shall so elect. The cashier of any bank is hereby prohibited from paying any dividend to any stockholder on any share of such bank until the tax assessed on such share has been paid.

Actions maintained by treasurer's of towns and cities.

Proviso.

Payment of dividends prohibited.

SECT. 5. The provisions of this act shall not be construed as repealing any of the provisions of chapter six of the revised statutes but as enlarging the same for the purposes contemplated in the first section of this act.

Construction.

CHAP. 194.  
Laws repealed.

SECT. 6. So much of sections two, three, four, five and six of chapter one hundred ninety-seven of the acts of eighteen hundred sixty-two, approved March nineteen, as relates to banks or bank stock, and any other act or parts of an act inconsistent with this act are hereby repealed.

SECT. 7. This act shall take effect when approved by the governor.

Approved March 23, 1863.

### Chapter 194.

An act to amend chapter four of the revised statutes in relation to elections.

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

Chap. 4, sec.  
20, R. S.,  
relating to  
elections,  
amended.

Section twenty of chapter four of the revised statutes is hereby amended by striking out the following words: "if the meeting so decides they may vote for representative to the state legislature on a separate ballot."

Approved March 23, 1863.

### Chapter 195.

An act to secure the prompt payment of county taxes.

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

County taxes,  
collection of:

County treas-  
urer's duty of.

Direction of  
warrant.

When return-  
able.

Requirements  
of.

Whenever for the period of forty days after the time fixed for the payment of the county tax of any county, there shall be a delinquency to pay the same on the part of the collector of any city, town or plantation, it shall be the duty of the treasurer of such county to issue his warrant for enforcing the collection of the same against such collector. The warrant shall be directed to the sheriff or his deputy of such county, and made in accordance with the laws already existing on that subject, except that it shall be returnable in ninety days from its date; and in addition to the tax itself it shall require the officer to collect interest thereon at the rate of six per centum yearly, from the day when the tax became payable with fifty cents more for the warrant and the lawful fees of such sheriff or deputy arising thereon.

Approved March 24, 1863.