

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1883.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1883.

the amount and value of all the property enumerated in section one, owned by it within the limits aforesaid, on the first day of April annually, and the governor and council shall determine said values and assess said tax thereon on or before the first day of May annually. The secretary of state shall thereupon certify said assessment to the state treasurer, who shall forthwith notify the several parties assessed thereof. Said tax shall be paid into the treasury on or before the first day of September annually, and shall be in lieu of all state or municipal taxation on any property or shares of said corporations, companies or person.

Governor and council to assess tax.

Secretary of state to certify tax to treasurer of state.

—when to be paid.

SECT. 3. Any corporation, company or person, neglecting to make the returns required by this act, shall forfeit twenty-five dollars per day for every days' neglect so to do, to be recovered by an action of debt in the name of the state; and the governor and council shall proceed to make said assessment on such valuation as they think just with such evidence as they may be able to obtain, and such assessment shall be final. And if any corporation, company or person fails to pay the tax required by this act, the state treasurer may forthwith commence an action of debt, in the name of the state, for the recovery of the same with interest.

Proceedings in case of failure to make return and pay tax.

SECT. 4. This act shall take effect when approved.

Approved March 14, 1883.

Chapter 214.

An Act amendatory of and in addition to chapter seventy-four of the public laws of eighteen hundred and seventy-eight, entitled, "An Act in relation to the insolvent laws of Maine," and acts additional thereto and amendatory thereof.

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

SECT. 1. In all cases of proceedings for composition, where a debt arises on a bill of exchange or promissory note, if the debtor shall be ignorant of the holder of any such bill of exchange or promissory note, he shall be required to state the amount of such bill or note, the date on which it falls due, the name of the acceptor, and of the person to whom it is payable, and any other particulars within his knowledge

In proceedings for composition when debtor is ignorant of the holder of note, etc., he shall give full description of the debt.

CHAP. 214

If creditor cannot be found or refuses to accept percentage, amount may be deposited in court.

If claim is not proved and percentage accepted within six months, amount to be repaid to insolvent.

No discharge shall be granted unless percentage is paid or secured.

Dividends shall not be paid without approval of court.

Register to give notice of dividends declared.

When debtor withholds property, judge may enforce delivery.

Claimant to property sold and in dispute, must bring suit to recover value thereof, within sixty days after sale is ordered.

Proviso.

respecting the same; and the insertion of such particulars shall be deemed a sufficient description by the debtor in respect to such debt. If any creditor named in the debtor's schedule of debts cannot be found, or shall refuse to accept the percentage due him under proceedings for composition, it shall be lawful for the debtor to deposit in court the amount of such percentage in money, and such deposit so made shall be taken and deemed to be a security for said debt. If any such creditor, at the expiration of six months after said deposit, fails to prove his claim and accept said percentage, the court may order the same to be repaid to said insolvent, or, after notice to said insolvent, make such distribution of said deposit as justice may require. No discharge shall be granted to a debtor under proceedings for composition, unless the judge is satisfied that the debtor has either paid or secured the percentage, named in his composition agreement, to all the creditors whose names appear in the schedule annexed to his affidavit.

SECT. 2. No dividend shall be paid or declared without the approval of the court to be entered of record. The register shall give notice, of not less than five days, to all creditors named in the schedule of debts, of all dividends declared, and shall receive the same fee as for other notices.

SECT. 3. When it appears to the satisfaction of the judge of any court of insolvency that the debtor has withheld and not delivered to the messenger or assignee any part of his property or estate which is not exempt under the provisions of said act, the judge of said court may, upon application and after hearing, order delivery of such property or estate, and enforce the order or decree as provided in section four of said act.

SECT. 4. The claimant to property sold under the provisions of section thirty-three of said act, shall bring his suit against the assignee, to be served on him within sixty days after the judge orders such sale, to recover compensation for the value of such property, or be precluded thereafter from maintaining any action at law or in equity for the recovery thereof; *provided*, that the further time of six months be allowed to any claimant in proceedings now pending to bring his action as herein provided against the assignee.

SECT. 5. The judges of the courts of insolvency shall prepare and file in the office of the secretary of state annually, on the first Monday of January, a report of all the cases in insolvency within their respective counties, showing the names of the insolvents, the date of the filing of the petition, the date of the discharge, the amount and average rate of dividends declared, inclusive of composition cases, and the amount of fees received or earned by them and the registers of said court.

CHAP. 215

Judges shall report annually to secretary of state, all cases of insolvency, etc.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

SECT. 7. This act shall take effect when approved.

Approved March 14, 1883.

Chapter 215.

An Act concerning trade-marks and their registration.

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

SECT. 1. Any person entitled to the exclusive use of any lawful trade-mark, or who intends to adopt and use any lawful trade-mark, not previously adopted or used by another, may file for record in the office of the secretary of this state, a certificate, setting forth his name, residence and place of business; the class of merchandise and the particular description of goods comprised in such class to which such trade-mark has been, or is to be appropriated; a description of such trade mark, and of the mode in which it is to be applied and used; the date when such trade-mark was first used or adopted; that he has a right to the use of it; and that no other person, firm or corporation has the right to such use, either in the identical form, or having such near resemblance thereto as might be calculated to deceive. A fac-simile of such trade-mark shall be incorporated in or annexed to said certificate, and a duplicate shall be filed therewith, to be pasted or bound into the record book, if practicable. Such certificate shall be signed by the person in whose behalf it is filed, or by his agent, and the person so signing it, shall make

Persons entitled to use trade-mark may file with secretary of state, certificate, description, etc., thereof.

Fac-simile to be annexed to certificate.

Certificate to be sworn to.