

amount so due the State, such attorney or other person shall be guilty of a misdemeanor, and shall upon conviction be fined double the amount so received and receipted for, and shall stand committed until such fine and the costs thereon are fully paid.

See notes to sec. 95.

1904, art. 81, sec. 97. 1890, ch. 244, sec. 88 E.

99. If after suit brought and judgment rendered as aforesaid, any such corporation shall still continue in arrear and shall fail or neglect to pay its state taxes so due as aforesaid, for the space of two years after the same shall be in arrears, such failure and neglect shall be deemed to amount to and shall constitute a forfeiture of the charter of such corporation and such charter shall be decreed to be so forfeited and annulled *ipso facto*.

See notes to sec. 95.

As to the forfeiture of corporate charters. see art. 23, sec. 82. *et seq.*

Bonus Tax on Capital Stock.

Ibid. sec. 98. 1890, ch. 536, sec. 88 A. 1894, ch. 114, sec. 88 F.

100. Every corporation incorporated after the twenty-first day of March, 1894, under any general or special law of this State, except cemetery companies, companies created for purely benevolent and charitable purposes, railroad companies and building or homestead associations incorporated under article twenty-three of the code of public general laws of 1904, title "Corporations," sub-title "Provisions for the Formation of Corporations," section 20 (class 5), shall pay to the state treasurer for the use of the State a bonus of one-eighth of one per centum upon the amount of capital stock which said company is authorized to have, and a like bonus upon the amount of any subsequent increase of capital stock the company is authorized to have; said bonus upon the original capital stock shall be due and payable upon the incorporation of said company, and upon the increase upon the recording of the certificate of such increase or the passage of any special act authorizing such increase; and no company as aforesaid which shall be incorporated after the 21st day of March, 1894, shall have or exercise any corporate powers until said bonus has been paid to the state treasurer. Whenever any company of the character aforesaid, incorporated prior to said date, shall be authorized to increase its capital stock, it shall pay a tax of one-eighth of one per centum to the state treasurer for the use of the State upon the amount of increase said company is authorized to have; said bonus shall be due and payable upon the recording of the certificate of increase authorized, or upon the passage of any special act authorizing such increase.

The payment of the bonus tax is a condition precedent to the legal existence of a corporation and to the possession of corporate powers. This rule is not altered by article 23, section 6. Hence, a corporation can not maintain an action for a libel published before its bonus tax was paid. Application of the estoppel doctrine denied. This section construed in connection with