

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)

PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTH LEGISLATURE,

AT ITS SESSION

HELD IN JANUARY, 1827.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1829.

PORTLAND,

PRINTED BY THOMAS TODD.....PRINTER TO THE STATE.

1827.

same; one half to the use of the person suing, and the other half to the use of the State: *Provided however*, That said Bank, may during the term aforesaid, discount any notes, bonds or mortgages, which may be presented in lieu of notes, bonds or mortgages due, or becoming due to the same, before said first day of January, in the year of our Lord, one thousand eight hundred and twenty-nine.

SECT. 3. *Be it further enacted*, That it be, and it is hereby declared to be the duty of the President and Directors of said Bank, to adopt all proper measures for bringing the concerns thereof to a close, by collecting its debts and paying and redeeming its bills, as speedily as can be effected: *Provided however*, That nothing herein contained shall be construed or deemed to impair or annul the right of the State to exact payment of the arrears of any taxes now due from said Bank to the State, or to exempt the same from the payment thereof; and the President, Directors and Cashier of said Bank shall be under obligation to make return to the Governor and Council of the state and condition of the same, at the same time, and in the same manner, as if this Act had not been passed.

[Approved by the Governor, Feb. 23, 1827.]

CHAPTER CCCCLXXXVII.

AN ACT additional to an Act entitled "An Act to incorporate the President, Directors and Company of the Augusta Bank."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the President, Directors and Company of the Augusta Bank, be, and they are hereby allowed to increase the capital stock of said Bank, twenty-five thousand dollars, in addition to the sum allowed by their Act of incorporation, and to be divided into additional shares of one hundred dollars each: *Provided*, That when said additional

Proviso.

President, &c. to take measures to bring the concerns of the Bank to a close.

Arrears of tax to be paid and returns to be made.

Capital increased \$25,000; to be divided into additional shares of \$100 each.

When paid in, or any part thereof, the corporation & all their capital stock, shall be subject to certain provisions contained in the act incorporating the Casco Bank.

sum, or any part thereof, shall have been paid in, the said corporation and all their capital stock shall be subject to all the rules, restrictions, limitations and provisions prescribed in the fourth, thirteenth, fourteenth and fifteenth sections of an Act to incorporate the Casco Bank, passed the eighteenth day of February, in the year of our Lord one thousand eight hundred and twenty-four, and such other provisions as are hereinafter contained: *And provided further*, That the present stockholders of said Bank, shall have the privilege of an equal division of the increased stock, in proportion to their respective shares.

Distribution of the increased stock.

When to be paid in.

SECT. 2. *Be it further enacted*, That the sum mentioned in the first section of this Act, shall be paid into the said Bank, on or before the first Monday of October next, or at such time previous thereto, as the stockholders of said Bank shall appoint and direct: *Provided*, That before the said corporation shall proceed to do business on the said additional capital, a certificate signed by the President, Directors and Cashier of said corporation, and verified by oath, that the same has been actually paid into the said Bank, in gold or silver coin, shall be filed in the office of the Secretary of State.

No business to be done upon the additional capital until a certificate of the paying in of the same be filed in the Secretary's office.

On refusal of payment of bills, complaint to be made to a Judge of the S.J. Court;

SECT. 3. *Be it further enacted*, That if at any time, the said corporation shall refuse or neglect to pay any of its bills when duly presented at said Bank, in banking hours, and for the space of thirty days thereafter, neglect to pay or tender payment of such bills, the holder or holders of such bills, may make complaint thereof in writing, to any Judge of the Supreme Judicial Court, having no interest in said Bank, whose duty it shall be, thereupon to cause the President and Cashier of said Bank, to be notified to appear before him, at such time and place as he may appoint, to answer to such complaint and shew cause against further proceedings thereon; and if said President and Cashier, shall not appear, or appearing shall not shew sufficient cause

proceedings thereon.

against further proceedings, it shall be the duty of the said Judge, thereupon, to appoint three disinterested and discreet Commissioners, residing near the said Bank, to take into their custody and possession, all the books, property, papers and estate of said corporation, and such Commissioners or the major part of them, shall thereby be authorised, to demand and receive of the President, Directors and Cashier of said Bank, all the real and personal estate of said Bank, with all the Books and evidences of debts due the said Bank, making and delivering to said President, Directors and Cashier, or either of them, accurate lists and memoranda of such estate, books and debts: And it shall be the duty of such Commissioners, or the major part of them, and they are hereby authorized, forthwith to proceed to dispose of such estates, and collect such debts, and to pay the demands against said corporation.

Judge may appoint Commissioners, who shall take into custody the property of the Bank;

may dispose of the same, & collect & pay debts.

SECT. 4. *Be it further enacted,* That such Commissioners, or the major part of them, be authorized and empowered, to sell at public auction, after giving thirty days public notice of such sale, any real estate belonging to said corporation, and any mortgages upon real estate due to said corporation, and to make and deliver, in the name of said corporation, any deed or other instrument, necessary to the due and complete transfer and conveyance of such estate and mortgages; and said Commissioners or the major part of them, shall further be authorized to collect all debts due and owing to said corporation, and to commence and prosecute in the name of the corporation, any action necessary to the collection of such debts: *Provided,* That so soon as such Commissioners shall have realized from the property of the corporation, a sum sufficient to pay all the debts of the corporation, their power shall cease; and it shall be their duty to surrender to said corporation, all the remaining property and estates, together with the books and papers belonging to it.

Commissioners may sell at auction, giving notice, mortgages, & execute deeds.

May collect debts and prosecute actions.

Proviso.

SECT. 5. *Be it further enacted,* That said Commissioners shall be entitled to retain to their own use for their services, such sums as may be agreed upon between them and said corporation, and in case of disagreement, it shall be determined by the Judge who appointed such Commissioners.

SECT. 6. *Be it further enacted,* That if the President, Directors and Cashier of said Bank, shall upon demand made by such Commissioners, refuse or neglect to surrender to them, all the books, papers, property, estates and demands of said corporation, such President, Directors and Cashier, so refusing or neglecting, shall thereupon severally become liable in their individual capacity, for the payment of all debts due from said corporation; and any creditor to said corporation, may have and maintain his action against said President, Directors and Cashier, or either of them, to recover against them, or either of them, in their individual capacity, the amount of his just demand against the corporation.

SECT. 7. *Be it further enacted,* That no transfer of stock in said Bank, shall be of any effect, until entered on the transfer book of said corporation, and the transfer made and signed in the presence of the Cashier, or one Director, by such stockholder making such transfer, or his Attorney, lawfully authorised for that purpose, or the writing on which such transfer is made, be duly executed in the presence of two credible witnesses, and left with the Cashier of said Bank.

SECT. 8. *Be it further enacted,* That the aggregate of all debts due to said Bank, from the Directors, or any of them, as principals, indorsers or sureties, shall not at any one time, exceed in amount thirty-three and one third per centum of the capital stock of said Bank; and for every violation of this provision, every Director, consenting to, or conniving at, such violation, shall forfeit and pay the sum of five hundred dollars, to be recovered by indictment to the use of the State.

Compensation to Commissioners.

Directors, &c. liable for refusing to give up property to Commissioners in their private capacity;

and may be proceeded against accordingly.

Mode of transferring stock regulated.

Directors not to be indebted over a certain amount.

Penalty for violation, & how recovered.

SECT. 9. *Be it further enacted*, That each return of the state of said Bank, to be made pursuant to the first section of an Act directing the mode and time of making returns, shall, in addition to the several particulars required therein to be included, specify the names of all the Directors of said Bank; and if in taking the oath required by said first section, any Director or Cashier shall swear falsely, and be thereof duly convicted, he shall suffer as for wilful and corrupt perjury.

Returns to specify the names of all the Directors, &c.

[Approved by the Governor, Feb. 23, 1827.]

CHAPTER CCCCLXXXVIII.

AN ACT changing the names of certain persons.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That Jabez Lamb, of Bangor, in the county of Penobscot, shall be allowed to take the name of Henry J. Lamb; that Margaretta Jane Trefethen, of Bath, in the county of Lincoln, shall be allowed to take the name of Margaretta Jane Haley; that Moses Sanborn the third, of Standish, in the county of Cumberland, shall be allowed to take the name of Moses Lowell Sanborn; that Auld McCobb Brown of Boothbay, in the county of Lincoln, shall be allowed to take the name of Daniel Rose Brown; that Cheever Fillebrown, of Sunkhaze, in the county of Penobscot, shall be allowed to take the name of William Cheever Fillebrown; that Og McDaniel, of Cornville, in the county of Somerset, shall be allowed to take the name of George McDaniel; that Alfred John Sylvester John Gardiner Lithgow, of Dresden, in the county of Lincoln, shall be allowed to take the name of Alfred Gardiner Lithgow; that Job Sylvester the third, of Durham, in the county of Cumberland, shall be allowed to take the name of Job Phillips Sylvester; that Peaslee Morrill the

Persons whose names are changed.