

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,
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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

Augusta:
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

TWENTY-FIRST LEGISLATURE.

NO. 12.

SENATE.

A N A C T

CONCERNING

BANKS AND BANKING.

SEVERANCE & DORR,.....Printers to the State.



STATE OF MAINE.

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

AN ACT concerning Banks and Banking.

SECT. 1. *Be it enacted by the Senate and House
2 of Representatives in Legislature assembled, That
3 every bank, which now is, or shall hereafter be
4 incorporated under the authority of this State,
5 except savings banks, shall be governed by the
6 following rules and subjected to all the duties,
7 limitations, restrictions, liabilities and provisions
8 contained in this chapter. 1831, 519, § 1.*

SECT. 2. Any bank, hereafter incorporated,
2 shall, within ten days after acceptance of its char-
3 ter, give notice in writing of such acceptance to the
4 Secretary of State. 1836, 231, § 5.

SECT. 3. Every bank incorporated as afore-
2 said, shall be known by the corporate name of
3 the President, Directors and Company of the
4 bank (the blank to be filled with such name as
5 its charter may authorize) and shall, except when
6 special provision is otherwise made, be entitled to

7 all the powers and privileges and be subject to all
8 the liabilities contained in the seventy-sixth chap-
9 ter. 1831, 519, § 2.

SECT. 4. Every bank shall have not less than
2 five, nor more than nine Directors, exclusive of
3 such as may be appointed by the Governor and
4 Council, as hereinafter provided, a majority of
5 whom shall be residents in the County where such
6 bank is established ; and none but a stockholder
7 in such bank and a citizen of, and resident in the
8 State, shall be eligible by the stockholders to that
9 office, nor shall any two members of a co-partner-
10 ship, be Directors of the same bank, nor shall any
11 person be a Director in two banks, at one and the
12 same time. 1831, 519, § 7.

SECT. 5. The Directors shall choose one of
2 their own number to act as President, and may
3 make him such compensation as to them shall
4 appear reasonable. The assent of a majority of
5 the Directors shall always be necessary for the
6 transaction of business. 1831, 519, § 7.

SECT. 6. The Directors shall be chosen by
2 ballot, annually, at a meeting of the stockholders,
3 to be holden on one of the first fifteen days of the
4 month of October annually, at some place within
5 the town where the bank is established, which
6 time and place shall be designated by the Directors
7 for the time being, by giving public notice thereof

8 fourteen days previous to the meeting, in some
9 newspaper printed in the County, and if there be
10 no newspaper printed in said County, then in some
11 one published at the seat of Government of the
12 State, and in all cases wherein the bank shall be
13 the owner of any of the shares of its stock, such
14 shares as are so owned shall in all cases be silent,
15 and shall not be represented by any person for the
16 purpose of having a voice in the business or other
17 transactions of said bank. 1831, 519, § 8.

SECT. 7. Every stockholder shall be entitled
2 to vote, according to the number of shares he may
3 hold, in the following proportions, that is to say,
4 for one share he shall have one vote, and for every
5 two additional shares, he shall have a right to one
6 vote more, provided always, that no one stock-
7 holder shall have more than twenty votes; absent
8 members may vote by proxy, authorized in writ-
9 ting. 1831, 519, § 8.

SECT. 8. Directors may call special meetings
2 of the stockholders, as often as they think the
3 interest of the corporation may require it, giving the
4 same notice as before provided; vacancies in the
5 board of Directors may be filled at any such spe-
6 cial meeting, the purpose being specified in the
7 notice. 1831, 519, § 8.

SECT. 9. Every bank shall be kept in the town
2 where originally established. 1831, 519, § 12.

SECT. 10. No bank shall go into operation un-
2 til one half at least, of its capital stock shall have
3 been paid in, in gold and silver money, which
4 shall be in its vaults, and shall have been examin-
5 ed by three commissioners appointed by the Gov-
6 ernor with the advice and consent of the Council.
7 Said commissioners, at the expense of the bank,
8 shall examine and count the money actually in the
9 vaults, and ascertain by the oaths of a majority of
10 the Directors, that such money has been paid in
11 by the stockholders toward the payment of their
12 respective shares, and not for any other purpose,
13 and that it is intended that the same shall remain
14 therein as part of said capital; and the said com-
15 missioners shall return a certificate thereof to the
16 office of the Secretary of State. 1831, 519, § 3.

SECT. 11. The capital stock of every bank,
2 hereafter incorporated under the authority of this
3 State, shall be paid in, one half in six months and
4 the other half in twelve months after the date of
5 its charter, in gold and silver money, of the legal
6 currency of the United States. No stockholder
7 shall at any one time hold or own more than one
8 fifth of the capital of any bank.

1831, 519, § 3, 27.

SECT. 12. No shares in the capital stock of
2 any bank shall be sold, or transferred, except by
3 execution or distress, or by executors, administra-

4 tors, or guardians, until the whole amount of the
5 capital stock shall have been paid in.

1831, 519, § 3.

SECT. 13. The State shall have a right, when-
2 ever the Legislature shall make provision by law,
3 to subscribe on account of the State, to the capital
4 of any bank, a sum or sums not exceeding in the
5 whole one tenth part of the previous capital of such
6 bank in addition to the same, subject to such rules,
7 regulations and provisions, as by the Legislature
8 shall be made and established for the management
9 of the same; and to appoint an additional Director
10 in such case. 1831, 519, § 14.

SECT. 14. Shares in any bank shall be liable
2 to be attached on mesne process and taken in exe-
3 cution and sold agreeably to the provisions of
4 chapters one hundred fourteen and one hundred
5 seventeen. 1831, 519, § 18.

SECT. 15. The lands of any bank, and all the
2 right, title, claim and interest of any bank in lands
3 mortgaged for security of any debt due or assigned
4 to such bank, any debt due such bank and secured
5 by such mortgage, shall be liable to be attached
6 on mesne process and taken in execution and sold,
7 agreeably to the provisions contained in chapters
8 ninety-four and one hundred fourteen.

1831, 519, § 19.

SECT. 16. Every bank within ten days after
2 the first Mondays of April and October, respec-
3 tively, in each year, shall pay to the Treasurer of
4 the State, for the use of the same, a tax of one
5 half of one per cent. on the amount of its capital
6 stock, actually paid in. 1831, 519, § 16.

SECT. 17. If any bank shall neglect to pay the
2 aforesaid tax for thirty days after the same shall
3 have become due, it shall be the duty of the
4 Treasurer to issue a warrant of distress to compel
5 the payment of the same, out of the estate and
6 effects of said bank ; which warrant shall be exe-
7 cuted in the same way, as warrants of distress
8 issued against the estate and effects of delinquent
9 Sheriffs, under the provisions of chapter fourteen,
10 section one hundred twenty-seven.

1831, 519, § 6.

SECT. 18. Every bank may hold, with power
2 to sell and dispose of the same, such real estate as
3 may be requisite for the convenient transaction of
4 the business thereof ; but the real estate, so held,
5 shall not, unless by special authority for the pur-
6 pose, exceed twelve per cent. on the amount of the
7 capital stock, exclusive of what the bank may hold
8 on mortgage, receive on execution, or take as se-
9 curity for, or in payment of, any debts.

1831, 519, § 2, 6.

SECT. 19. Every bank, subject to such restrictions as are mentioned in this chapter, may loan and negotiate their monies and effects, by discounting, on banking principles on such security as their regulations may permit; provided, that no loan shall be made by any bank upon pledge of its own stock; nor shall any bank discount notes, bills of exchange, drafts or other security for the payment of money, without at least two responsible names as principals, sureties or endorsers thereon (and for this purpose any firm composed of two or more persons are to be considered as one person) or adequate personal pledges, or collateral security; and no loan shall be made to any stockholder, until the full amount of his shares shall have been paid into the bank. The aggregate of all the debts due from the Directors as principals, endorsers, or sureties, shall, at no time exceed one third part of the amount of the capital of such bank, nor shall the debts due from any one Director, as principal, endorser, or surety exceed eight per cent. of the capital stock.

1831, 519, § 2, 27.

SECT. 20. No bank shall vest, use or improve any of its monies, goods, chattels or effects in trade or commerce; but any bank may sell all kinds of personal pledges lodged with it by way of securi-

5 ty, to an amount sufficient to reimburse the sum
6 loaned, with interest and expenses.

1831, 519, § 6.

SECT. 21. The Directors shall make half yearly
2 dividends of the profits of the bank.

1831, 519, § 9.

SECT. 22. The Directors shall appoint a cash-
2 ier, and may appoint clerks and other officers for
3 conducting the business of the bank, with such
4 salaries as to them may seem meet ; which cashier,
5 clerks and other officers shall be removable at the
6 pleasure of the Directors. 1835, 519, § 9.

SECT. 23. The cashier of any bank shall not
2 at the same time be a Director therein.

1831, 519, § 9.

SECT. 24. The cashier and clerks before they
2 enter upon the duties of their respective offices,
3 shall be sworn, and shall also give bonds with
4 two or more sureties to the satisfaction of the
5 Directors, conditioned for the faithful performance
6 of the duties of their respective offices. The bond
7 of the cashier shall be renewed every year in the
8 month of October, and in no case shall the bond
9 given by the cashier be signed by any Director of
10 the bank for which he is appointed, nor be given
11 for a less penal sum than twenty thousand dollars,
12 nor greater than fifty thousand dollars.

1831, 519, § 10. 1838, 326, § 2.

SECT. 25. The cashier of every bank shall, on
2 the application in writing of the proprietors of one
3 fifth part of the capital stock thereof, call special
4 meetings of the stockholders by giving notice of
5 such meetings in the manner provided for notifying
6 the annual meeting; and in case of refusal by such
7 cashier, any justice of the peace in the County
8 where the bank is established, may on such appli-
9 cation call such meetings giving the like notice.

1831, 519, § 10.

SECT. 26. The total amount of debts, which any
2 bank shall at any time owe, shall not exceed twice
3 the amount of its capital stock, actually paid in,
4 exclusive of sums due on account of deposits, not
5 bearing interest; nor shall there be due to such
6 bank at any time, more than double the amount of
7 its capital stock, actually paid in.

1831, 519, § 5.

SECT. 27. Debts due to any bank from any
2 other bank payable on demand, including bills of
3 the bank, so indebted, shall not be deemed debts
4 due to a bank, with the intent and meaning of the
5 preceding section. M. R. S. 36, § 10.

SECT. 28. If any bank shall become indebted,
2 beyond the amount allowed by the two preceding
3 sections, the Directors under whose administration
4 it shall happen, shall be liable for the excess in
5 their private capacities; any condition, release or

6 agreement to the contrary notwithstanding; and
 7 an action of debt may in such case be brought
 8 against them or any of them, or the heirs, execu-
 9 tors or administrators of them, or any of them, by
 10 any creditor of such corporation, and may be
 11 prosecuted to final judgment and execution; or
 12 such creditor may have a bill in equity against
 13 them in the Supreme Judicial Court.

1831, 519, § 5. M. R. S. 36, § 11.

SECT. 29. Any Director who may have been
 2 absent, when such excess of debts was contracted,
 3 or who may have at the time dissented from the
 4 resolution or act, whereby the same was contracted,
 5 may exonerate himself from being so liable, by
 6 forthwith giving notice of the fact, and of his ab-
 7 sence or dissent, to the Governor and Council and
 8 to the stockholders at any general meeting; which
 9 meeting he shall have power to call for that pur-
 10 pose. 1831, 519, § 5.

SECT. 30. The provisions of the two preced-
 2 ing sections shall not be construed to exempt any
 3 bank, or the lands, goods or chattels of the same,
 4 from being also liable for the excess therein men-
 5 tioned. 1831, 519, § 5.

SECT. 31. No loan nor discount shall be made,
 2 nor shall any bill or note be issued, by any bank,
 3 nor by any person on their account, except at the
 4 usual banking house of the same. 1831, 519 § 4.

SECT. 32. The amount of notes or bills at any
2 time issued and put in circulation, as money, by
3 the several banks incorporated in this state, shall
4 not exceed the following amounts and proportions
5 respectively, viz:—a bank authorized to have a
6 capital of fifty thousand dollars may put into cir-
7 culation an amount equal to its capital actually
8 paid in; a bank authorized to have a capital of
9 more than fifty thousand and less than one hun-
10 dred and fifty thousand, an amount equal to three
11 fourths of its capital actually paid in; and a bank
12 authorized to have a capital of one hundred and
13 fifty thousand dollars or upwards, an amount equal
14 to two thirds of its capital actually paid in.

1831, 510 § 4. 1838, 326, § 1.

SECT. 33. All bills shall be issued in the name
2 of the President, Directors and Company of the
3 bank issuing them, and shall be signed by the
4 President and Cashier thereof; but all bills signed
5 by either the President or Cashier thereof, which
6 shall be in circulation through the agency or neg-
7 lect of any officer of the bank, shall be binding on
8 the corporation. Every bank shall receive in pay-
9 ment for all debts due such bank, the bills issued
10 by the same, if offered. 1831, 519, § 20, 15.

SECT. 34. Every bank within this State,
2 whether heretofore limited by their charters, in
3 this respect, or not, may issue bills under five

4 dollars to the amount of one quarter part of its
5 capital actually paid in, and no more; and no bank
6 shall issue or pay out, or receive in payment or on
7 deposit, any bill or note less than one dollar or on
8 which is expressed any fractional part of a dollar,
9 under penalty of one hundred dollars for each
10 offence. 1831, 519 § 20. 1838 326, § 7, 8.

SECT. 35. Any bank may allow a certain rate
2 of interest for deposits made therein, if they think
3 proper; but no bank shall issue any note, bill,
4 check, or other negotiable security payable at a
5 future day, or bearing interest.

1832, 32, § 1. 1831, 519, § 20.

SECT. 36. No bank shall issue any bill, note,
2 check or draft, redeemable at such bank in any
3 other manner than by payment in specie; but every
4 bank which shall issue any bill, note, check or
5 draft, redeemable in any other manner than by
6 payment in specie on demand, or payable at any
7 place other than the place where such bank is by
8 law established and kept, shall be liable to pay
9 the same in specie to the holder thereof, on de-
10 mand, at said bank, without a previous demand at
11 the place where the same is made payable by its
12 tenor. 1831, 519, § 20.

SECT. 37. Nothing contained in the preceding
2 section shall extend to any draft or check for any
3 balance due to said bank, nor to any check or draft

4 drawn by an officer of any bank within this State,
5 or any other bank, either within or without this
6 State; but all such checks or drafts shall first be
7 presented for payment at the place or bank on
8 which the same shall be drawn, before the same
9 shall be demanded at the bank which issued them.

1831, 519, § 20.

SECT. 38. If the officer of any bank shall
2 neglect or refuse to redeem in gold or silver money,
3 of the legal currency of the United States, any
4 note, bill, check or draft, described in the two
5 preceding sections, and demandable at such bank,
6 or any other bill or note of such bank, on demand,
7 in its usual banking hours, such bank, if it ordi-
8 narily redeems its bills only at its own counter,
9 shall be liable, after the expiration of thirty days
10 from such demand, to pay to the holder thereof,
11 in damages at the rate of twenty-four per cent. by
12 the year, for the time during which such payment
13 shall be delayed or refused from and after said
14 thirty days. If any such bank ordinarily redeems
15 its bills at any other bank or place than its own
16 counter, or besides redeeming at the same, it shall
17 be liable as aforesaid after the expiration of fifteen
18 days from such demand.

1831, 519, § 11, 20. 1838, 326 § 3.

SECT. 39. The holder of any bill, note, check
2 or draft, after demand made, as described in the

3 preceding section, shall also be entitled to interest
4 at the rate of six per cent. a year, from the time
5 of such demand, until the rate of damages therein
6 specified shall commence.

SECT. 40. If the bank at which payment of
2 such bill, note, check or draft shall have been de-
3 manded and refused shall, at any time afterwards,
4 cause a legal tender to be made, at the place of
5 residence of the person who made such demand,
6 or of any known owner or assignee of such person,
7 or of his agent, of the amount of such bill, note,
8 check or draft, and all interest, damages and costs
9 which may have accrued at the time of such tender,
10 all further interest and damages shall thereafter
11 cease on account of the same.

1831, 519 § 11. 5 Pick. 106.

SECT. 41. Whenever any bill, note, check or
2 draft shall be presented for payment at any bank
3 in this State, which issued and is liable to pay the
4 same under the provisions of the thirty-eighth and
5 thirty-ninth sections of this chapter, and payment
6 thereof shall have been delayed or refused for the
7 term of thirty or fifteen days, as the case may be,
8 then the private property of the stockholders of
9 said bank, to the amount of such shares as they
10 may have acquired in said bank, after the taking
11 effect of an Act entitled, "an Act further regulat-
12 ing banks and banking," passed March 29, 1836,

13 shall be liable to be attached on mesne process and
14 levied upon by execution, in any suit therefor
15 which may be commenced against said bank, as
16 well for the damages, as for the original demand
17 and interest and costs. 1836, 233, § 1.

SECT. 42. Any Director of any bank against
2 which any suit may be commenced, as specified in
3 the preceding section, on demand of the plaintiff
4 in such suit, or on demand of any officer legally
5 charged with the service of any writ or execution,
6 as aforesaid, is hereby required to make and ex-
7 hibit to such plaintiff or officer, a true list of the
8 stockholders liable as aforesaid, with the amount
9 of stock on account of which they are so liable.

1836, 233, § 1.

SECT. 43. Should any Director of any bank,
2 on demand, as aforesaid, unreasonably neglect or
3 refuse to make and exhibit a true list, as provided
4 in the preceding section, then the private property
5 of such Director shall be liable to attachment on
6 mesne process or execution, to the full amount of
7 the judgment which may be or has been recovered
8 in such suit, or execution issued thereon.

1836, 233, § 3.

SECT. 44. If any loss or deficiency of the cap-
2 ital stock in any bank shall arise from the official
3 mismanagement of the Directors of such bank, the
4 persons who are Directors at the time of such mis-

5 management and guilty thereof, shall, in their
6 individual capacities be respectively liable to pay
7 the same; and in case of their inability to pay such
8 lossor deficiency, the persons who are stockholders
9 at the time of such official mismanagement, shall be
10 liable therefor; provided that no stockholder,
11 other than Directors, guilty as aforesaid, shall be
12 liable to pay a sum exceeding the amount of the
13 stock actually held by such stockholder at that
14 time; and provided also that such liability shall
15 not continue beyond the term of one year from and
16 after such time, as such stockholder may have
17 bona fide transferred his stock, no process having,
18 at the time of such transfer, been commenced
19 against him on account of the same, either in law
20 or equity. 1831, 519, § 28.

SECT. 45. The holders of stock in any bank
2 at the time, when its charter may expire, shall be
3 liable, in their individual capacities, for the re-
4 demption and payment of all bills, which may
5 have been issued by said bank, and which shall
6 remain unpaid, in proportion to the stock they may
7 respectively hold, at the dissolution of the charter;
8 provided that such liability shall continue for the
9 term of two years only from the time that notice,
10 that such charter has expired as aforesaid, shall
11 have been given in some newspaper, specially
12 authorized to publish the laws of the State.

1831, 519, § 29.

SECT. 46. Any creditor of any bank, which
2 may have sustained a loss or deficiency of its
3 capital stock, through the official mismanagement
4 of its Directors, or any holder of any bill or bills
5 issued by any bank, which bill or bills, after the
6 expiration of its charter, shall remain unredeemed,
7 and which may have been duly demanded of such
8 bank or at its last and usual place of transacting
9 business, may pursue his remedy and avail himself
10 of the liabilities of its Directors and stockholders,
11 specified in the two preceding sections, by a bill
12 in equity to be prosecuted in the Supreme Judicial
13 Court; but this section shall not be construed to
14 deprive any person injured by the misconduct or
15 neglect of the Directors or other officers of any
16 bank, of his right to a special action on the case,
17 on the principles of the common law, against such
18 Director or other officer.

SECT. 47. Any stockholder of a bank, who by
2 virtue of any of the provisions of this chapter, shall
3 have been obliged to pay any debt or demand
4 against said bank, or any part thereof, out of his
5 individual property, may have a bill in equity, in
6 the Supreme Judicial Court, to recover the pro-
7 portional parts of such sums of money, as he may
8 have so paid, from the Directors or other stock-
9 holders liable for the same, and such damages and
10 costs as the Court may decree.

1831, 519, § 30. 1836, 233, § 2.

SECT. 48. Any corporation, which is or shall
2 be a stockholder in any bank, shall be liable in its
3 corporate capacity, to pay any loss or deficiency of
4 the capital stock in such bank, arising from the
5 official mismanagement of its Directors, and shall
6 also be liable for the payment and redemption of
7 all bills which shall have been issued by said
8 bank, and which shall remain unpaid when its
9 charter shall expire, in the same manner as indi-
10 vidual stockholders are liable in their individual
11 capacities; and such corporation may compel a
12 contribution from other stockholders in the manner
13 prescribed in the preceding section.

M. R. S. 36, § 33.

SECT. 49. No bank in this State shall be per-
2 mitted to take any greater rate of interest or dis-
3 count, on any note, draft or security, than at the
4 rate of six per cent. a year, whether such loan be
5 made in specie or otherwise, or agreement made to
6 pay such loan in specie, or at a place other than
7 the bank making such discount; but such interest
8 or discount may be calculated and taken according
9 to the established rules of banking; provided that
10 in discounting drafts, bills of exchange or other
11 negotiable securities payable at another place, the
12 bank so discounting the same, may in addition to
13 the said interest charge the then existing rate of
14 exchange, between the place of discounting and

15 the place where any such security may be paya-
16 ble. 1831, 519, § 20.

SECT. 50. Upon any requisition of the Legisla-
2 ture, each bank shall loan to the State a sum not
3 exceeding five per cent. of its capital stock at any
4 one time, reimbursable by five annual instalments,
5 or at any shorter period, at the election of the
6 State, with the annual payment of interest, at a
7 rate not exceeding five per cent.; but the State shall
8 not be entitled to demand of any bank, loans which
9 shall together at any one time exceed one tenth
10 part of its capital; and the faith of the State is
11 pledged for the re-payment of the same.

1831, 519, § 13.

SECT. 51. Whenever a loan shall be required
2 of any bank as aforesaid, the Treasurer of the
3 State shall give notice in writing to the President
4 or Cashier thereof, of the amount which is to be
5 furnished by such bank, and demand a loan of the
6 same, conformably to the provisions of this chap-
7 ter; which notice and demand shall be accompanied
8 by a copy of the Act or Resolve of the Legislature
9 requiring such loan, attested by the Secretary of
10 State and by the approval of the Governor of
11 such demand, in writing. 1831, 519, § 13.

SECT. 52. The Cashier of each bank shall
2 make a return of the state of such bank, as it
3 existed on the first Saturday of any month, at two

4 o'clock in the afternoon, when thereto required by
 5 the Governor, and shall transmit the same to the
 6 office of the Secretary of State, within such time
 7 as shall be directed by the Governor in his requi-
 8 sition aforesaid, stating the several particulars
 9 mentioned in the following form, exhibiting in dis-
 10 tinct columns the amounts due from the bank and
 11 the resources of the bank, viz:

12 State of — Bank on the first Saturday of
 13 —, 18 , 2 o'clock, P. M.

<i>Due from the Bank.</i>		<i>Resources of the Bank.</i>	
Capital stock,	\$	Gold, silver, & other coined	} \$
Bills in circulation,	\$	metal in its banking house,	
Net profits on hand,	\$	Real estate,	\$
Balances due to other banks,	\$	Bills of other banks incor-	} \$
Cash deposited, including all	} \$	porated in this State,	
sums whatsoever due from		Bills of other banks without	\$
the bank, not bearing inter-		the State,	\$
est; its bills in circulation,		Balances due from other	\$
profits, and balances due		banks,	\$
to other banks excepted,	}	Amount of all debts due, in-	} \$
	\$	cluding notes, bills of ex-	
Cash deposited bearing in-	} \$	change, and all stocks and	
terest,		\$	
	\$	description, excepting the	
	\$	balances due from other	
	\$	banks,	\$
	\$		\$
Total amount due from the	} \$	Total amount of the re-	} \$
bank,		\$	

- 14 Rate of last dividend, \$
- 15 Amount of last dividend, \$
- 16 When declared, \$
- 17 Amount of reserved profits at the time of declar-
 ing the last dividend, \$
- 18 Amount of debts due, and not paid and consid-
 ered doubtful, \$

19 Bills in circulation under five dollars, \$

1831, 519, § 22. 1832, 52, § 2. 1836, 231, § 6.

SECT. 53. The Cashier of each bank shall,
 2 on the first Mondays of the months of January
 3 and June, in each year, make returns, exhibiting
 4 the state and condition of the bank, as existing at
 5 two o'clock in the afternoon of the preceding Sat-
 6 urdays, and transmit the same, within fifteen days,
 7 to the Secretary of State, stating all the particulars
 8 mentioned in the preceding section, with the addi-
 9 tion of the following, viz:

10 Amount due from the Directors as principals, \$

11 Amount due from the Directors as sureties, \$

12 Amount due from stockholders as principals, \$

1838, 326, § 4. 1833, 80, § 1.

SECT. 54. The returns required in the two
 2 preceding sections, shall be signed by the Cashiers
 3 of the several banks respectively, who shall make
 4 oath to the truth of said returns, according to their
 5 best knowledge and belief. 1831, 519, § 22.

SECT. 55. The Cashier of each bank, when-
 2 ever required by the Legislature, shall also make
 3 return, under oath as aforesaid, of the names of
 4 the stockholders, and the amount of stock owned
 5 by each in such bank. 1831, 519, § 22.

SECT. 56. Whenever a return shall be made
 2 by any Cashier, as provided in either of the four
 3 preceding sections, a majority of the Directors of

4 each bank shall certify, under oath, that the books
5 of the bank indicate the state of facts so returned
6 by their Cashier, and that they have full confi-
7 dence in the truth of said return.

1831, 519, § 22.

SECT. 57. For neglect or refusal to make any
2 such return, by such Cashier and Directors of any
3 bank, such bank shall forfeit, for each offence, a
4 sum not exceeding one thousand dollars, to the use
5 of the State, to be recovered by the Treasurer
6 thereof.

1831, 519, § 22.

SECT. 58. The Secretary of State shall fur-
2 nish to the Cashier of every bank, in the month of
3 March or April annually, at the expense of the
4 State, four printed copies of each of the forms of
5 the returns required by the fifty-second and fifty-
6 third sections of this chapter. 1831, 519, § 23.

SECT. 59. The Secretary of State, after re-
2 ceiving the returns required by the fifty-third
3 section of this chapter, shall, as soon as may be,
4 cause to be prepared and printed a true abstract
5 from those returns, with each column of such ab-
6 stract footed up; and transmit by mail one copy
7 thereof to the Cashier of each bank in the State,
8 and further cause the same to be published in the
9 State paper and such other papers as the Governor
10 and Council may direct.

1831, 519, § 24. 1831, 30, § 2. 1833, 326, § 5.

SECT. 60. The Governor, with the advice of
2 the Council, shall appoint two Commissioners, who
3 during their continuance in office, shall not hold
4 any office in any bank in this State, and whose
5 duty it shall be at least once a year and as much
6 oftener as the Governor and Council shall deem it
7 expedient, to inquire into and examine the transac-
8 tions of the several banks incorporated in this
9 State, and to ascertain the condition of the same,
10 and whether there has been any departure by
11 brokerage or otherwise from the ordinary business
12 of banking associations; and said Commissioners
13 shall make report of their doings annually to the
14 Governor and Council, to be laid before the Le-
15 gislature. Said Commissioners shall be removea-
16 ble, and vacancies may be filled, at pleasure, by
17 the Governor and Council.

1831, 519, § 31. 1836, 231, § 4.

SECT. 61. The Bank Commissioners shall
2 have power to visit every bank in this State, as
3 often as they deem it expedient for the public
4 safety, and shall thoroughly inspect and examine
5 all the affairs of said corporations, and make any
6 and all such inquiries as may be necessary to as-
7 certain the condition of said corporations, and their
8 ability to fulfil all the engagements made by them;
9 and said Commissioners may summon and examine,
10 under oath, all the Directors, officers or agents of

11 said corporations, and such other witnesses as they
12 may think proper, in relation to the affairs, trans-
13 actions and condition of said corporations; and
14 any such Director, officer or agent, or other per-
15 son, who shall refuse, without justifiable cause, to
16 appear and testify, when thereto required as afore-
17 said, or who shall obstruct, in any way, any
18 Commissioner in the discharge of his duty as
19 prescribed in this Act, shall, on conviction, be
20 subject to a fine not exceeding ———— thousand
21 dollars, or imprisoned for a term not exceeding
22 ————.

SECT. 62. If, upon examination of any bank,
2 said Commissioners shall be of opinion that the
3 same is insolvent, or that its condition is such as
4 to render its further progress hazardous to the
5 public or to those having funds in its custody, and
6 also that said bank has exceeded its powers, or
7 has failed to comply with all of the rules, restric-
8 tions and conditions provided by law, they may
9 apply to some one of the Justices of the Supreme
10 Judicial Court, to issue an injunction to restrain
11 such corporation, in whole or in part, from further
12 proceeding with its business, until a hearing of
13 the said corporation can be had. And said Justice
14 shall forthwith issue such process; and after a full
15 hearing of the said corporation upon the matters
16 aforesaid, may dissolve, or modify, or make per-

17 petual the same ; and make such orders and
18 decrees to suspend, restrain or prohibit the further
19 prosecution of the business of said corporation, as
20 may be needful in the premises, according to the
21 course of chancery proceedings ; and at his dis-
22 cretion may appoint agents or receivers to take
23 possession of the property and effects of the cor-
24 poration, subject to such rules and orders as may
25 from time to time be prescribed by the Supreme
26 Judicial Court, or any Justice thereof in vacation.
27 And said Commissioners shall have power to ap-
28 point a clerk of their board, prescribe his duties,
29 and fix his compensation, whenever the public
30 good may in their opinion demand such appoint-
31 ment. And all banks whose charters have ex-
32 pired or may hereafter expire, or whose charters
33 have been or may hereafter be surrendered or
34 revoked, shall continue subject to all the provis-
35 ions and penalties in this Act, during the time
36 allowed their stockholders to act in their corporate
37 capacity, for the purpose of closing its concerns ;
38 and it shall be the duty of the Commissioners to
39 examine and proceed against any such bank in the
40 same manner as against banks whose charters
41 have not expired or been surrendered or revoked.

SECT. 63. No bill or note, of the denomina-
2 tion of one hundred dollars, or less, shall be issued
3 by any bank for circulation, unless the same shall

4 be impressed from the patent stereotype plate of
5 Abraham Perkins or his assigns, or unless said
6 bank shall be in writing authorized by the afore-
7 said Commissioners to issue bills of such other
8 plates as they may judge to afford greater security
9 against counterfeiters, from the mode of their en-
10 graving or style of workmanship; but the Legis-
11 lature may, at any time hereafter, authorize and
12 require the use of other plates. Every bank shall
13 be held to pay to any bona fide holder the original
14 amount of any note of said bank, notwithstanding
15 the same may have been altered to a larger amount.

1831, 519, § 26. 1833, 30, § 4. 1835, 164, § 1.

1831, 519, § 15.

SECT. 64. The Directors of the several banks
2 once in five years shall have all the weights used
3 in their respective banks compared, proved and
4 sealed, by the Treasurer of the State, or by some
5 person specially authorized by him for that pur-
6 pose; which shall supersede, so far as respects
7 such banks, the sealing of their weights by the
8 town sealer. 1821, 131, § 8.

SECT. 65. No tender of gold, by any bank,
2 weighed with weights other than those compared,
3 proved and sealed as required in the preceding
4 section, shall be legal; and the payer or receiver
5 may also require that the gold shall be weighed in

6 each scale, and the mean weight resulting there-
7 from shall be considered the true weight.

1821, 131, § 8.

SECT. 66. If, at any time, the officers of any
2 bank shall refuse or neglect to pay any of its bills,
3 when duly presented at their banking house for
4 payment, in their usual hours of business, or to
5 pay any deposits made by any person, on demand
6 made in such hours, and for the space of thirty
7 days thereafter shall neglect to pay or tender pay-
8 ment of such bills or deposits, in the manner de-
9 scribed in section forty of this chapter, the holder
10 of such bill, or the person making such deposit,
11 may make complaint thereof, in writing, to any
12 Judge of the Supreme Judicial Court, whose duty
13 it shall be thereupon to cause the President or
14 Cashier of such bank to be notified to appear be-
15 fore him at such time and place as he may appoint,
16 to answer to such complaint, and show cause
17 against further proceedings thereon.

1831, 519, § 33.

SECT. 67. If such President or Cashier, or
2 other agent of such bank, duly authorized, shall
3 not appear at such time and place, or appearing
4 shall not show sufficient cause against further pro-
5 ceedings, said Judge shall appoint three disinter-
6 ested and discreet Commissioners, and require of
7 them a bond to the said bank for the faithful dis-

8 charge of their trust, to his satisfaction in such sum
9 as he shall determine, to be delivered to said bank
10 for their use. 1831, 519, § 33.

SECT. 68. Such Commissioners shall immedi-
2 ately demand and receive, of the officers of such
3 bank, all its real and personal estate, with all its
4 books, papers and evidences of debts due such
5 bank, delivering to the officers their receipt, con-
6 taining accurate lists and memoranda of such estate,
7 books and debts ; and shall proceed with due dil-
8 igence to dispose of all or any part of such proper-
9 ty, and collect the debts, and with the proceeds
10 thereof to pay the demands against such corpora-
11 tion. 1831, 519, § 33.

SECT. 69. The Commissioners aforesaid, may
2 sell at public auction, after giving thirty days'
3 notice in the manner prescribed in chapter ninety-
4 four, for notice on the sale of real estate of banks
5 taken on execution, and with like power to adjourn
6 the sale, any real estate of said bank and any
7 mortgages of real estate due to said bank, and
8 make and deliver to the highest bidder in the name
9 of the corporation, any deed or other instrument
10 necessary for the due conveyance of such real
11 estate or mortgages, with the debts thereby secur-
12 ed, and the purchaser shall have the same rights
13 and powers, as a purchaser of real estate, and
14 mortgages taken on execution as aforesaid.

1831, 519, § 34.

SECT. 70. Said Commissioners may collect
2 the debts due and owing to such bank, and com-
3 mence and prosecute in the name of such bank, or
4 in their own names and capacity, as commission-
5 ers, any action necessary for the collection of said
6 debts, or they may sell or assign said debts with
7 the evidences thereof, as they shall think expedi-
8 ent. 1831, 519, § 34.

SECT. 71. The authority given as aforesaid to
2 said Commissioners may be revoked on a like ap-
3 plication to any Judge of the Supreme Judicial
4 Court, as is provided in section sixty-six, if he
5 shall see cause after due notice to such Commis-
6 sioners and hearing the parties.

SECT. 72. Either party aggrieved by the de-
2 termination of such Judge, whether in originally
3 appointing such Commissioners, or revoking their
4 authority, may have the same revised, and if a
5 sufficient cause be shown, reversed, at any term of
6 the Supreme Judicial Court, when a majority of
7 the Judges thereof shall be present, on complaint
8 to such Court, and on such notice as any Judge
9 thereof may order.

SECT. 73. Such Commissioners may retain to
2 their own use for their services, such sums as may
3 be agreed upon between them and such bank, and
4 in case of disagreement, such sum as may be
5 awarded by any one of the Judges aforesaid, at a

6 term of said Court held in the County where the
7 bank is established, on application, with reasona-
8 ble notice to the other party. 1831, 519, § 35.

SECT. 74. If the officers of any such bank, on
2 demand made by such Commissioners, shall refuse
3 or neglect to surrender to them all the property,
4 which they are required to do by the provisions of
5 the sixty-eighth section of this chapter, any such
6 officer so refusing or neglecting on demand, shall
7 be liable in his individual capacity for the payment
8 of all debts due from said bank in an action or
9 actions on the case to be brought by any creditor
10 or creditors of such bank against such officer.

1831, 519, § 36. 1831, 519, § 34.

SECT. 75. Whenever such Commissioners shall
2 have realized, from the property of the bank, in
3 their hands, a sum sufficient to pay all its debts,
4 their power over the residue of the property shall
5 cease, and it shall be their duty to surrender the
6 same to said bank, together with all the books and
7 papers belonging to it, on taking from the officers
8 of the bank a sufficient receipt for the same.
9 They shall also render to the bank a fair and
10 just account of their proceedings, receipts and ex-
11 penditures, at the time of such surrender and at
12 such previous times as they shall be required by
13 any Judge of the Supreme Judicial Court.

1831, 519, § 34.

SECT. 76. Any person who may have held
2 shares in any bank and afterwards may have dis-
3 posed of the same, may be a competent witness in
4 any suit in which such bank is interested, unless
5 otherwise disqualified, notwithstanding any liabil-
6 ities still attaching to him by virtue of the provis-
7 ions of this chapter. 1829, 418, § 1.

SECT. 77. The charters of all the banks incor-
2 porated in this State, shall expire on the first day
3 of October, in the year eighteen hundred and forty-
4 seven. 1831, 519, § 25.

SECT. 78. No person unless specially author-
2 ized by the Legislature, shall contribute to the
3 funds, or become a member of any company or
4 banking association for the purpose of issuing notes
5 to be circulated as money, receiving deposits, mak-
6 ing discounts, or transacting any other business,
7 which incorporated banks may or do transact by
8 virtue of their charters ; and all notes or other se-
9 curities for the payment of money or the delivery
10 of property, made to such company or association,
11 or for their use shall be void. 1824, 147, § 1.

SECT. 79. No private person nor body corpo-
2 rate, unless specially authorized by law, shall hold
3 any agency in this State for the purpose of receiv-
4 ing and issuing, loaning or putting in circulation,
5 as money, the bills, notes, orders or other eviden-
6 ces of debt, of any banking company not incorpo-

7 rated by the Legislature of this State, nor of any
8 private banker, not a resident in this State; but
9 this prohibition shall not extend to any incorporat-
10 ed bank, in this State, exercising the powers given
11 to such banks by the foregoing provisions in this
12 chapter, nor prevent such bank from paying out
13 the bills of foreign banks received in its usual
14 course of business, and the circulation of which is
15 not otherwise expressly prohibited by law.

1836, 231 § 1.

SECT. 80. No person shall issue any drafts,
2 bills or promissory notes or other evidences of
3 debt, payable to bearer or order as a private
4 banker, for the purpose of loaning them or putting
5 them in circulation, as money. 1836, 231 § 2.

SECT. 81. If any body corporate, or private
2 company, or individual, shall be guilty of any or
3 either of the offences, described in the three last
4 preceding sections, such offender shall forfeit one
5 thousand dollars for each and every such offence,
6 to be recovered by information or indictment for
7 the use of the State, or by action of debt, one half
8 to the use of the State, and the other half to the
9 person who may first sue for the same.

1836, 231, § 3. 1821, 147, § 1.

SECT. 82. The foregoing offences by officers,
2 stockholders, or servants of banks in this State,
3 committed with a fraudulent intent to injure any

4 creditor, stockholder, holder of bank notes issued
5 or to be issued by such bank or other person, are
6 hereby declared to be high misdemeanors, and
7 the persons guilty thereof, shall, on conviction, be
8 punished by fine not exceeding five thousand dol-
9 lars, imprisonment in the County Jail not exceed-
10 ing one year, confinement in the State Prison to
11 hard labor, not exceeding ten years, or any or all
12 of said punishments, according to the aggravation
13 of the offence.

14 *First*, if any such person shall convert to his
15 own use or deliver to any other person, or to his
16 check or order, any funds or evidence of debt or
17 other property belonging to the bank—or depos-
18 ited therein ;

19 *Secondly*, if he shall issue or aid in issuing any
20 bank notes or other evidence of debt, obligatory on
21 said bank, with the intent that the same shall not
22 be paid ;

23 *Thirdly*, if he shall become indebted to such
24 bank for a valuable consideration with like intent,
25 or shall aid or abet any other person so doing ;

26 *Fourthly*, if he on behalf of the bank shall loan
27 any money or deliver any valuable property
28 belonging to such bank or deposited therein, to
29 any stockholder, or other person ;

30 *Fifthly*, if he shall make any dividend of the
31 funds or effects of such banks, amongst the stock-

32 holders or any of them, beyond the profits actually
33 accrued to such bank, or aid therein, thereby
34 diminishing the capital of said bank.

1825, 315, § 1, 9. 1831, 519, § 21.

SECT. 83. This act shall take effect from and
2 after its approval by the Governor, and all acts or
3 parts of acts inconsistent with the provisions of this
4 act are hereby repealed.

STATE OF MAINE.

IN SENATE, March 11, 1841.

ORDERED, That this Act be laid on the table, and 300
copies printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST,

DANIEL SANBORN, *Secretary.*