

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1842.

AUGUSTA:

SMITH & Co., PRINTERS TO THE STATE.

1842.

TWENTY-SECOND LEGISLATURE.

NO. 36.]

[SENATE.

A N A C T

IN RELATION TO

INSTITUTIONS FOR SAVINGS.

[WM. R. SMITH & Co.....Printers to the State.]

STATE OF MAINE.

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

AN ACT in relation to Institutions for Savings.

*Be it enacted by the Senate and House of Rep-
2 resentatives in Legislature assembled—as follows :*
3 SECT. 1. Whenever any institution for savings
4 within this State, duly incorporated as such,
5 shall not have sufficient assets belonging to the
6 same to pay and discharge in full all just and
7 legal claims upon it ; and also all sums of money
8 received by it on deposit, it shall be the duty of
9 the supreme judicial court acting as a court of
10 equity, and in the exercise of its equity jurisdic-
11 tion, on a bill of complaint or petition duly filed,
12 of the trustees of such institution, or of any
13 depositor, due notice having been first ordered
14 and given, as hereinafter provided, to sequester
15 by a decretal order the whole assets of every

16 name and nature whatsoever belonging to such
17 institution, and the same to place in the hands
18 of a receiver, to be by him managed and dis-
19 posed of as said court shall direct, to the end
20 that by the definitive decree of said court a just
21 and equitable distribution of such assets, and of
22 the proceeds of the same, may be made to and
23 among all the depositors in such institution
24 according to the respective amounts justly due
25 them, for the sums of money by them severally
26 deposited. And such decree of sequestration
27 so made shall operate at law and in equity as a
28 dissolution and discharge of any and all attach-
29 ments of any goods, effects, rights, and credits
30 of such institution which shall be or may have
31 been made in any suit at law brought against
32 such institutions by any creditor or depositor, or
33 their legal representatives, and shall further
34 operate as a stay or supercedeas of any execu-
35 tion on any judgment which has or may be
36 recovered in any such suit.

SECT. 2. Upon the filing of such bill of com-
2 plaint, or petition, the said court at any term
3 thereof, or any justice thereof in vacation, may
4 order notice of the filing and pendency of such

5 bill to be given to all persons interested, to the
6 end that they may appear and shew cause where-
7 fore the assets of such institution should not be
8 sequestered, and a just and equitable distribution
9 thereof be made to and among all the depositors.
10 And a publication of the substance of the bill of
11 complaint and prayer thereof, and of an attested
12 copy of the order of notice thereon, in some
13 public newspaper designated in said order, print-
14 ed in the county where such institution is estab-
15 lished, for such term of time as the said court or
16 justice in said order may have directed, shall be
17 deemed and taken a sufficient legal notice to all
18 persons interested, of the pendency of such bill
19 of complaint or petition.

SECT. 3. After the entering of the decretal
2 order of sequestration aforesaid, it shall be the
3 duty of the court to institute and appoint a com-
4 mission, in the nature of a commission of insol-
5 vency, with all the powers of a master in chan-
6 cery, whose duty it shall be after giving due
7 notice, to receive, audit and allow all such claims
8 and demands against such institution as shall
9 appear to the commissioners to be justly due—
10 and a notification of the time and place of meet-

11 ing of the commission for the purpose of receiv-
12 ing, auditing and allowing claims, signed by the
13 commissioners and published three weeks suc-
14 cessively in the newspaper in which the notice
15 of the pendency of the bill was published by or-
16 der as aforesaid prior to the time assigned for a
17 hearing by the commission, shall be deemed and
18 taken as sufficient and legal notice of the time
19 and place of the meeting of the commission.
20 And said commission shall have power to ad-
21 journ from day to day and from time to time
22 until the business committed to it shall be fully
23 accomplished. And it shall be the duty of such
24 commission to report as soon as may be to the
25 court the whole amount of the assets of such
26 institution—also a list of all outstanding claims
27 and demands against such institution proved and
28 allowed other than those for moneys deposited,
29 and furthermore a list of the depositors and of
30 the sums of money due them respectively, which
31 report being so made shall be subject to excep-
32 tion and amendment as other reports of a mas-
33 ter in chancery. And the said report being
34 accepted and confirmed by the court, it shall be
35 the duty of the court by a definitive decree to

36 cause the several sums so adjudged due, other
37 than for moneys deposited, to be paid and dis-
38 charged out of said assets, and after deducting
39 all necessary expenses allowed by the court to
40 cause the rest and residue of said assets and the
41 proceeds thereof to be distributed and paid ac-
42 cording to equity and good conscience, to and
43 among the several depositors in proportion to
44 their respective claims.

SECT. 4. The trustees of institutions for sav-
2 ings and the receivers appointed by the court as
3 herein provided, shall have full power to compro-
4 mise and adjust with any debtor of such institu-
5 tions any debt due the same, on such terms and
6 conditions as they may respectively think most
7 for the interest of the depositors.

SECT. 5. This act shall take effect and be in
2 force so soon as it shall have been approved by
3 the governor.

STATE OF MAINE.

IN SENATE, March 2, 1842.

ORDERED, That 300 copies of the foregoing Bill be printed for the use of the Senate.

[Extract from the Journal.]

ATTEST : JERE HASKELL, *Secretary.*