

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Eighth Legislature.

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HOUSE.

No. 283.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-SEVEN

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AN ACT to incorporate the Lewiston Trust and Safe Deposit  
Company.

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

Section 1. George R. Swasey, E. A. Mulliken, R. E.  
2 Atwood, Edwin F. Scruton, John F. Lamb, Frank L. Noble  
3 and Ralph W. Crockett, or such of them as may by vote  
4 accept this charter, with their associates, successors and  
5 assigns are hereby made a body corporate and politic, to be  
6 known as the Lewiston Trust and Safe Deposit Company,  
7 and as such shall be possessed of all the powers, privileges  
8 and immunities and subject to all the duties and obliga-  
9 tions conferred on corporations by law.

Sect. 2. The corporation hereby created shall be located  
2 at Lewiston, Androscoggin county, Maine.

Sect. 3. The purposes of said corporation and the busi-  
2 ness which it may perform, are: first, to receive on deposit,  
3 money, coin, bank notes, evidences of debt, accounts of  
4 individuals, companies, corporations, municipalities and  
5 states, allowing interest thereon, if agreed, or as the by-laws  
6 of said corporation may provide; second, to borrow money,  
7 to loan money on credits or real estate or personal security,  
8 and to negotiate loans and sales for others; third, to own  
9 and maintain safe deposit vaults, with boxes, safes and  
10 other facilities therein to be rented to other parties for the  
11 safe keeping of moneys, securities, stocks, jewelry, plate,  
12 valuable papers and documents, and other property sus-  
13 ceptible of being deposited therein, and may receive on  
14 deposit for safe keeping, property of any kind entrusted to  
15 it for that purpose; fourth, to act as agent for issuing, reg-  
16 istering and countersigning certificates, bonds, stocks, and  
17 all evidences of debt or ownership in property; fifth, to  
18 hold by grant, assignment, transfer, devise or bequest, any  
19 real or personal property or trusts duly created, and to  
20 execute trusts of every description; sixth, to act as assignee,  
21 receiver, executor, and no surety shall be necessary upon  
22 the bond of the corporation, unless the court or officer  
23 approving such bond shall require it; seventh, to do in  
24 general all the business that may lawfully be done by a trust  
25 and banking company, but said corporation shall not have  
26 the power or authority to establish branches.

Sect. 4. The capital stock of said corporation shall not  
2 be less than fifty thousand dollars, divided into shares of  
3 one hundred dollars each, with the right to increase the

4 said capital stock at any time by a vote of the shareholders  
5 to any amount not exceeding five hundred thousand dol-  
6 lars. Said corporation shall not commence business as a  
7 trust or banking company, until stock to the amount of at  
8 least fifty thousand dollars shall have been subscribed and  
9 paid in, in cash.

Sect. 5. Said corporation shall not make any loan or dis-  
2 count on the security of the shares of its own capital stock,  
3 nor be the purchaser or holder of any such shares unless  
4 necessary to prevent loss upon a debt previously contracted  
5 in good faith; and all stock so acquired shall within six  
6 months from the time of its acquisition be disposed of at  
7 public or private sale.

Sect. 6. All the corporate powers of this corporation shall  
2 be exercised by a board of trustees, who shall be residents  
3 of this State, whose number and term of office shall be  
4 determined by a vote of the shareholders at the first meet-  
5 ing held by the incorporators and at each annual meeting  
6 thereafter. The affairs and powers of the corporation  
7 may, at the option of the shareholders, be entrusted to an  
8 executive board of five members, to be, by vote of the share-  
9 holders, elected from the full board of trustees. The  
10 trustees of said corporation shall be sworn to the proper  
11 discharge of their duties, and they shall hold office until  
12 others are elected and qualified in their stead. If a trustee  
13 or director dies, resigns, or becomes disqualified for any  
14 cause, the remaining trustees or directors may appoint a  
15 person to fill the vacancy until the next annual meeting  
16 of the corporation. The oath of office of such trustee or  
17 director shall be taken within thirty days of his election,  
18 or his office shall become vacant. The clerk of such cor-

19 poration shall, within ten days, notify such trustees or direc-  
20 tors of their election, and within thirty days shall publish  
21 the list of all persons who have taken the oath of office as  
22 trustees or directors.

Sect. 7. The board of trustees or directors of said corpo-  
2 ration shall constitute the board of investment of said corpo-  
3 ration. Said trustees or directors shall keep in a separate  
4 book, specially provided for the purpose, a record of all  
5 loans, and investments of every description, made by said  
6 institution substantially in the order of time when such loans  
7 or investments are made, which shall show that such loans  
8 or investments have been made with the approval of the  
9 investment committee of said corporation, which shall indi-  
10 cate such particulars respecting such loans or investments  
11 as the bank examiner shall direct. This book shall be sub-  
12 mitted to the trustees or directors and to the bank examiner  
13 whenever requested. Such loans or investments shall be  
14 classified in the book as the bank examiner shall direct. No  
15 loan shall be made to any officer or director of said banking  
16 or trust company except by the unanimous approval of the  
17 executive board in writing, and said corporation shall have  
18 no authority to hire money or to give notes unless by vote of  
19 the said board duly recorded.

Sect. 8. No person shall be eligible to the position of a  
2 director or trustee of said corporation who is not the actual  
3 owner of ten shares of the stock.

Sect. 9. Said corporation, after beginning to receive  
2 deposits, shall, at all times, have on hand in lawful money,  
3 as a reserve, not less than fifteen per cent of the aggregate  
4 amount of its deposits which are subject to withdrawal on  
5 demand, provided, that in lieu of lawful money, two-thirds of  
6 said fifteen per cent may consist of balances payable on  
7 demand, due from any national or State bank.

Sect. 10. All the property or money held in trust by this  
2 corporation shall constitute a special deposit and the  
3 accounts thereof and of said trust department shall be kept  
4 separate, and such funds and the investment or loans of them  
5 shall be specially appropriated to the security and payment  
6 of such deposits, and not be subject to any other liabilities of  
7 the corporation; and for the purpose of securing the  
8 observance of this proviso, said corporation shall have a  
9 trust department in which all business pertaining to such  
10 trust property shall be kept separate and distinct from its  
11 general business.

Sect. 11. An administrator, executor, assignee, guardian,  
2 or trustee, any court of law or equity, including courts of  
3 probate and insolvency, officers and treasurers of towns,  
4 cities, counties, and savings banks of the State of Maine may  
5 deposit any moneys, bonds, stocks, evidences of debt or of  
6 ownership in property, or any personal property, with said  
7 corporation, and any of said courts may direct any person  
8 deriving authority from them to so deposit the same.

Sect. 12. Each shareholder of this corporation shall be  
2 individually responsible for all contracts, debts and engage-  
3 ments of said corporation to a sum equal to the amount of  
4 the par value of the shares owned by him, in addition to the  
5 amount invested in said shares.

Sect. 13. Such corporation shall set apart as a guaranty  
2 fund not less than ten per cent of its net earnings in each and  
3 every year until such fund with the accumulated interest  
4 thereon, shall amount to one-fourth of the capital stock of  
5 said corporation.

Sect. 14. The shares of said corporation shall be subject  
2 to taxation in the same manner and rate as are the shares of  
3 national banks.

Sect. 15. Said corporation shall be subject to examination by the bank examiner, who shall visit it at least once in every year, and as much oftener as he may deem expedient. At such visits he shall have free access to its vaults, books and papers, and shall thoroughly inspect and examine all the affairs of said corporation, and make such inquiries as may be necessary to ascertain its condition and ability to fulfill all its engagements. If upon examination of said corporation the examiner is of the opinion that its investments are not in accordance with law, or said corporation is insolvent, or its condition is such as to render its further proceedings hazardous to the public or to those having funds in its custody, or is of the opinion that it has exceeded its powers or failed to comply with any of the rules or restrictions provided by law, he shall have such authority and take such action as is provided for in the case of savings banks by chapter forty-seven of the Revised Statutes. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of said corporation. A copy of such statement shall be published by said corporation immediately after the annual examination of the same in some newspaper published where said corporation is established. If no paper is published in the town where said corporation is established, then it shall be published in a newspaper printed in the nearest city or town. The necessary expenses of the bank examiner while engaged in making such examination shall be paid by said corporation.

Sect. 16. Any five of the corporators named in this act may call the first meeting of this corporation by mailing a written notice, signed by all, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meet-

6 ing, and at such meeting the necessary officers may be  
7 chosen, by-laws adopted and any other corporate business  
8 transacted.

Sect. 17. This act shall take effect when approved.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,  
March 11, 1897.

Reported by Mr. WEEKS of Fairfield, from Committee on Judiciary and ordered printed under joint rules.

W. S. COTTON, *Clerk*