

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 72

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to incorporate the Pittsfield Trust and Banking  
Company.

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

Section 1. James M. Chalmers, Charles E. Vickery, Llewellyn  
2 Parks, E. J. Ney, Fred R. Smith, George H. Morse, C. S.  
3 Philbrick, Leroy W. Coons, Thomas E. Getchell, Wilson L.  
4 Frost, Benjamin S. Mathews, Walter M. Priley, Benjamin  
5 D. Priley, Guy W. Lord, Frank L. Smith, Frank Weeks, Ira  
6 A. Sutherland, Benjamin E. Cornell, George E. Stevens,  
7 Elmer D. Smith, E. E. Bagley and Franz Bagley, or such of  
8 them as may, by vote, accept this charter, with their associ-  
9 ates, successors, or assigns, are hereby made a body corporate

10 and politic, to be known as the Pittsfield Trust Company, and  
11 as such shall be possessed of all the powers, privileges and  
12 immunities and subject to all the duties and obligations con-  
13 ferred on corporations by law.

Sect. 2. The corporation hereby created shall be located  
2 at Pittsfield, in the county of Somerset and State of Maine,  
3 and may establish agencies in any part of this State.

Sect. 3. The purposes of said corporation and the business  
2 which it may perform, are: first, to receive on deposit, money,  
3 coin, bank notes, evidences of debt, accounts of individuals,  
4 companies, corporations, municipalities and states, allowing  
5 interest thereon, if agreed, or as the by-laws of said corpo-  
6 ration may provide; second, to borrow money, to loan money  
7 on credits, or real estate, or personal security, and to nego-  
8 tiate loans and sales for others; third, to own and maintain  
9 safe deposit vaults, with boxes, safes and other facilities  
10 therein, to be rented to other parties for the safe keeping of  
11 moneys, securities, stocks, jewelry, plate, valuable papers and  
12 documents, and other property susceptible of being deposited  
13 therein, and may receive on deposit for safe keeping, prop-  
14 erty of any kind entrusted to it for that purpose; fourth, to  
15 hold and enjoy all such estate, real, personal and mixed, as  
16 may be obtained by the investment of its capital stock or any  
17 other moneys and funds that may come into its possession  
18 in the course of its business and dealings, and the same sell,  
19 grant and dispose of; fifth, to act as agent for issuing, regis-  
20 tering and countersigning certificates, bonds, stocks, and all  
21 evidences of debt or ownership in property; sixth, to hold by  
22 grant, assignment, transfer, devise or bequest, any real or  
23 personal property or trusts duly created, and to execute trusts  
24 of every description; seventh, to act as assignee, receiver,  
25 executor, administrator and guardian, and no surety shall be  
26 necessary upon the bond of the corporation, unless the court  
27 or officer approving such bond shall require it; eighth, to do

28 in general all the business that may lawfully be done by trust  
29 and banking companies.

Sect. 4. The capital stock of said corporation shall not be  
2 less than fifty thousand dollars, divided into shares of one  
3 hundred dollars each, with the right to increase the said cap-  
4 ital stock at any time, by vote of the shareholders, to any  
5 amount not exceeding five hundred thousand dollars. Said  
6 corporation shall not commence business as a trust or bank-  
7 ing company, until stock to the amount of at least fifty thou-  
8 sand dollars shall have been subscribed and 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 deter-  
4 mined by a vote of the shareholders at the first meeting held  
5 by the incorporators and at each annual meeting thereafter.  
6 The affairs and powers of the corporation may, at the option  
7 of the shareholders, be entrusted to an executive board of  
8 five members, to be, by vote of the shareholders, elected from  
9 the full board of trustees. The trustees of said corporation  
10 shall be sworn to the proper discharge of their duties, and  
11 they shall hold office until others are elected and qualified in  
12 their stead. If a trustee or director dies, resigns, or becomes  
13 disqualified for any cause, the remaining trustees, or directors,  
14 may appoint a person to fill the vacancy until the next annual  
15 meeting of the corporation. The oath of office of such trus-  
16 tee or director shall be taken within thirty days of his election,  
17 or his office shall become vacant. The clerk of such cor-

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

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

Sect. 9. Said corporation after beginning to receive  
2 deposits, shall at all times have on hand, in lawful money as  
3 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  
6 of 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 accounts  
3 thereof of said trust department shall be kept separate, and  
4 such funds and the investments or loans of them shall be  
5 specially appropriated to the security and payment of such  
6 deposits, and not be subject to any other liabilities of the  
7 corporation; and for the purpose of securing the observance  
8 of this proviso, said corporation shall have a trust depart-  
9 ment in which all business pertaining to said trust property  
10 shall be kept separate and distinct from its general business.

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

Sect. 12. Each shareholder of this corporation shall be  
2 individually responsible, equally and ratably, and not one for  
3 the other, for all contracts, debts and engagements of such  
4 corporation, to a sum equal to the amount of the par value of  
5 the shares owned by each in addition to the amount invested  
6 in said shares.

Sect. 13. Such corporation shall set apart as a surplus fund  
2 not less than ten per cent of its earnings in each and every year  
3 until such fund with the accumulated interest thereon, shall  
4 amount to one-fourth of the capital stock of 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  
2 by the bank examiner, who shall visit it at least once in every  
3 year, and as much oftener as he may deem expedient. At

4 such visits he shall have free access to its vaults, books and  
5 papers, and shall thoroughly inspect and examine all the  
6 affairs of said corporation, and make such inquiries as may  
7 be necessary to ascertain its condition and ability to fulfill all  
8 its engagements. If upon examination of said corporation  
9 the examiner is of the opinion that its investments are not in  
10 accordance with law, or said corporation is insolvent, or its  
11 condition is such as to render its further proceedings hazard-  
12 ous to the public or to those having funds in its custody, or  
13 is of the opinion that it has exceeded its powers or failed to  
14 comply with any of the rules or restrictions provided by law,  
15 he shall have such authority and take such action as is pro-  
16 vided for in the case of savings banks by chapter forty-seven  
17 of the Revised Statutes. He shall preserve in a permanent  
18 form a full record of his proceedings, including a statement  
19 of the condition of said corporation. A copy of such state-  
20 ment shall be published by said corporation immediately after  
21 the annual examination of the same in some newspaper pub-  
22 lished where said corporation is established. If no paper is  
23 published in the town where said corporation is established,  
24 then it shall be published in a newspaper printed in the nearest  
25 city or town. The necessary expenses of the bank examiner  
26 while making such examination shall be paid by the corpo-  
27 ration.

Sect. 16. Any three of the corporators named in this act,  
2 may call the first meeting of the corporation by mailing a  
3 written notice, signed by all, postage paid, to each of the other  
4 corporators, seven days, at least before the day of the meet-  
5 ing, naming the time, place and purpose of such meeting, and  
6 at such meeting the necessary officers may be chosen, by-laws  
7 adopted, and any other corporate business transacted.

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





STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 5, 1903.

Reported by Mr. MAYBURY of Saco, from Committee on Banks and Banking, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*