

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)

Seventy-first Legislature.

HOUSE.

No. 480

STATE OF MAINE.

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

AN ACT to incorporate the Tyler-Fogg Trust Company.

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

Section 1. Hiram H. Fogg, Linwood C. Tyler, Herbert A.
2 Fogg, Frederick W. Hill, Charles H. Wood and Edward
3 Wood, or such of them as may by vote accept this charter,
4 with their associates, successors and assigns, are hereby made
5 a body corporate and politic to be known as the Tyler-Fogg
6 Trust Company, and as such shall be possessed of all the
7 powers, privileges and immunities and subject to all the duties
8 and obligations conferred on corporations by law.

Sect. 2. The corporation hereby created shall be located
2 at Bangor, Penobscot county, Maine; and may also establish
3 a branch or agency in Brewer in said county.

Sect. 3. The purposes of said corporation, and the business which it may perform, are ; first, to receive on deposit money, coin, bank notes, evidences of debt, accounts of individuals, companies, corporations, municipalities and states, allowing interest thereon, if agreed, or as the by-laws of said corporation may provide ; second, to borrow money, to loan money on credits or real estate, or personal or collateral security, and to negotiate loans and sales for others ; to guarantee the payment of the principal and interest of all obligations secured by mortgages of real estate running to said Tyler-Fogg Trust Company ; third, to purchase, erect, own, maintain and operate safe deposit vaults, with boxes, safes and other facilities therein, to be rented to other parties for the safe keeping of moneys, securities, stocks, jewelry, plate, valuable papers and documents and other property susceptible of being deposited therein, and to receive on deposit for safe keeping property of any kind entrusted to it for that purpose ; fourth, to hold and enjoy all such estate, real, personal and mixed, as may be obtained by the investment of its capital stock, or any other moneys and funds that may come into its possession in the course of its business and dealing, and the same sell, grant and dispose of ; fifth, to act as agent for issuing, registering and countersigning certificates, bonds, stocks and all evidences of debt or ownership in property : sixth, to hold by grant, assignment, transfer, devise or bequest any real or personal property or trusts duly created, and to execute trusts of every description ; seventh, to act as executor, receiver or assignee with the same powers and duties as are imposed by law upon natural persons acting in the same capacities, and subject to the same control of the court having jurisdiction of the same in all proceedings relating to the exercise of these powers ; all papers may be signed and sworn to by any officer designated by the corporation for the purpose, and the officers shall be subject to citation and examination in the same manner

35 and to the same extent as natural persons acting in the same
36 capacities; no sureties shall be required upon the bond of the
37 corporation when acting in said capacities unless the court
38 or officer approving said bond shall require it; eighth, to hold
39 for safe keeping all kinds of personal or mixed property, and
40 to act as agents for the owners thereof, and of real estate for
41 the collection of income on the same, and for the management
42 and sale of the same; ninth, to do in general all the business
43 that may lawfully be done by trust 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 nec-
4 essary to prevent loss upon a debt previously contracted in
5 good faith; and all stock so acquired shall, within six months
6 from the time of its acquisition, be disposed of at public or
7 private sale.

Sect. 6. All the corporate powers of this corporation shall
2 be exercised by a board of directors, 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 directors. The directors 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 director dies, resigns, or becomes disquali-
13 fied for any cause. the remaining directors may appoint a
14 person to fill the vacancy until the next annual meeting of
15 the corporation. The oath of office of such director shall be
16 taken within thirty days of his election, or his office shall
17 become vacant. The clerk of such corporation shall, within
18 ten days, notify such directors of their election, and within
19 thirty days shall publish the list of all persons who have taken
20 the oath of office as directors.

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

Sect. 8. No person shall be eligible to the position of a
2 director of said corporation who is not the actual owner of
3 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, 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 and of said trust department shall be kept separate,
4 and such funds and the investment 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 cor-
7 poration; and for the purpose of securing the observance of
8 this proviso, said corporation shall have a trust department
9 in which all business pertaining to such trust property shall
10 be kept separate and distinct from its 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, 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. The shareholders 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
5 of the shares owned by each in addition to the amount invested
6 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
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
23 is published in the town where said corporation is established,
24 then it shall be published in a newspaper printed in the near-
25 est city or town. The necessary expenses of the bank exam-
26 iner while making such examination shall be paid by the cor-
27 poration.

Sect. 16. Any five of the corporators named in this act may
2 call the first meeting of the corporation by mailing a written
3 notice, signed by all, postage paid, to each of the other cor-

4 porators, seven days at least before the day of the meeting,
5 naming the time, place and purpose of such meeting, and at
6 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.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 19, 1903.

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

W. S. COTTON, *Clerk.*