

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 473

STATE OF MAINE.

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

AN ACT to incorporate the Dexter Trust Company.

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

Section 1. Cyrus Foss, S. S. Ireland, W. E. Brewster, F.
2 D. Dearth, C. M. Sawyer, W. H. Judkins, A. A. Springall,
3 Arthur P. Abbott, J. Willis Haines, Elmer A. Brewster,
4 George Park, David H. Mudgett and C. H. Haines or such
5 of them as may by vote accept this charter, their associates,
6 successors and assigns, are hereby made a body corporate
7 and politic to be known as the Dexter Trust Company, and
8 as such shall be possessed of all the powers, privileges and
9 immunities and subject to all the duties and obligations con-
10 ferred on corporations by law.

Sect. 2. The corporation hereby created shall be located at
2 Dexter, in the county of Penobscot and State of 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 in-
4 dividuals, companies, corporations, municipalities and states,
5 allowing interest thereon, if agreed, or as the by-laws of said
6 corporation may provide; second, to borrow money, to loan
7 money on credits, or real estate, or personal security, and to
8 negotiate loans and sales for others; third, to own and main-
9 tain 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 act
15 as agent for issuing, registering and countersigning certifi-
16 cates, bonds, stocks, and all evidences of debt or ownership in
17 property; fifth, to hold by grant, assignment, transfer, devise
18 or bequest, any real or personal property or trusts duly cre-
19 ated, and to execute trusts of every description; sixth, to act
20 as assignee, receiver or executor, and no surety shall be
21 necessary upon the bond of the corporation, unless the court
22 or officer approving the same shall require it; seventh, to do
23 in general all the business that may be lawfully done by trust
24 and banking companies, and said corporation shall have
25 power and authority to establish branches.

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
4 capital stock at any time, by vote of the shareholders, to any
5 amount not exceeding one 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 of
3 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 five
8 members to be, by vote of the shareholders, elected from the
9 full board of the 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
16 trustee or director shall be taken within thirty days of his
17 election, or his office shall become vacant. The clerk of
18 such corporation shall, within ten days, notify such trustees
19 or directors of their election and within thirty days shall
20 publish the list of all persons who have taken the oath of
21 office as trustees or directors.

Sect. 7. The board of trustees or directors of said cor-
2 poration shall constitute the board of investment of said cor-
3 poration. Said trustees or directors 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 institu-
6 tion substantially in the order of time when such loans or
7 investments are made, which shall show that such loans or

8 investments have been made with the approval of the invest-
9 ment committee of said corporation, which shall indicate
10 such particulars respecting such loans or investments as the
11 bank examiner shall direct. This book shall be submitted to
12 the trustees or directors and to the bank examiner whenever
13 requested. Such loans or investments shall be classified in
14 the book as the bank examiner shall direct. No loan shall
15 be made to any officer or director of said banking or trust
16 company except by the unanimous approval of the executive
17 board in writing, and said corporation shall have no authority
18 to hire money or to give notes unless by vote of the said
19 board duly recorded.

Sect. 8. No person shall be eligible to the position of a
2 director or a trustee of said corporation who is not the
3 actual 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
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
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 such 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,
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
3 and 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 haz-
12 ardous to the public or to those having funds in its custody,

13 or is of the opinion that it has exceeded its powers or failed
14 to comply with any of the rules or restrictions provided by
15 law, he shall have such authority and take such action as is
16 provided for in the case of savings banks by chapter forty-
17 eight of the Revised Statutes. He shall preserve in a
18 permanent form a full record of his proceedings, including a
19 statement of the condition of said corporation. A copy of
20 such statement shall be published by said corporation imme-
21 diately after the annual examination of the same in some
22 newspaper published where said corporation is established.
23 If no paper is published in the town where said corporation
24 is established, then it shall be published in a newspaper
25 printed in the nearest city or town. The necessary expenses
26 of the bank examiner while engaged in making such exam-
27 ination shall be paid by said corporation.

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

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 9, 1905.

Reported by Mr. KNAPP from Committee on Banks and Banking and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*