

# 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)

# PRIVATE ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# FIFTH LEGISLATURE

AT ITS SESSION, HELD IN JANUARY, 1825.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

**Portland :**

PRINTED BY TODD AND SMITH.....PRINTERS TO THE STATE.  
1825.

## CHAPTER CCCXI.

AN ACT to incorporate the Canal Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled, That* Woodbury Storer, Cotton B. Brooks, Phinehas Varnum, Nathaniel Mitchell, Josiah Pierce, John Perly, John T. Smith, Eli Longley and Samuel Andrews, and their associates, successors and assigns, shall be, and hereby are, created a corporation by the name of the CANAL BANK; and shall so continue until the first day of March, which will be in the year of our Lord one thousand eight hundred and forty five; and by that name shall be, and are hereby made capable in law to sue and be sued; plead and be impleaded; defend and be defended, in any courts of record, or in any other place; and also to make, have and use a common seal; and to ordain, establish, and put in execution such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of said corporation, and the prudent management of their affairs: *Provided*, such by-laws, ordinances and regulations shall in no wise be contrary to the laws of this State. And the said corporation shall always be subject to the rules, restrictions, limitations and provisions herein prescribed.

SECT. 2. *Be it further enacted, That* the capital stock of said corporation shall consist of the sum of *three hundred thousand dollars*, in gold and silver, and be divided into *three thousand shares*; and not more than fifteen per cent. of said capital stock shall be at any one time held or owned by any one person; and in case several persons shall be associated together as co-partners, the whole amount of said stock, held or owned by the co-partnership, and by all the individuals constituting the co-partnership, shall not at any one time exceed fifteen per cent. of said capital stock; which capital stock shall be paid in at four equal instalments, the first whereof shall be paid within three months, after the whole of said stock shall have been subscribed, and the other three instalments successively within three

Persons incor-  
porated.Charter to con-  
tinue until  
March 1845.Powers and  
privileges.

Proviso.

Capital Stock  
\$300,000;not more than  
15 per cent. to  
be held by one  
person; or co-  
partners;when to be  
paid in.

months of each other ; the second instalment to be paid within three months after the first : *Provided*, That no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital Stock actually paid in and existing in gold and silver in the vaults of said Bank shall amount to seventy-five thousand dollars, and the affidavits of the President and Cashier, of such facts, shall have been filed in the office of the Secretary of State. And the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, and no transfer of stock shall be of any effect until after it shall have been entered on the books of said corporation ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifteen thousand dollars, and no more at any one time ; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they shall think advisable : *Provided*, That nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to said corporation.

SECT. 3. *Be it further enacted*, That the following rules, limitations, and provisions, shall form, and be the fundamental articles of this corporation. *First*. That one quarter part of all monies paid in upon the shares of said Bank, shall be vested in the stock of the Cumberland and Oxford Canal Corporation, created by an act of the Legislature of this State, in which this Corporation shall be interested to the amount of one quarter part of its capital stock. *Second*. That the total amount of the

No loans or discounts to be made until \$75,000 be paid in,

and affidavits made.

Mode of transferring Stock to be determined at first meeting.

Real estate may be held, not exceeding a certain amount.

May loan and negotiate money, &c.

Proviso.

Rules, &c. of the Corporation.

One quarter of Capital to be vested in C. & O. Canal Stock.

debts which this corporation shall at any time owe, whether by bond, bill, note or any other contract, shall not exceed fifty per cent. beyond the amount of its capital stock actually paid in, exclusive of the sums due on account of deposits; nor shall there be due to this corporation, at any one time, more than double the amount of capital stock actually paid in as aforesaid; in case of excess, the Directors, under whose administration it shall happen, shall be liable for the same in their individual and private capacities; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors, or administrators, in any court proper to try the same, by any creditor or creditors of this corporation, and may be prosecuted to judgment and execution; and no Director of said Bank shall at any time, while Director, directly nor indirectly borrow of said Bank for his own use, an amount exceeding four per cent. of the capital stock of said Bank; and no Director of said Bank shall at any time, while Director, be indebted thereto, as principal or surety, or both, nor liable, nor responsible, to said Bank, directly nor indirectly, absolutely or conditionally, for an amount exceeding four per cent. of the capital stock of said Bank; and for every violation of this provision, every Director consenting to, or conniving at, such violation, shall forfeit and pay the sum of six hundred dollars, to be recovered by indictment to the use of the State. *Third.* That this corporation shall not vest, use, or improve any of their monies, goods, chattels or effects in trade or commerce, nor in any way except as in this act is provided, but may sell all kinds of personal pledges lodged in their hands, by way of security, to any amount sufficient to reimburse the sum loaned. *Fourth.* That the lands, tenements and hereditaments, which this corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business; except the proportion of any interest, right and share in real estate, which they may have, as holders of stock as afore-

Total amount of debts due from,  
and to the Corporation.

Directors liable in case of excess,  
and how.

Directors not to borrow or be indebted over a certain amount.

Penalty for violation & how recovered.

Corporation not to employ their money, &c. in trade or commerce.

Lands necessary for the transaction of business only to be held; except, &c.

said, in the said Cumberland and Oxford Canal Corporation. *Fifth.* None but a member of this corporation, being a citizen of this state and resident therein, shall be eligible as a Director. And the Directors shall choose one of their number to act as President, and the Cashier, before he enters on the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Board of Directors, in a sum not less than thirty thousand dollars, with condition for the faithful discharge of the duties of his office; and such bond shall be renewed at least once in every three years. *Sixth.* No Director of any other Bank, or of the said Cumberland and Oxford Canal Corporation, shall be eligible to the office of Director of this Bank, although he may be a stockholder therein. Neither shall any Director of this Bank be a Director of said Cumberland and Oxford Canal Corporation. And any Director of this Bank accepting any office in any other Bank, or in the said Cumberland and Oxford Canal Corporation, shall be deemed to have vacated his office in this Bank. *Seventh.* That for the well ordering of the affairs of this corporation, a meeting of the stockholders shall be holden at such place as they shall direct, on the first Monday of October annually, and at such other times and at such place as shall be appointed by the President and Directors for the time being, by public notification, given fourteen days previous thereto in one or more of the public Newspapers printed at Portland: at which annual meeting, there shall be chosen by ballot, nine Directors, to continue in office the year ensuing their election; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions, that is to say: for one share, one vote, and for every two shares in addition one vote more: *Provided*, no one member shall have more than twenty votes, and absent members may vote by proxy, duly authorized in writing. *Eighth.* No Director shall be allowed any compensation for his services, but the Stock-

Who may be Directors.

President, how chosen.

Cashier to give bonds;

to be renewed.

Directors of other Banks and of the Canal, not eligible.

Meeting of the Stockholders, annually in Oct. and at other times;

Notice to be given.

Directors to be chosen at annual meeting.

Manner of voting.

Proviso.

Directors to be allowed no compensation

President may. holders may make the President such compensation as to them shall appear reasonable. *Ninth.* No less than five Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being, in his stead. *Tenth.* All bills issued from the Bank aforesaid, and signed by the President, shall be binding on the corporation. *Eleventh.* The Directors shall make semi-annual dividends of all the profits, rents, premiums and interest of the Bank aforesaid, as well the dividends of its shares, received from the said Cumberland and Oxford Canal Corporation, as of all other rents, premiums and interest of said Bank. *Twelfth.* The Directors shall have power to appoint the Cashier, and such other officers as may be necessary for carrying on the business of said Bank, with such salaries, as to them shall seem meet.

Quorum of Directors.

Bills to be binding.

Dividends to be made.

Cashier, &c. to be appointed.

Bank to be at Portland.

Loan to be made to the State, when required by the Legislature.

Proviso.

Legislature, by Committee, may examine their books, &c.

SECT. 4. *Be it further enacted,* That the said Bank shall be established in the town of Portland.

SECT. 5. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the State any sum of money which may be required, not exceeding ten per cent. of the capital stock of said Bank, at any one time, reimbursable by five annual instalments; or at any shorter period, at the election of the State, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however,* That the State shall never, at any time, stand indebted to said corporation, without their consent, in a larger sum than thirty thousand dollars.

SECT. 6. *Be it further enacted,* That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of this corporation, and shall have free access to all their books and vaults; and if upon such examination, it shall be found, and after a full hearing of this corporation thereon, be determined by the Legislature, that this corporation shall have exceed-

ed the power herein granted them, or failed to comply with any of the rules, restrictions and conditions in this act provided, their incorporation may thereupon be declared forfeited and void. And the Directors, and each and every of them, within whose term of office in this corporation the powers herein granted shall have been exceeded, or any of the rules, restrictions and conditions of this Act shall not have been complied with, and a forfeiture of this charter shall have been incurred, shall be liable to pay a fine not exceeding ten thousand dollars, to the use of this State, upon conviction thereof by indictment in the Supreme Judicial Court, with costs of prosecution.

and in certain cases, vacate their charter.

Directors liable ;  
penalty ;  
how recovered.

SECT. 7. *Be it further enacted,* That the persons hereinbefore named, or a major part of them, are authorized to call a meeting of the Stockholders of this corporation, at such time and place as they shall see fit, by advertising the same, three weeks successively, in some public newspaper printed in Portland, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of this corporation, as the Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

First meeting,  
by whom, and how called ;

notice to be given ;

at which may make by-laws and choose first board of Directors, &c.

SECT. 8. *Be it further enacted,* That this corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said Bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

The original amount of bills altered to be paid.

SECT. 9. *Be it further enacted,* That this corporation shall be obliged to receive in payment for debts due to said corporation, the bills by them issued.

Corporation to receive their own bills for debts due.

SECT. 10. *Be it further enacted,* That the conditions, restrictions and provisions contained in the act entitled "An Act to enforce the payment of Bank notes and for other purposes," shall be made applicable to, and are hereby made obligatory on, the Bank established by this act ; and that each re-

Further conditions, restrictions, &c.



Returns to specify the names of all the Directors, &c.

turn of the state of said Bank to be made pursuant to the first section of the "act directing the mode and time of making returns of Banks," shall in addition to the several particulars required therein to be included, specify the names of all the Directors of said Bank; and if in taking the oath required by said first section, any Director or Cashier shall swear falsely and be thereof duly convicted, he shall suffer as for wilful and corrupt perjury.

Mode of enforcing the satisfaction of judgments by levy upon the bodies or property of Stockholders.

SECT. 11. *Be it further enacted*, That if this corporation shall refuse or neglect to pay on demand, any bill or bills by such corporation issued, and the holder thereof shall obtain judgment and execution, for the amount thereof, against said corporation, and such execution shall not be satisfied, by payment thereof, within ten days after demand made upon the Cashier of said Bank, by the officer having such execution, or sufficient personal or real estate of said corporation shewn to satisfy the same, the officer may serve and levy such execution upon the body or bodies, or real or personal estate of any person or persons who are, or were members of this corporation, at any time within three years next preceding, in proportion to the stock by them severally and respectively holden: *Provided*, That no person shall in the whole, be compelled to pay upon execution or executions, to an amount greater than that of the stock which such person holds or shall have held within three years as aforesaid.

Proviso.

In case of such levy, other Stockholders shall contribute.

SECT. 12. *Be it further enacted*, That any person who shall have been compelled to pay any execution, either wholly or in part, pursuant to the provisions of the eleventh section of this act, shall be entitled to recover of each individual, upon whose body or property such execution might have been levied, the same proportion of the sum so paid, as such individual owns or shall have owned of the stock of said Bank, at any time within three years prior to such payment, as for so much money paid to the use of such individual.

Stock not to be pledged to the Bank, or otherwise;

SECT. 13. *Be it further enacted*, That no stockholder of said Bank shall be permitted at any time to pledge his stock therein, or any part thereof, to

the said Bank, or any person or corporation whatever; and all contracts pledging any of said stock, shall be of no effect, and no stock or share in said Bank shall be attached on mesne process in any suit in which this corporation shall be plaintiff, and all such attachments shall be of no effect.

nor attached at the suit of the Bank.

SECT. 14. *Be it further enacted,* That this corporation shall be, and are hereby made liable to pay upon demand, to the President and Directors of the said Cumberland and Oxford Canal Corporation, for the use of said Cumberland and Oxford Canal Corporation, the amount of all assessments upon the amount of Stock of the said Bank, in the said Cumberland and Oxford Canal Corporation as provided for, in and by this Act, whenever, and so often as the said Cumberland and Oxford Canal Corporation shall make assessments upon its stock, on penalty of double the amount of such assessments, in case of neglect or refusal for the space of thirty days next after demand made of such assessments, to be recovered by action of debt, at the suit of said Cumberland and Oxford Canal Corporation, in any Court proper to try the same; and any writ or writs of execution upon any judgment, in any such suit, may be extended and levied upon the real estate, monies, goods and chattels of said Bank: *Provided,* That in no case, shall said assessments made upon the stock of said Cumberland and Oxford Canal Corporation, be so high, as that the amount of the proportion of the said Bank shall exceed one quarter part of the capital stock of said Bank, actually paid in.

Corporation liable to pay to the C. & O. Canal, amount of assessment, on its stock;

underpenalty;

how recovered;

and executions extended.

Proviso.

SECT. 15. *Be it further enacted,* That the tax of one per centum, imposed by law upon the capital stock of said Bank, shall be paid by this corporation into the Treasury of this State, and remain there until the Directors of the said Canal Bank shall furnish satisfactory evidence to the Governor and Council, that seventy five thousand dollars shall have been expended upon said Cumberland and Oxford Canal by said Bank; and the Governor and Council shall thereupon be authorized to direct the Treasurer of the State, to repay to this

Tax of one per cent. to be paid into the Treasury,

and there remain until 75,000 are expended on Canal,

then to be refunded;

and no tax imposed.

Corporation the amount so paid into the Treasury for the Tax aforesaid ; after which no tax shall be imposed upon the Capital stock of said Bank.

When profits amount to six per cent. tax may be imposed upon part of capital.

SECT. 16. *Be it further enacted,* That whenever the annual profits of said Cumberland and Oxford Canal Corporation, shall amount to six per centum per annum, exclusive of repairs, upon the whole expense of making said Canal, it shall be in the power of the Legislature, if they shall see fit, to impose the said tax of one per centum, upon three quarters of the Capital stock of the said Bank actually paid in.

Act to be void in case.

SECT. 17. *Be it further enacted,* That if the President and Directors of the Cumberland and Oxford Canal Corporation, shall fail to expend the sum of seventy five thousand dollars, in building the Cumberland and Oxford Canal, within the space of five years next after the passing this Act, this Act shall thereupon become void.

On refusal of payment of Bills, complaint to be made to a Judge of the S. J. Court ;

SECT. 18. *Be it further enacted,* That if at any time the said corporation shall refuse or neglect to pay any of its bills when duly presented at said Bank, in banking hours, and for the space of thirty days thereafter neglect to pay or tender payment of such bills, the holder or holders of such bills, may make complaint thereof in writing to any Judge of the Supreme Judicial Court, whose duty it shall be thereupon, to cause the President and Cashier of said Bank to be notified to appear before him at such time and place as he may appoint, to answer to such complaint and shew cause against further proceedings thereon : And if said President and Cashier shall not appear, or appearing shall not shew sufficient cause against further proceedings, it shall be the duty of said Judge, thereupon to appoint three disinterested and discreet Commissioners residing near said Bank, to take into their custody and possession, all the books, papers, property and estates of said Corporation ; and such Commissioners, or the major part of them, shall thereby be authorized, to demand and receive of the President, Directors and Cashier of said Bank, all the real and personal estate of said Bank,

proceedings thereon.

Judge may appoint Commissioners ; who shall take into custody the property of the Bank ;

with all the books and evidences of debts due to said Bank, making and delivering to said President, Directors and Cashier, or either of them, accurate lists and memoranda of such estates, books and debts: and it shall be the duty of such Commissioners, or the major part of them, and they are hereby authorized forthwith to proceed to dispose of such estates and collect such debts, and pay the demands against said Corporation.

may dispose of the same, and collect and pay debts.

SECT. 19. *Be it further enacted,* That such Commissioners, or the major part of them, shall be authorized and empowered to sell at public auction, after giving thirty days public notice of such sale, any real estate belonging to said Corporation, and any mortgages upon real estate due to said Corporation, and to make and deliver in the name of said Corporation, any deed or other instrument necessary for the due and complete transfer and conveyance of such estates and mortgages. And said Commissioners or the major part of them shall further

Commissioners may sell at auction, giving notice, mortgages and execute deeds;

be authorized to collect all debts due and owing to said Corporation, and to commence and prosecute in the name of said Corporation any action necessary to the collection of such debts: *Provided,* That so soon as such Commissioners shall have realized from the property of said Corporation, a sum sufficient to pay all the debts of the Corporation, their power shall cease; and it shall be their duty to surrender to said Corporation all the remaining property and estates, together with all the books and papers belonging to it.

may collect debts & prosecute actions.

Proviso.

SECT. 20. *Be it further enacted,* That said Commissioners shall be entitled to retain to their own use for their services, such sum as may be agreed upon between them and said Corporation; and in case of disagreement, such sum as shall be determined by the Judge who appointed such Commissioners.

Compensation to Commissioners.

SECT. 21. *Be it further enacted,* That if the President, Directors and Cashier of said Bank, shall, upon demand made by such Commissioners, refuse or neglect to surrender to them all the books, papers, property, estates and demands of said Corpo-

Directors, &c. liable for refusing to give up property to Commissioners in their private capacities;

and may be proceeded against accordingly. ration, such President, Directors and Cashier, so refusing or neglecting, shall thereupon severally become liable in their individual capacities, for the payment of all debts due from said Corporation; and any creditor to said Corporation may have and maintain his action against such President, Directors and Cashier, or either of them, in their individual capacity, and may recover of them, or either of them, the amount of his just demand against the Corporation.

[*This Act passed February 19, 1825.*]

## CHAPTER CCXXII.

AN ACT to incorporate the Merchants Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled, That Philip Greely, William Woodbury, Isaac Adams, Jonathan Tucker, Phinehas Drinkwater, Thomas Chadwick, Amos H. Cross, John Williams, Israel Richardson, Samuel Hanson, Rufus Emerson, Greeley Sturdevant, James Lunt, Thomas Warren, Sylvanus Blanchard, Benjamin Knight, Daniel Chamberlin, David Greely, Joel Hall, Anthony Fernald, Nehemiah Cram, Eleazer Wyer, Justin Kent, William Oxnard, Edward Oxnard, John Coe, Franklin Tinkham, and their associates, successors and assigns, shall be, and hereby are, created a corporation by the name of the MERCHANTS BANK; and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and hereby are made capable in law to sue and be sued; plead and be impleaded; defend and be defended, in any courts of record, or in any other place; and also to make, have and use a common seal; and to ordain, establish, and put in execution such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of said corporation, and the prudent management of their affairs: Provided, such by-laws, ordinances and*

Persons incorporated.

Charter to continue until October 1831.

Powers and privileges.

Proviso.