

MAINE STATE LEGISLATURE

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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.

and in case of disagreement, such sum as shall be determined by the Judge who appointed such Commissioners.

SECT. 18. *Be it further enacted*, That if the President, Directors and Cashier of such 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 Corporation, such President, Directors and Cashier, so refusing or neglecting, shall thereupon severally become liable in their individual capacity, 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, to recover of them, or either of them, in their individual capacity, the amount of his just demand against the Corporation.

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

and may be proceeded against accordingly.

[*This Act passed February 22, 1825.*]

CHAPTER CCCXVI.

AN ACT to incorporate the Somerset Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Bryce M'Lellan, Isaac Farrar, Samuel Weston, Jonathan Farrar, Judah M'Clellan, John G. Neil, Daniel Steward, Jun. William Spaulding, Eleazer Coburn, Amos Townsend, and their associates, successors and assigns, shall be, and hereby are, created a corporation by the name of the SOMERSET 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,

Persons incorporated.

Charter to continue until October 1831.

Powers and privileges.

Proviso. 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.

Capital Stock \$50,000 ; *SECT. 2. Be it further enacted*, That the capital stock of said corporation shall consist of the sum of *fifty thousand dollars*, in gold and silver, and be divided into *five hundred shares* ; and not more than ten per cent. of such capital stock shall at any one time be held or owned by one person ; and in case several individuals 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 time exceed ten per cent. of said capital stock ; and the said capital stock shall be paid in at two instalments, the one half thereof to be paid in gold and silver, on or before the first Monday of October next ; and the remaining half part thereof, on or before the first Monday of April, which will be in the year of our Lord one thousand eight hundred and twenty-six : *Provided*, That no money shall be loaned, or discounts made, or any bills or promissory notes be issued from said Bank, until the capital stock, subscribed for, and actually paid in and existing in gold and silver in their vaults, shall amount to twenty-five thousand dollars, and the affidavit 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, but no transfer of stock shall be of any effect until 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,

not more than 10 per cent. to be held by one person, or co-partners ;

when to be paid in.

No loans or discounts to be made, until \$25,000 be paid in ;

and affidavit made.

Mode of transferring stock to be determined at first meeting.

Real estate may be held not exceeding a certain amount.

tenements and hereditaments, to the amount of ten 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*, 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 said corporation.

First. That the total amount of the debts which the said corporation shall at any one time owe, whether by bond, bill, note or other contract, shall not exceed fifty per cent. beyond the amount of their capital stock actually paid in, exclusive of the sums due on account of deposits, nor shall there be due to the said corporation, at any one time, more than double the amount of the 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 said corporation, and may be prosecuted to judgment and execution. And the aggregate of all the debts due to said Bank from the Directors, or any of them, as principals, indorsers or sureties, shall not, at any one time, exceed in amount, twenty per centum 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 five hundred dollars, to be recovered by indictment to the use of the State.

Second. That said corporation shall not vest, use, or improve any of their monies, goods, chattels or effects in trade, or commerce, but may sell all kinds of personal pledges lodged in their

May loan and negotiate monies, &c.

Proviso.

Rules &c. of the Corporation.

Total amount of debts due from,

and to, the Corporation;

Directors liable in case of excess,

and how;

not to be indebted over certain amount.

Penalty for violation, and how recovered.

Corporation not to employ their capital in trade or commerce.

hands, by way of security, to any amount sufficient to reimburse the sum loaned. *Third.* That the lands, tenements and hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business. *Fourth.* None but a member of said corporation, being a citizen of this State and resident therein, shall be eligible for a Director : And the Directors shall choose one of their own number to act as President ; and the Cashier, before he enters upon 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 twenty 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. *Fifth.* No Director of any other Bank shall be eligible to the office of Director of this Bank, although he may be a stockholder therein. And any Director accepting any office in any other Bank, shall be deemed to have vacated his place in this Bank. *Sixth.* That for the well ordering of the affairs of said 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 any other time during the continuance of said corporation, 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 ; at which annual meeting, there shall be chosen by ballot, five 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 every four shares above one shall give a right to one vote more : *Provided*, no one member shall have more than twenty votes, and absent members may vote by proxy, duly authorized in writing. *Seventh.* No Director shall be allowed any compensation for his services, but the Stockholders may make the President such compensation as to them shall appear reasonable. *Eighth.* No

Lands necessary for the transaction of business only to be held.

Who may be Directors.

President how chosen.

Cashier to give bonds ;

to be renewed.

Directors in other Banks not eligible.

Meeting of the Stockholders annually in October and at any other time.

Notice to be given.

Directors to be chosen at the annual meeting.

Manner of voting.

Proviso.

Directors to be allowed no compensation ;

President may

less than three 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. *Ninth.* All bills issued from the Bank aforesaid, and signed by the President, shall be binding on the corporation. *Tenth.* The Directors shall make half yearly dividends of all the profits, rents, premiums and interest of the Bank aforesaid. *Eleventh.* The Directors shall have power to appoint a cashier, and such other officers for carrying on the business of said Bank, with such salaries, as to them seem meet.

Quorum of Directors.

Bills to be binding.

Dividends to be made.

Cashier, &c. how appointed.

SECT. 4. *Be it further enacted,* That the said Bank shall be established at Scowhegan Falls, in the county of Somerset.

Bank to be at Scowhegan Falls.

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 one time, stand indebted to said corporation, without their consent, in a larger sum than five thousand dollars.

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

Proviso.

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 said 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 said corporation thereon, be determined by the Legislature, that the said corporation have exceeded 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.

Legislature by Committee may examine their books&c.

and in certain cases, vacate their charter.

SECT. 7. *Be it further enacted,* That the persons hereinbefore named, or a major part of them,

First meeting, by whom and how called;

are authorized to call a meeting of the Stockholders of said corporation, at such time and place as they shall see fit, by advertising the same, for three weeks successively, in some public newspaper printed in the State, for the purpose of making, ordain- ing and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the said 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.

Notice to be given;

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

The original amount of bills altered to be paid.

SECT. 8. *Be it further enacted,* That the said 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.

Certain part of the capital to be loaned for the benefit of agricultural & manufacturing interest ;

SECT. 9. *Be it further enacted,* That one twentieth part of the capital of said Bank shall always be appropriated to loans to be made to citizens of this State, wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loan shall be made in sums not less than one hundred nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by mortgage of real estate to the satisfaction of the Directors of said Bank, for a term not less than one year, and on condition of paying the interest annually, on such loans, subject to such forfeiture and right of redemption by law, as in other cases.

and how.

Corporation to receive their own bills for debts due.

SECT. 10. *Be it further enacted,* That said corporation shall be obliged to receive in payment for all debts due to said corporation, the bills by them issued.

Further conditions, restrictions, &c.

SECT. 11. *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," be and they hereby are made applicable to, and obligatory on, the Bank established by this act ; and that each return of the state of said Bank, to be made pursuant to the first section of an act directing the mode and time of making returns of Banks, shall, in ad-

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

dition to the several particulars required therein to be included, specify the names of all the Directors of said Bank: And if on 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.

SECT. 12. *Be it further enacted,* That if said 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 said 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 the amount of the stock which such person holds or shall have holden within three years as aforesaid.

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

Proviso.

SECT. 13. *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 twelfth 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.

In case of such levy, other stockholders shall contribute.

SECT. 14. *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 corporation whatever; and all contracts so pledging any of said stock, shall be

Stock not to be pledged to the Bank or other corporation,

nor attached
at the suit of
the Bank.

of no effect, and no stock or share in said Bank shall be attached on mesne process in any suit in which said Bank shall be plaintiff, and all such attachments shall be of no effect.

On refusal of
payment of
bills, com-
plaint to be
made to a
Judge of the
S. J. Court;

proceedings
thereon.

Judge may ap-
point Commis-
sioners: who
shall take into
custody the
property of
the Bank;

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

Commission-
ers may sell at
auction, giving
notice, mort-
gages and ex-
ecute deeds;

SECT. 15. *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 the said Judge, thereupon to appoint three disinterested and discreet Commissioners, residing near to said Bank, to take into their custody and possession, all the books, papers, property and estate of said Corporation; and such Commissioners, or the major part of them, shall thereby be authorized, to demand and receive of the said President, Directors, and Cashier of said Bank, all the real and personal estate of said 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 estate, 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 to pay the demands against said Corporation.

SECT. 16. *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 Corpora-

tion, and any mortgages upon real estate due to said Corporation, and to make and deliver in the name of the Corporation, any deed or other instrument necessary to the due and complete transfer and conveyance of such estates and mortgages : And said Commissioners, or the major part of them, shall further be authorized to collect all debts due and owing to said Corporation, and to commence and prosecute in the name of the Corporation any action necessary to the collection of such debts : *Provided*, That so soon as such Commissioners shall have realized from the property of the 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.

SECT. 17. *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.

SECT. 18. *Be it further enacted*, That if the President, Directors, and Cashier of such 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 Corporation, such President, Directors and Cashier, so refusing or neglecting, shall thereupon severally become liable in their individual capacity 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, to recover against them, or either of them, in their individual capacity, the amount of his just demand against the Corporation.

[*This Act passed February 22, 1825.*]