

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840, and March 16, 1842.

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AUGUSTA:  
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1860.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

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**CHAP. 390.** first meeting of said corporation for the purpose of organizing the same, by giving notice thereof, by publication in some newspaper, printed in Portland, at least fourteen days before the time appointed for such meeting.

[Approved February 16, 1860.]

## Chapter 390.

An act in addition to an act to incorporate the Norombega Bank.

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

Rights restored  
for certain  
purposes.

SECT. 1. The president, directors and company of the Norombega Bank, are restored to the rights given by its charter, to the extent and for the limited purposes specified in section five of this act, in the same manner as if no legal measures had been taken to restrain or enjoin its business operations or to appoint receivers of its assets.

Receivers,  
powers of  
vacated, and  
requirements  
of.

SECT. 2. The powers of the receivers are hereby vacated, and they are required, by delivery or by appropriate instruments of assignment and conveyance, to transfer to the directors of the bank, all the assets, funds, properties, books, evidences of debt and other papers under their control as receivers, in whatever place, form or condition they may exist, first deducting the amount due to them for their services. And the directors are empowered to receive such transferred property for the use of the bank, and give receipt for the same.

Directors,  
powers of.

Conditions.

SECT. 3. The foregoing sections are to take effect and be in force only upon condition that the bank within thirty days, shall furnish to the receivers a document in writing, signed by the treasurer of the state, certifying that the bank has filed in his office, a bond with sufficient sureties, in the penal sum of two hundred thousand dollars, and in the following form approved by the governor, which bond the treasurer is to hold in trust for the use of the note holders, depositors and other creditors of the bank. And the bank is hereby authorized to make, execute and deliver such bond. And the signatures of a majority of the directors, as such, shall bind the bank.

Form of bond.

"Know all men that we, the president, directors and company of the Norombega Bank, as principal, and —, —, as sureties, are bound and obliged unto Nathan Dane, treasurer of the state of Maine, in the sum of — hundred thousand dollars, to be paid to said treasurer or to his successor in that office, to which payment we bind ourselves, our heirs, executors and administrators, firmly

by these presents. Given under our hands and seals this — day of —, in the year of our Lord one thousand eight hundred and sixty.”

CHAP. 390.

The condition of the foregoing obligation is such, that if the Norombega Bank shall pay on demand all its bank notes and the amount due its depositors and all other of its creditors, then this bond is void.

SECT. 4. Any note holder, depositor or other creditor of the bank, or person or corporation whose claim has been presented for allowance to the receivers, being injured by neglect of the bank to make payment on demand, may after said bank has received its property from the receivers as provided in section second of this act, at his own expense and in the name of the treasurer of the state, institute and maintain for his just claims against the bank, a suit upon the bond, in the court for the county of Penobscot, and prosecute the same to final judgment. The name and residence of the person bringing the suit, shall be endorsed on the writ; and if there be failure to maintain the suit, the endorser shall be liable to cost. If judgment be rendered for the treasurer, it shall be for the use of the person instituting the suit, for the amount due, with interest thereon, from the time of the demand, at the rate of twenty per cent. yearly, not however to exceed the penalty of the bond; no suit however can be maintained on the bond which is commenced, or for any demand made prior to the first day of May next, and any other person having a like cause of action, may in like manner institute and maintain suit on the bond until the aggregate of judgments recovered thereon shall equal the penal sum. And service of the writ on the president of the bank, shall be sufficient notice to all sureties on the bond.

Claims, how  
disposed of.

SECT. 5. After having furnished to the receivers the certificate of the treasurer of the state as above provided for, and thereupon received the assets from the receivers, the bank is not to make new loans nor issue its own notes, but may collect its debts, sell and assign its assets and estates, pay its indebtedments and do all other acts needful for closing its corporate concerns, but in accordance with the limitations and provisions of section six of this act. And all the remedies prescribed by the statute on banks and savings institutions, against the bank and against its directors and stockholders for delinquency in the management of the bank concerns and for the non-payment of its indebtedness, shall continue in force.

Duties, &c., of  
bank.

SECT. 6. No officer or servant of said bank shall issue, loan or put into circulation any of the notes or bills of the said bank, or loan any of the money of the said bank, or deliver any valuable property of said bank to any person or use, or appropriate any of the moneys, assets or valuable property of said bank, except to

Not to issue,  
&c., notes or  
bills.

CHAP. 390.

May collect or  
compound  
debts, &c.

Violation, how  
punished.

Receivers,  
duties of, &c.

pay and redeem its bills and debts due its depositors for deposits and amounts which appear due by any receipt or schedule given by the receivers for any claim presented by any bill holder or depositor for examination and allowance, and any and all liabilities incurred by said receivers or debts due them, which payments of the bills and depositors, and persons having such receipts or schedules, the said officers and servants may make. And they may also collect or compound the debts due the bank, sell and assign its assets and estates, or deposit the money or other property of said bank in any other bank in Bangor until required for the purposes aforesaid, and said officers and servants, having paid all the bills and also the claims of depositors for deposits, and other persons having receipts and schedules as aforesaid presented for payment before the first day of June next, may then pay the other indebtedments if any of said bank, and after the first day of September next, having paid all the bills and also the claims of depositors for deposits and other persons as aforesaid, presented before that day, may then do all acts needful for the closing of the corporate concerns of said bank. Any violation of the provisions of this section is declared to be a high misdemeanor, and the persons guilty thereof, shall be punished as provided in chapter forty-seven section eighty-three of the revised statutes.

SECT. 7. Nothing in the preceding section shall take away, lessen or modify any of the remedies prescribed by chapter forty-seven of the revised statutes relating to banks and savings institutions.

SECT. 8. In case the document in writing mentioned in the third section is not made and signed by the treasurer of the state in thirty days after the approval of this act by the governor, then it shall be the duty of the receivers of said bank to collect or compound the debts due the bank, and sell, convey and assign the assets and estates of said bank and convert the same into money, and no claim or demand against said bank shall be examined and allowed by said receivers after the first day of July next; and in case said receivers have not collected sufficient money to pay all the claims examined and allowed by them with all costs and their fees for services, on or before the first day of July next, then the said receivers shall sell at public auction, first giving thirty days notice of the time and place of sale, all the remaining notes, bills of exchange, claims, demands and property of said bank, and the said receivers on or before the tenth day of August next, shall first pay the bill holders and depositors of said bank, whose claims have been examined and allowed, and then the other indebtedments of said bank the claims for which have been examined and allowed out of the moneys collected and obtained by them, first deducting their own charges and fees.

SECT. 9. If the receivers shall neglect to execute or fail to fulfill any of the duties imposed upon them by virtue of the eighth section of this act, the bank commissioners may apply to any judge of the supreme judicial court to revoke the authority of said receivers and appoint others in their stead, and any judge of the court on such application may so revoke the authority of the receivers and appoint others.

CHAP. 391.

If receivers neglect, duties imposed.  
—duty of bank commissioners.

SECT. 10. This act shall take effect and be in force from and after its approval by the governor.

[Approved February 21, 1860.]

## Chapter 391.

An act to change the names of certain persons.

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

SECT. 1. Ruel Cunningham of Brooksville, shall be allowed to take the name of Ruel Bakeman ; George Wadsworth of Winthrop, shall be allowed to take the name of George Alvah Wadsworth ; Daniel Green of Waterford, shall be allowed to take the name of Daniel W. Green ; Pennel Salsbury of Trenton, shall be allowed to take the name of Newell Salsbury ; Octavia S. Webb of Troy, shall be allowed to take the name of Octavia Smith ; and Wilmot Webb, son of Octavia S. Webb, shall be allowed to take the name of Frederick Wilmot Smith ; Sylvia M. Burgess of Waterville, shall be allowed to take the name of Sylvia M. Parker ; Harriet A. Young of Belfast, shall be allowed to take the name of Harriet A. Patterson ; Robert K. Scott, an adopted son of Robert K. Thistleward of Alexander, shall be allowed to take the name of Robert K. Thistleward ; Julia A. Warner of East Livermore, shall be allowed to take the name of Julia A. Morrison ; Helen M. Keith of China, shall be allowed to take the name of Helen M. Meigs ; George Alden Lander of Fairfield, shall be allowed to take the name of George Laforest Wheeler.

Names changed.

SECT. 2. This act shall take effect when approved by the governor.

[Approved February 21, 1860.]