

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 57.

An Act authorizing the construction of a wharf into the tide waters of Casco Bay, in the town of Falmouth, Maine.

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

Section 1. Benjamin Thompson, and his assigns, as the owners of certain real estate situated in the town of Falmouth, are hereby authorized to construct and maintain a private wharf therefrom into the tide waters of Casco bay.

Wharf into Casco bay, authorized.

Section 2. This act shall take effect when approved.

Approved February 17, 1905.

Chapter 58.

An Act to extend the charter of the Maine Water and Electric Power Company.

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

Section 1. The time within which the Maine Water and Electric Power Company shall actually commence business under its charter is hereby extended to two years from the approval of this act; provided, however, this act shall be null and void unless the sum of five thousand dollars is expended before the next session of the legislature in the development and improvement of the water power under the charter of said company; and provided, further, that three thousand of said five thousand dollars shall be expended on or before March fifteenth, one thousand nine hundred and six.

Maine Water and Electric Power Company, charter extended.

Section 2. This act shall take effect when approved.

Approved February 17, 1905.

Chapter 59.

An Act to incorporate the Gardiner Trust Company.

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

Section 1. F. T. Bradstreet, F. S. Smith, E. L. Bussell, F. S. Thorne, Ammi Davenport, Charles F. Swift, John E. Cunningham, A. W. Cunningham and George W. Heselton or such of them as may by vote accept this charter, with their associates, successors or assigns, are hereby made a body corporate and

Corporators.

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—corporate name.

politic to be known as the Gardiner Trust Company, and as such shall be possessed of all the powers, privileges and immunities and subject to all the duties and obligations conferred on corporations by law.

Location.

Section 2. The corporation hereby created shall be located at Gardiner, Kennebec county, Maine.

Purposes.

Section 3. The purposes of said corporation and the business which it may perform, are; first, to receive on deposit,

—to receive deposits.

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

—to borrow money, etc.

corporation may provide; second, to borrow money, to loan money on credits, or real estate, or personal security, and to

—to maintain safe deposit vaults.

negotiate loans and sales for others; third, to own and maintain safe deposit vaults, with boxes, safes and other facilities therein,

—to hold investments.

to be rented to other parties for the safe keeping of moneys, securities, stocks, jewelry, plate, valuable papers and documents,

—to act as agents, etc.

and other property susceptible of being deposited therein, and may receive on deposit for safe keeping, property of any kind

—to execute trusts.

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 dealings, 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 assignee, receiver, executor, and no surety shall be necessary

upon the bond of the corporation, unless the court or officer approving such bond shall require it; eighth, to do in general

all the business that may lawfully be done by trust and banking companies.

—to act as assignee, etc.

Capital stock.

Section 4. The capital stock of said corporation shall not be less than fifty thousand dollars, divided into shares of one

hundred dollars each, with the right to increase the said capital stock at any time, by vote of the stockholders, to any amount

not exceeding two hundred thousand dollars. Said corporation shall not commence business as a trust or banking company,

until stock to the amount of at least fifty thousand dollars shall have been subscribed and paid in, in cash.

—shall not commence business until \$50,000 has been paid in.

Shall not loan on security of its own capital stock.

Section 5. Said corporation shall not make any loan or discount on the security of the shares of its own capital stock, nor

be the purchaser or holder of any such shares unless necessary to prevent loss upon a debt previously contracted in good faith; and all stock so acquired shall, within six months from the time of its acquisition, be disposed of at public or private sale.

Section 6. All the corporate powers of this corporation shall be exercised by a board of trustees, who shall be residents of this state, whose number and term of office shall be determined by a vote of the stockholders at the first meeting held by the incorporators and at each annual meeting thereafter. The affairs and powers of the corporation may, at the option of the stockholders, be entrusted to an executive board of not less than five members to be, by vote of the stockholders, elected from the full board of trustees. The trustees of said corporation shall be sworn to the proper discharge of their duties, and they shall hold office until others are elected and qualified in their stead. If a trustee dies, resigns, or becomes disqualified for any cause, the remaining trustees may elect a person to fill the vacancy until the next annual meeting of the corporation. The oath of office of such trustee shall be taken within thirty days of his election, or his office shall become vacant. The clerk of such corporation shall, within ten days, notify such trustees of their election and within thirty days shall publish the list of all persons who have taken the oath of office as trustees.

Board
of trustees.

—number and
tenure.

—executive
board.

—vacancies,
how filled.

Section 7. The board of trustees or the executive board of said corporation shall constitute the board of investment of said corporation. Said directors or executive board shall keep in a separate book, specially provided for the purpose, a record of all loans, and investments of every description, made by said institution substantially in the order of time when such loans or investments are made, which shall show that such loans or investments have been made with the approval of the investment board of said corporation, which shall indicate such particulars respecting such loans or investments as the bank examiner shall direct. This book shall be submitted to the trustees, stockholders, and to the bank examiner whenever requested. Such loans or investments shall be classified in the book as the bank examiner shall direct. No loan shall be made to any officer or trustee of said banking or trust company except by the approval of a majority of the trustees or executive board in writing, and said corporation shall have no authority to hire money or to give notes unless by vote of the said board duly recorded.

Board of
investment.

—record of
loans shall
be kept.

—loans to
officers shall
be approved
in writing.

Section 8. No person shall be eligible to the position of a trustee of said corporation who is not the actual owner of ten shares of the stock.

Trustee must
own ten
shares of
stock.

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Reserve fund.

Section 9. Said corporation, after beginning to receive deposits, shall, at all times, have on hand in lawful money, as a reserve, not less than fifteen per cent of the aggregate amount of its deposits which are subject to withdrawal on demand, provided, that in lieu of lawful money, two-thirds of said fifteen per cent may consist of balances, payable on demand, due from any national bank or any bank created under the laws of this state.

Special deposit.

Section 10. All the property or money held in trust by this corporation, shall constitute a special deposit and the accounts thereof of said trust department shall be kept separate, and such funds and the investment or loans of them shall be specially appropriated to the security and payment of such deposits, and not be subject to any other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department in which all business pertaining to such trust property shall be kept separate and distinct from its general business.

Administrators, etc., may deposit in.

Section 11. An administrator, executor, assignee, guardian or trustee, any court of law or equity, including courts of probate and insolvency, officers and treasurers of towns, cities, counties and savings banks of the state of Maine may deposit any moneys, bonds, stocks, evidences of debt or of ownership in property, or any personal property, with said corporation, and any of said courts may direct any person deriving authority from them to so deposit the same.

Individual responsibility of stockholders.

Section 12. Each stockholder of this corporation shall be individually responsible, equally and ratably, and not one for the other, for all contracts, debts and engagements of such corporation, to a sum equal to the amount of the par value of the shares owned by each in addition to the amount invested in said shares.

Surplus fund.

Section 13. Such corporation shall set apart as a surplus fund not less than ten per cent of its net earnings in each and every year until such fund with the accumulated interest thereon, shall amount to one-fourth of the capital stock of said corporation.

Taxation of shares.

Section 14. The shares of said corporation shall be subject to taxation in the same manner and rate as are the shares of national banks.

Examination by bank examiner.

Section 15. Said corporation shall be subject to examination by the bank examiner, who shall visit it at least once in every year, and as much oftener as he may deem expedient. At such visits he shall have free access to its vaults, books and papers, and shall thoroughly inspect and examine all the affairs

of said corporation, and make such inquiries as may be necessary to ascertain its condition and ability to fulfill all its engagements. If upon examination of said corporation the examiner is of the opinion that its investments are not in accordance with law, or said corporation is insolvent, or its condition is such as to render its further proceedings hazardous to the public or to those having funds in its custody, or is of the opinion that it has exceeded its powers or failed to comply with any of the rules or restrictions provided by law, he shall have such authority and take such action as is provided for in the case of savings banks by chapter forty-eight of the revised statutes. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of said corporation. A copy of such statement shall be published by said corporation immediately after the annual examination of the same in some newspaper published where said corporation is established. If no paper is published in the town where said corporation is established, then it shall be published in a newspaper printed in the nearest city or town. The necessary expenses of the bank examiner while making such examination shall be paid by the corporation.

—proceedings
in injunction,
etc.

Section 16. Any three of the corporators named in this act may call the first meeting of the corporation by mailing a written notice, signed by all, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

First meeting, how
called.

Section 17. This act shall take effect when approved.

Approved February 17, 1905.

Chapter 60.

An Act to incorporate the Bethel Trust Company.

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

Section 1. Charles Chase, F. L. Edwards, D. R. Hastings, W. W. Hastings, Ceylon Rowe, Edwin C. Rowe, W. O. Straw, R. Baker Thurston, M. L. Thurston, J. A. Thurston, J. A. Twaddle, E. L. Tibbetts, Silas F. Peaslee and H. H. Hastings or such of them as may by vote accept this charter, with their associates, successors or assigns, are hereby made a body corporate and politic to be known as the Bethel Trust Company, and

Corporators.

Corporate
name.