

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
June 28, 1820, February 18, 1840, and March 16, 1842.

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1905

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

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ponds having an outlet into said pond, or any fishway constructed by the West Harbor Ice Company or in the tide waters within one hundred feet of such fishway for a period of five years. Whoever takes alewives contrary to the provisions of this section shall be fined ten dollars for each offense to be recovered by complaint, indictment or action of debt.

ice pond and tributaries.

--penalty for violation of this act.

Section 3. This act shall take effect when approved.

Approved March 7, 1905.

Chapter 141.

An Act to incorporate the Newport Trust Company.

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

Section 1. Ellis Jones, Joseph H. Weymouth, Jesse G. Waters, Hubert M. Wardwell, Richard M. Goodwin, Rufus A. Deering, J. N. Sanborn, W. S. Townsend, George M. Barrows, R. H. Libby, O. H. Judkins and John O. Gilman, all of Newport and Don A. H. Powers of Houlton, 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 Newport 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.

Corporators.

--corporate name.

Section 2. The corporation hereby created shall be located at Newport, Penobscot county, Maine.

Location.

Section 3. The purposes of said corporation and the business which it may perform, are; first, to receive on deposit, 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 corporation may provide; second, to borrow money, to loan money on credits, or real estate, or personal security, and to negotiate loans and sales for others; third, to own and maintain safe deposit vaults, with boxes, safes and other facilities therein, to be rented to other parties for the safe keeping of moneys, securities, stocks, jewelry, plate, valuable papers and documents, and may receive on deposit for safe keeping, property of any kind 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

Purposes.

--to receive deposits, etc.

--to borrow money, etc.

--to maintain safe deposit vaults.

--to hold investments.

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--to act as
agents, etc.

--to execute
trusts.

--to act as
assignee, etc.

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.

Capital stock.

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

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
make loans
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.

Board of
trustees.

--executive
board.

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.

--vacancies,
how filled.

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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.

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.

Reserve fund.

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.

Special deposits.

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

Administrators, etc., may deposit in.

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any of said courts may direct any person deriving authority from them to so deposit the same.

Individual
responsibility
of stock-
holders.

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.

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.

Shall be
subject to
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 case.

First meeting,
how called.

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.

Section 17. This act shall take effect when approved.

Approved March 7, 1905.

Chapter 142.

An Act to authorize the Passadumkeag Log Driving Company to acquire the property and franchises of the Grand Falls Dam Company.

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

Section 1. The Passadumkeag Log Driving Company is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain which right is hereby expressly delegated to said company for said purpose, the property and franchises of the Grand Falls Dam Company which said company owns by virtue of chapter four hundred and seventy-three of the private and special laws of eighteen hundred and sixty, and said Grand Falls Dam Company is hereby authorized and empowered to sell and convey by proper conveyances, duly executed by its president, such property and franchises to said Passadumkeag Log Driving Company.

Passadumkeag Log Driving Company is authorized to acquire the Grand Falls Dam Company.

--Grand Falls Dam Co. authorized to convey.

Section 2. In case said companies fail to agree upon the terms of purchase of the above mentioned property, or upon some other means of determining such terms on or before June first, nineteen hundred and five, said Passadumkeag Log Driving Company is hereby authorized to take said property and franchises as for public uses by petition therefor in manner following. Said Passadumkeag Log Driving Company by its directors is hereby authorized on or before July first, nineteen hundred and five, to file a petition in the clerk's office of the supreme judicial court for the county of Penobscot, addressed to any justice of said court, who, after notice to said Grand Falls Dam Company, and a hearing, shall appoint three disinterested appraisers for the purpose of fixing the valuation of said property and franchises. The appraisers so appointed, after due notice and hearing, shall fix the valuation of said property and franchises. Their report shall be filed in said clerk's office within thirty days after their appointment, and any justice of said court, after notice and hearing, may confirm or reject the same or recommit it if justice so requires. The award of such appraisers shall be conclusive as to valuation, but any questions

Eminent domain, method of procedure.

--petition.

--appraisers.

--shall, after hearing, fix valuation.

--shall file report in clerk's office.

--award conclusive, as to valuation.