

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
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BANKS OF DISCOUNT.

SEC. 1. Every bank, except savings banks, shall exercise the powers and be subject to the duties, liabilities, and provisions, contained in this chapter, in its charter, and in chapter forty-six, unless otherwise specially provided; within ten days after the acceptance of its charter, shall give written notice thereof to the secretary of state; shall be kept in the town where originally established; and known by the corporate name of — “The president, directors, and company of the — bank;” the blank shall be filled with the name authorized in its charter.

Banks, their powers, duties and liabilities. To notify secretary of state of acceptance of charter. To be kept in town where established. Corporate name.
R. S. c. 47, § 1.

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Number and qualifications of directors.
R. S. c. 47, § 2.

SEC. 2. Every bank shall have not less than five, nor more than nine directors, exclusive of any appointed by the governor and council as hereinafter provided, who shall all be stockholders therein, and citizens and residents of the state, and a majority of them residents of the county where the bank is located; and no two members of a co-partnership shall be directors in the same bank, nor any person a director in two banks at the same time.

Annual meeting for choice of directors.
R. S. c. 47, § 3.

SEC. 3. They shall be chosen by ballot at a meeting of the stockholders to be held on one of the first fifteen days of October annually, at a place in the town where the bank is located; and the directors for the time being shall give public notice of the time and place, fourteen days before the meeting, in a newspaper printed in the county, if any, if not, in the state paper.

Directors may call special meetings, how notified; vacancies, how filled.
R. S. c. 47, § 4.

SEC. 4. The directors shall call special meetings of the stockholders, when they think the interest of the bank requires it, giving notice as before provided; and vacancies in their board may be filled at such meetings, when the purpose is specified in the notice.

Choice of president, his compensation.
Majority of directors necessary to transact business.
R. S. c. 47, § 5.
52 Me. 564.

SEC. 5. They shall choose one of their number president, and make him such compensation as they think reasonable; and the assent of a majority of them is necessary for the transaction of business; but they may by vote authorize the president or a director to discount paper, or transact any other business.

Votes of stockholders, how regulated.
Stock owned by or pledged to bank, not entitled to a vote.
R. S. c. 47, § 6.

SEC. 6. Every stockholder shall be entitled to vote in proportion to the number of shares he holds, as follows: for one share, one vote, and for every two additional shares, one more vote, but no one shall have more than twenty votes in his own right and by proxy, and shares of its stock, owned by the bank, pledged to it, or held by any person as its trustee, shall, in no case, be entitled to a vote, or be represented by any person in the transactions thereof.

Appointment of cashier and other officers and their salaries.
R. S. c. 47, c. 7.

SEC. 7. They shall appoint a cashier, and may appoint clerks and other officers for conducting the business of the bank, with such salaries as they think proper, and remove them at pleasure.

Cashier shall not be a director, nor he or clerks vote in choice.
R. S. c. 47, § 8.

SEC. 8. No cashier of a bank shall be a director therein; nor shall he or the clerks have any voice in the choice of such directors, or represent any shares therein for themselves or by proxy.

Cashier and clerks to be sworn and give bond.
Cashier's bond, amount, not to be signed by a director, to be renewed annually.
Manner of

SEC. 9. The cashier and clerks, before entering on the duties of their offices, shall be sworn, and give bonds with two or more sureties to the satisfaction of the directors, for the faithful performance of their duties. The cashier's bond shall be given for a penalty not less than twenty thousand, nor more than fifty thousand dollars; shall not be signed by a director; and shall be renewed annually in October. When the directors have fixed the penalty of such bond, they may authorize it to be executed in the following manner. The principal

shall be held for the whole penalty, but each surety may, at the time of execution, write thereon the sum for which he is to be held, and he shall be held for that sum, and the aggregate of the subscriptions by sureties shall not be less than one and a half times the penalty; and such bond may be accepted by the directors if they deem it sufficient. A suit thereon may be brought against all the parties jointly, or against one or more of the sureties jointly or severally. If the plaintiff prevails in a suit against all the parties jointly, judgment shall be entered against the principal for the whole damages sustained, and against each surety for the same sum not exceeding his subscription; and an execution may be issued against each of said parties for the sums aforesaid with costs. The costs shall be paid from the first money received on any execution, and only one bill of cost shall be collected, except the fee for the execution and the officer's fees thereon. Sureties in such bonds shall have the same right of action for indemnity against their principal and contribution against their co-sureties, as in case of other bonds, according to the principles of common law.

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bond which may be accepted.

Suit on same, how brought.

Proceedings on judgment and execution. Costs how paid.

Sureties, rights of.

R. S. c. 47, § 9. 36 Me. 179.

SEC. 10. The cashier of every bank, on the written application of the proprietors of one-fifth part of the capital stock thereof, shall call special meetings of the stockholders, by giving notice thereof as for the annual meeting; and if he refuses, any justice of the peace in the county, on such application, may call such meetings, giving like notice.

Cashier to call special meetings, on request; if he refuses, justice may call. R. S. c. 47, § 10.

SEC. 11. It shall be the duty of the directors of each bank, in the month of October annually, to make an examination in regard to its condition, and the responsibility of the sureties on the bond of the cashier. Said bond shall be recorded in the directors' records.

Directors to examine condition of bank and cashier's bond in October. Bond to be recorded. R. S. c. 47, § 11.

SEC. 12. The capital stock of every new bank shall be paid in, one-half in six, and the other in twelve months from the date of its charter, in gold and silver money of the legal currency of the United States; and no bank shall go into operation until one-half of such stock has been paid in, in such money deposited in its vaults and examined by the bank examiner as provided in section fifty-eight.

Capital stock, how paid in. When bank may go into operation. R. S. c. 47, § 12. 24 Me. 256.

SEC. 13. No stockholder shall hold or own more than one-fifth of the capital of any bank; and no shares thereof shall be sold or transferred except by execution or distress, or by executors, administrators, or guardians, until the whole amount of capital is paid in.

Amount of stock held by one person limited. Shares not transferable until whole capital paid in.

SEC. 14. Every bank, subject to the restrictions mentioned in this chapter, may loan and negotiate their moneys and effects by discounting on banking principles on such security as their regulations permit; but no loan shall be made by a bank upon pledge of its own stock; nor shall it discount notes, bills of exchange, drafts, or other security for the payment of money, without at least two responsible

R. S. c. 47, § 13. Loans and discounts; not to be made on pledge of stock; what security shall

CHAP. 47. names as principals, sureties, or endorsers thereon, and for this purpose, a firm composed of two or more persons is to be considered as one person, or adequate personal pledges, or collateral security; and no loan shall be made to any stockholder, until the amount of his shares is paid into the bank. The aggregate of all the debts due from the directors as principals, endorsers, or sureties, shall at no time exceed one-third part of the amount of the capital of such bank; nor shall the debts due from any one director, as principal, endorser, or surety, exceed eight per cent. of the capital stock.

Banks not to engage in trade or commerce.
R. S. c. 47, § 15.

SEC. 15. No bank shall invest, use, or improve any of its moneys, goods, chattels or effects, in trade or commerce; but may sell all kinds of personal pledges, lodged with it by way of security, to an amount sufficient to reimburse the sum loaned, with interest and expenses.

Dividends half yearly.
R. S. c. 47, § 16.

SEC. 16. The directors shall make half yearly dividends of the profits of the bank.

Powers of banks to hold real estate.
Restrictions.
R. S. c. 47, § 17.

SEC. 17. Every bank may hold, sell, and dispose of such real estate as is requisite for the convenient transaction of its business; but such real estate shall not, unless by special authority for the purpose, exceed twelve per cent. on the amount of the capital stock, exclusive of what the bank holds on mortgage, receives on execution, or takes as security, or in payment of debts.

Shares, real estate and mortgages may be attached and taken on execution.
R. S. c. 47, § 18.

SEC. 18. Shares in a bank, its real estate, and its right, title and interest in lands mortgaged for a debt due or assigned to it, and the debt thereby secured, may be attached on mesne process, and taken in execution and sold agreeably to the provisions of chapters seventy-six, eighty-one, and eighty-four.

Limitation of amount of debts and credits.
R. S. c. 47, § 19.

SEC. 19. The total amount of debts, which a bank may owe at any time, shall not exceed twice the amount of its capital stock actually paid in, exclusive of sums due on account of deposits not bearing interest, nor shall its dues at any time exceed double the amount of its capital stock actually paid in, exclusive of the bills of other banks and debts due from them, payable on demand.

Loans and issues not to be made except at banking house; nor to any public officer on official check.
Penalty.
R. S. c. 47, § 20.
1860, c. 178.

SEC. 20. No bank, directly or indirectly, shall make any loan or discount, or issue any bill or note, except at its usual banking house; nor loan any money to a public officer on his official check, or take such check with any agreement or understanding to hold it, under penalty for this last offence of forfeiting its charter.

Circulation allowed and limited.
Bills actually redeemed in

SEC. 21. No bank shall issue and put in circulation as money, bills to the amount of more than fifty per cent. of its capital stock actually paid in, not owned by the bank, unless it has in its vaults at the time of such issue, one dollar in specie for every three dollars in bills so issued above fifty per cent. of its capital stock; nor shall the

circulation of any bank within this state at any time, exceed the amount of its capital stock paid in, not owned by the bank, and the specie in its vaults; and bills actually redeemed by it at a bank in Boston to be forwarded to it, shall not be deemed to be in circulation; and every bank shall forfeit for the use of the state ten per cent. on the amount of bills, which at any time it puts in circulation above the amount aforesaid; and weekly balances shall be made by the cashier, exhibiting the amount of specie on hand and the amount of bills in circulation.

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Boston not to be deemed in circulation. Forfeiture for excess of circulation. Weekly balances to be made. R. S. c. 47, § 21. 1859, c. 93, § 1.

SEC. 22. Every bank shall keep in its own vaults at least five per cent. of its capital stock in specie.

Amount of specie to be kept in vault. R. S. c. 47, § 22. Provisions when bills are destroyed; penalty for violation by a director. R. S. c. 47, § 23.

SEC. 23. When the directors of a bank destroy any of its bills, it shall be in the presence of a disinterested justice of the peace, and they shall record the number and denomination thereof, and swear to the truth thereof before said justice, who shall certify the oath on the record, and the fact that he saw their destruction; and each director violating this provision shall forfeit five hundred dollars.

SEC. 24. All bills shall be issued in the name of the president, directors, and company of the bank issuing them, and be signed by the president and cashier thereof; but any bills signed by either the president or cashier thereof, and in circulation through the agency or neglect of any of its officers, shall be binding on the bank. Every bank shall receive its own bills if offered in payment for all its dues.

Form of signature of bills. Bank shall receive its own bills in payment. R. S. c. 47, § 24.

SEC. 25. Every bank may issue bills under five dollars to the amount of one-quarter part of its capital actually paid in and no more; and no bank shall issue, pay out, receive in payment, or on deposit, any bill or note less than one dollar, or on which is expressed any fractional part of a dollar, under penalty of one hundred dollars for each offence.

Restrictions as to bills under five dollars. Fractional bills prohibited. R. S. c. 47, § 25.

SEC. 26. Any bank may allow a certain rate of interest for deposits made therein, if they think proper; but shall not issue any note, bill, check or any other negotiable security, payable at a future day, or bearing interest.

Interest may be paid on deposits. Notes bearing interest not to be issued. R. S. c. 47, § 26.

SEC. 27. No bank shall issue any bill, note, check or draft, redeemable at such bank in any other manner than by payment in specie; and every bank issuing any bill, note, check, or draft redeemable in any other manner than by payment in specie on demand, or payable at any place other than the place where it is by law established, shall be liable to pay it in specie to the holder thereof on demand at said bank, without a previous demand at the place where it is made payable.

Bills to be redeemable in specie at the bank; liability if issued otherwise. R. S. c. 47, § 27.

SEC. 28. Nothing in the preceding section shall extend to any draft or check for any balance due to said bank, nor to any check or draft drawn by an officer of a bank within this state on another bank within or without this state; but all such checks or drafts shall first

Exception as to drafts or checks. R. S. c. 47, § 28.

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Twenty-four
per cent. year-
ly damages for
not redeeming
bills.
R. S. c. 47, § 29.
18 Me. 166, 240.

SEC. 29. If the officers of a bank neglect or refuse to redeem in gold or silver money of the legal currency of the United States, any note, bill, check, or draft described in the two preceding sections, and demandable at such bank, or any other bill or note of such bank, on demand in its usual banking hours, it shall be liable, after the expiration of fifteen days from such demand, to pay to the holder thereof, in damages, at the rate of twenty-four per cent. by the year, during such delay or refusal after said fifteen days, and interest at the rate of six per cent. during said fifteen days.

Damages to
cease on ten-
der of amount.
R. S. c. 47, § 30.

SEC. 30. If the bank, after such demand and refusal, at any time afterwards causes a legal tender to be made at the place of residence of the person who made such demand, or of any known owner or assignee thereof, or of his agent, of the amount of such bill, note, check or draft, and all interest, damages, and costs, which have accrued at that time, all further interest and damages on account thereof shall thereafter cease.

Interest limit-
ed.
Exchange may
be charged.
R. S. c. 47, § 31.
31 Me. 414.

SEC. 31. No bank shall be permitted to take a greater interest or discount on any note, draft, or security, than at the rate of six per cent. a year, unless by agreement in writing, whether such loan is made in specie or otherwise, or an agreement is made to pay such loan in specie or at a place other than such bank; but such interest or discount may be taken according to the established rules of banking; but the bank in discounting drafts, bills of exchange or other negotiable securities payable at another place, may, in addition to interest, charge the existing rate of exchange between the places of discount and payment.

Plates for bills.
Bills not void
by alterations.
R. S. c. 47, § 32.

SEC. 32. No bill or note of the denomination of one hundred dollars or less shall be issued by any bank for circulation, unless it is impressed from the patent stereotype plate of Abraham Perkins or his assigns, or unless said bank is in writing authorized by the examiner to issue bills of such other plates, as they judge to afford greater security against counterfeiters. Every bank shall be held to pay to an innocent holder the original amount of any note of said bank, notwithstanding it is altered.

Weights to be
sealed by state
treasurer.
R. S. c. 47, § 33.

SEC. 33. The directors of banks once in five years shall have all the weights, used in their banks, compared, proved, and sealed by the treasurer of state, or by some person specially authorized by him for that purpose; which shall supersede so far as respects such banks the sealing of their weights by the town sealer.

Gold how to
be weighed.
R. S. c. 47, § 34.

SEC. 34. No tender of gold by any bank, weighed with weights other than those thus compared, proved, and sealed, shall be legal; and the payer or receiver may require the gold to be weighed in each scale, and the mean weight resulting therefrom shall be the true weight.

SEC. 35. A bank established under the laws of this state or the United States, shall write or stamp the word "counterfeit," on a counterfeit bill, and the word "altered," on an altered bill, offered in payment, deposit or for redemption, adding thereto the name of the bank and of the officer by whom it is done; but if it makes such writing or stamp on a bill not counterfeit or altered, it shall be liable only for the actual damages sustained by the holder thereof, not exceeding its amount, unless fraudulently done; and the cashier shall have a book and record therein the denomination of such bill, the name of the bank from which it purports to have issued, its date and number, and the date of such writing or stamping.

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Counterfeit and altered bills may be so marked by cashier. Damages if erroneously marked. Marked bills to be recorded. R. S. c. 47, § 35. 1864 c. 241, §§ 1, 2, 3.

RIGHTS OF THE STATE IN BANKS.

SEC. 36. The state shall have a right, when the legislature makes provision by law, to subscribe, on account of the state, to the capital of any bank, a sum or sums not exceeding in the whole one-tenth part of the previous capital of such bank in addition thereto, subject to such rules, and provisions, as by the legislature are established for the management of the same; and to appoint an additional director in such case.

Right of the state to take stock in any bank. R. S. c. 47, § 37.

SEC. 37. Every bank, within ten days after the first Mondays of April and October in each year, shall pay to the state treasurer for the state, a tax of one-half of one per cent. on the amount of its capital stock actually paid in; but the receipt of the proper United States officer for a United States tax paid, for the same period on its deposits, circulation and capital, shall be allowed towards said tax; and if any bank neglects to pay said tax for thirty days after it is due, the treasurer shall issue a warrant of distress to enforce payment thereof out of its estate or effects, which shall be executed the same as warrants of distress against delinquent sheriffs under chapter six.

Semi-annual state tax. Payment thereof how enforced. U. S. tax deducted. R. S. c. 47, § 38. 1863 c. 217, § 1. 20 Me. 470.

SEC. 38. Upon any requisition of the legislature, each bank shall loan to the state a sum not exceeding five per cent. of its capital stock in one loan, or not exceeding ten per cent. thereof in all loans existing at the same time, reimbursable by five annual instalments or at shorter periods at the election of the state, with the annual payment of interest at a rate not exceeding six per cent; and the faith of the state is pledged for the repayment thereof.

Right of the state to require loans from banks. R. S. c. 47, § 39.

SEC. 39. When such loan is required of a bank, the treasurer of the state shall give written notice to the president or cashier thereof of the amount, which it is to furnish and demand a loan thereof conformably to the preceding section, accompanied by a copy of the act or resolve of the legislature requiring it, attested by the secretary of state, and by the written approval of such demand by the governor.

Requisition, how made. R. S. c. 47, § 40.

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INDIVIDUAL LIABILITY OF DIRECTORS AND STOCKHOLDERS.

Liability of directors if bank becomes indebted beyond amount allowed.
R. S. c. 47, § 41.

SEC. 40. If any bank becomes indebted beyond the amount allowed by section nineteen, the directors, under whose administration it happens, shall be liable for the excess in their private capacities, any condition, release or agreement to the contrary notwithstanding; and an action of debt or bill in equity thereon may be maintained against them or any of them, or their executors or administrators, by any creditor of the bank; but this provision shall not exempt the bank, or its lands, goods, or chattels from liability for such excess.

Innocent directors exonerated.
R. S. c. 47, § 42.

SEC. 41. Any director, absent when such excess of debts was contracted, or who at the time dissented from the resolution or act whereby it was contracted, may exonerate himself from such liability by forthwith giving notice of the fact, and of his absence or dissent, to the governor and council, and to the stockholders at any general meeting, which he may call for that purpose.

Loss from mismanagement of directors, how made up.
R. S. c. 47, § 43.
23 Me. 343.
48 Me. 401.
50 Me. 271.
56 Me. 385.

SEC. 42. Those directors, by whose official mismanagement a loss or deficiency of capital stock of a bank occurs, shall be liable therefor in their individual capacity; and in case of their inability, each stockholder, whether a person or a corporation, shall be liable therefor, to an amount not exceeding the amount of his stock at that time; but such stockholder's liability shall continue only one year after he has in good faith transferred his stock, no process against him on account thereof, or injunction against the bank being then pending.

Private property of stockholders liable in certain cases.
R. S. c. 47, § 44.
23 Me. 308.
33 Me. 509.
50 Me. 271.

SEC. 43. When any bill, note, check, or draft is presented for payment at any bank which issued and is liable to pay it under the provisions of section twenty-nine, and payment thereof is delayed or refused for fifteen days, then the private property of its stockholders, to the amount of their shares, shall be liable to be attached on mesne process, and levied upon by execution in any suit therefor, commenced against said bank for the damages, and for the original demand, interest and costs.

Directors to disclose names and interests of stockholders.
R. S. c. 47, § 45.
50 Me. 271.

SEC. 44. Any director of a bank, against which suit is commenced, on demand of the plaintiff therein, or of any officer legally charged with the service of any such writ or execution, shall make and exhibit to the plaintiff or officer a true list of the stockholders thus liable, with the amount of stock for which each is so liable; and should he unreasonably neglect or refuse to do so, his private property shall be liable to the full amount of the judgment recovered in such suit.

Liability of stockholders at the expiration of their charter.

SEC. 45. The holders of stock in any bank at the expiration of its charter, whether a person or corporation, shall be liable in their

individual capacities for the redemption and payment of all bills, issued by said bank and remaining unpaid, in proportion to the stock they then hold; but such liability shall continue only two years after notice of such expiration has been given in the state paper.

SEC. 46. A creditor of a bank suffering loss as described in section forty-two, or a holder of unredeemed bills as described in section forty-five, after demand at such bank or at its last and usual place of business, may avail himself of the liability of the directors and stockholders as described in said sections by a bill in equity; but this section shall not deprive any person, injured by the misconduct or neglect of any officer of a bank, of an action on the case against him on the principles of the common law.

SEC. 47. Any stockholder, whether a person or corporation, who, by the provisions of this chapter, has been obliged to pay any debt or demand against the bank out of his individual property, may have a bill in equity to recover proportional parts of the money, so paid, from the directors or other stockholders liable therefor, and such damages and costs as the court decrees.

BANK RETURNS.

SEC. 48. The cashier of each bank shall make a return of the state of such bank, as it existed on the first Saturday of any month at two o'clock in the afternoon, when thereto required by the governor, and transmit it to the office of the secretary of state, within the time directed by the governor in his requisition, stating the several particulars mentioned in the following form, exhibiting in distinct columns the amounts due from the bank, and the resources of the bank, viz.:

State of — bank, on the first Saturday of —, 18—, two o'clock, P. M.

| DUE FROM THE BANK. | | RESOURCES OF THE BANK. | |
|------------------------------------|----|--------------------------------------|----|
| Capital stock, | \$ | Gold, silver and other coined metal, | \$ |
| Bills in circulation, | \$ | in its banking house, | \$ |
| Net profits on hand, | \$ | Real estate, | \$ |
| Balances due to other banks, | \$ | Bills of other banks incorporated | \$ |
| Cash deposited, including all sums | | in this state, | \$ |
| whatsoever due from the bank, | | Bills of other banks without the | \$ |
| not bearing interest; its bills in | \$ | state, | \$ |
| circulation, profits, and balances | | Balances due from other banks, | \$ |
| due to other banks excepted, | \$ | Amount of all debts due including | \$ |
| Cash deposited bearing interest, | \$ | notes, bills of exchange, and all | \$ |
| | | stocks, and funded debts of every | \$ |
| | | description, except balances due | \$ |
| | | from other banks, | \$ |
| | | Total amount of the resources of | \$ |
| | | the bank, | \$ |
| Total amount due from the bank, | \$ | | |

Rate of last dividend,

Amount of last dividend, \$

When declared,

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tion of charter.
R. S. c. 47, § 46.
48 Me. 401.

Mode of enforcing payment from directors, or stockholders.
R. S. c. 47, § 47.
50 Me. 271.
56 Me. 385.

Mode of obtaining contribution by a stockholder who has been compelled to pay.
R. S. c. 47, § 48.

Cashier to make returns when required by the governor. Form of return.
R. S. c. 47, § 49.

CHAP. 47. Amount of reserved profits at the time of declaring the last dividend, \$

Amount of debts due and not paid, and considered doubtful, \$

Bills in circulation under five dollars, \$

Cashiers to make semi-annual returns. Form thereof. R. S. c. 47, § 50. 1859, c. 93, § 2.

SEC. 49. On the first Mondays of January and June in each year he shall make a return, signed by him and sworn to according to his best knowledge and belief, exhibiting the state of the bank as existing at two o'clock in the afternoon of the preceding Saturdays, and transmit it within fifteen days to the secretary of state, stating all the particulars mentioned in the preceding section with the addition of the following, viz.:

Amount due from the directors as principals, \$

Amount due from the directors as sureties, as individuals, or as members of a firm, or as agents or officers of a corporation, \$

Amount due from stockholders as principals, \$

Amount of matured debts unpaid, \$

Cashier to return names of stockholders when required. R. S. c. 47, § 51.

SEC. 50. When required by the legislature he shall also under a similar oath make returns of the names of the stockholders and the amount of stock owned by each in such bank.

Cashier's return to be verified by directors. R. S. c. 47, § 52.

SEC. 51. A majority of the directors, on oath, shall certify on the cashier's said returns, that the books of the bank indicate the state of facts so returned, and that they have full confidence in the truth thereof.

Penalty for not making returns. R. S. c. 47, § 53.

SEC. 52. For neglect or refusal of the cashier or directors to make any such return, the bank shall forfeit for each offence a sum not exceeding one thousand dollars to the use of the state, to be recovered by the treasurer thereof.

Secretary of state to furnish blanks, and publish abstracts. R. S. c. 47, § 54. 1859, c. 93, § 3.

SEC. 53. The secretary of state shall furnish to the cashier of each bank, in the month of March or April annually, four printed copies of each form of the returns required by sections forty-eight and forty-nine; and after receiving the returns required by section forty-nine, shall, on or before the first day of the next month, cause a true abstract of them to be prepared and printed, with each column thereof footed up; have it published in the state paper, and such others as the governor and council direct; and transmit one copy thereof by mail to the cashier of each bank in the state.

BANK EXAMINER.

Governor and council to appoint a bank examiner, to hold office three years. Compensation. 1868, c. 220, § 1. 1870, c. 156, § 24.

SEC. 54. The governor, with advice of council, shall appoint an examiner of banks, who shall hold his office for three years, subject to removal at any time by the appointing power, and shall not during his continuance in office hold any office in any bank in the state. The governor and council shall audit his account, and draw a warrant on the treasury for the amount found due him for his actual trav-

eling expenses, and four dollars a day for the time employed in his official duties, not exceeding in the whole six hundred dollars in any year. CHAP. 47.

SEC. 55. At least once a year, and as much oftener as the governor and council deem it expedient, he shall inquire into and examine the transactions of the several banks in this state, and ascertain their condition, and whether there has been any departure by brokerage or otherwise from the ordinary business of banking associations; note all over-issues shown by the cashier's weekly balances; and make report of his doings annually to the governor and council on the first day of December, to be laid before the legislature.

His duties.
R. S. c. 47, § 55.
1859, c. 70.

SEC. 56. He may visit all banks in this state as often as he deems it expedient for the public safety, and thoroughly inspect and examine all their affairs, and make all inquiries necessary to ascertain their condition and ability to fulfill their engagements, and for that purpose, he may summon and examine, under oath, all the directors, officers, or agents thereof, and such other witnesses, as he thinks proper; and any director, officer, or agent, or other person, who refuses without justifiable cause, to appear and testify when so required, or who obstructs, in any way, the examiner in the discharge of his duty, as herein prescribed, shall be subject to a fine not exceeding one thousand dollars, or imprisonment not exceeding two years.

Power to examine banks and savings institutions.
R. S. c. 47, § 56.

SEC. 57. He shall, from time to time, examine the weekly balances made by the cashiers; and when it appears that a bank has made over-issues, he shall notify its cashier forthwith to pay over the forfeiture mentioned in section twenty-one; and if it is not so paid in ten days after notice, he shall complain to a justice of the supreme judicial court, who shall thereupon summon such bank by a notice to its president or cashier, to appear before him at a time and place appointed, to answer such complaint, and show cause why an injunction should not issue against it. If it appears on such hearing, that the bank has over-issued, and not paid the forfeiture within the time aforesaid, it shall be enjoined, until the forfeiture and costs of proceedings are paid; and if such order is not complied with, within such time as he fixes, the injunction shall be made perpetual, and receivers appointed to close the business according to law. And if on examining any bank, the examiner think it is insolvent; that its further progress would be hazardous to the public, or to those having funds in its custody; that it has exceeded its powers; or failed to comply with all the rules, restrictions and conditions provided by law, he may apply to any justice of the supreme judicial court to issue an injunction to restrain it in whole or in part, from further proceeding with its business, until a hearing is had. And said justice shall forthwith issue such process; after a full hearing of the bank upon the matters aforesaid, may dissolve, modify, or make perpetual the in-

Proceedings of examiner in cases of over-issue and when he deems a bank or savings institution unsafe. Banks closing up business, subject to the provisions of this chapter.
R. S. c. 47, § 57.
1866, c. 24, § 2.

CHAP. 47. junction; make all needful orders and decrees to suspend, restrain, or prohibit the further prosecution of the business of the bank according to the course of chancery proceedings; and at his discretion may appoint receivers to take possession of its property and effects as hereinafter provided, subject to the rules and orders, from time to time, prescribed by such court or any justice thereof in vacation. The examiner may appoint a clerk, prescribe his duties and fix his compensation, when he thinks the public good demands it. All banks whose charters have expired or are surrendered or revoked, shall continue subject to all the provisions and penalties in this chapter, during the time allowed their stockholders to act in their corporate capacity for the purpose of closing their concerns; and the examiner shall examine and proceed against them in the same manner as if their charters were still existing; and shall publish in one or more newspapers nearest the location of the bank, and in such others as he sees fit, a notice of the time when the liability of such bank to redeem its bills will cease, to be continued three months next before the time named therefor.

New banks going into operation, examiner to count money.
R. S. c. 47, § 58.

SEC. 58. When a new bank is about to go into operation, the examiner, at the expense of the bank, shall examine and count the money actually in the vaults, and ascertain by the oaths of a majority of the directors that it has been paid in by the stockholders towards payment of their shares and not for any other purpose; and that it is intended that it shall remain therein as part of the capital; and he shall return a certificate thereof to the office of the secretary of state.

Examiner to enforce penalty of § 20 and may require returns as in § 48.
R. S. c. 47, § 59.
1860, c. 178.

SEC. 59. He shall take measures to enforce the penalty provided in section twenty, and may make a like requisition to be returned to him as the governor is authorized to make by section forty-eight.

RECEIVERS.

Application to a judge of supreme court, if a bank refuses to pay its bills or deposits.
Duty of judge in such case.
R. S. c. 47, § 60.

SEC. 60. If the officers of a bank refuse or neglect to pay any of its bills, when duly presented at their banking house for payment in their usual hours of business, or any deposits on demand made in such hours, and, for the space of fifteen days thereafter, neglect to pay or tender payment of such bills or deposits as described in section thirty, the holder of such bill, or such depositor, may make complaint thereof in writing to any judge of the supreme judicial court, who shall thereupon cause the president or cashier to be notified to appear before him at such time and place as he appoints, to answer to such complaint, and show cause against further proceedings thereon.

Judge may appoint receivers and require bond; and discharge surety and require another.

SEC. 61. If the president, cashier, or other authorized agent of the bank does not so appear, or does not show sufficient cause against further proceedings, the judge shall appoint three disinterested receivers, and require them to give bond to said bank in a sum, and

with sureties satisfactory to him, for the faithful discharge of their trust; and such bond shall be delivered to the bank for their use; and the supreme judicial court, with the consent of the co-sureties, and after such notice as it may order, may discharge a surety from liability for subsequent but not for prior breaches of such bond, and may require a new bond with sufficient sureties approved by it. . .

SEC. 62. A judge of the supreme judicial court may revoke the authority of receivers, on application as provided in section sixty, and notice to them and hearing of the parties.

Authority of receivers may be revoked.
R. S. c. 47, § 62.

SEC. 63. Either party aggrieved by the decision of a judge in appointing receivers, or in revoking their authority, on complaint to the supreme judicial court, and such notice as any judge orders, may have the same revised at the law term thereof, and reversed for sufficient cause.

Appeal from any order of a judge to whole court.
R. S. c. 47, § 63.

SEC. 64. Such receivers, and those appointed under section fifty-seven, as soon as they have given bond, shall give notice of their appointment in the newspaper printed in the county where the bank is located, and in one in each of the cities of Portland and Bangor, to be continued three months; and shall immediately demand and receive of the officers of the bank all its real and personal estate, with all its books, papers and evidences of debts, delivering to the officers their receipt, containing accurate lists and memoranda of such estate, books, and debts; and shall diligently proceed to dispose of such property and collect the debts, and with the proceeds thereof, pay the demands against the bank. *

Duties of receivers.
R. S. c. 47, § 64.
1858, c. 24, § 1.

SEC. 65. If any officer of such bank refuses or neglects to surrender to the receivers, on demand, all the property as required by the preceding section, he shall be liable in his individual capacity for the payment of all debts due from said bank in an action on the case.

Liability of officer for refusing to surrender property to receivers.
R. S. c. 47, § 65.

SEC. 66. After giving thirty days notice, as prescribed in chapter seventy-six, for notice on the sale of real estate of banks taken on execution, and with like power to adjourn the sale, they may sell at public auction any real estate of said bank, and any mortgage of real estate due to it, and make and deliver to the highest bidder, in its name, any deed or other instrument necessary for the conveyance of such real estate or mortgages with the debts thereby secured; and the purchaser shall have the same rights and powers as a purchaser of real estate and mortgages taken on execution as aforesaid.

Receivers may sell real estate and mortgages after notice.
R. S. c. 47, § 66.

SEC. 67. They may sell and assign any debts due the bank, with the evidences thereof; or if they think any debt cannot be collected, they may receive payment of it in the bills of the bank, or compound it on such terms as they think expedient; or they may commence in the name of the bank or in their own names, as receivers, any action necessary for the collection of said debts, and prosecute the same to

Receivers may sell, compound or collect any debt due the bank, and bring suits and levy executions therefor.
R. S. c. 47, § 67.
1858 c. 24, § 3.

CHAP. 47. final judgment; and may sell such judgments or executions issued thereon, or levy them on real estate and sell it as provided in the preceding section; but if they purchase or hold, directly or indirectly, any claim or certificate of debt against such bank, it shall be a sufficient cause of removal.

Receivers after paying the debts, to deliver up the residue of property to the bank.
R. S. c. 47, § 68.

SEC. 68. When such receivers have realized from the property of the bank in their hands a sum sufficient to pay all its debts, their power over the residue of the property shall cease, and they shall surrender it to the bank with all the books and papers belonging to it, and take from its officers a sufficient receipt therefor; and render to the bank a fair and just account of their proceedings, receipts, and expenditures at that time, and at such previous times as any judge aforesaid may require.

Compensation to receivers.
R. S. c. 47, § 69.

SEC. 69. The receivers may retain for their services the sum agreed upon by them and the bank; but if they disagree, either party may apply to the supreme judicial court, and after reasonable notice to the other party, a judge thereof, at a term held in the county where the bank is located, may fix such sum.

Claims and bills against the banks to be presented to receivers for allowance and when.
R. S. c. 47, § 70.
1858, c. 24, § 1.
1862, c. 68, § 1.
1867, c. 75.

SEC. 70. When receivers are appointed and have given bond, all claims and demands against the bank, whether founded on its bills or otherwise, shall be laid before them for examination and allowance, within six months after the publication of notice required in section sixty-four; but the court on petition of one or more persons having claims against the bank, for good cause shown may allow them a further reasonable time to prove their claims; and if allowed, they are to have an equal dividend with those previously allowed. The bills of the bank shall be filed with the receivers, and they shall give the holders a certificate thereof.

A year allowed to convert assets and make report, unless court extends the time. Objections to report, how made and disposed of.
Interest on claims.
R. S. c. 47, §§ 70, 71.
1858, c. 24, § 1.
1862, c. 68, § 2.
56 Me. 167.

SEC. 71. Only one year is allowed the receivers to convert the assets of the bank into money by collection or sale, and make a report thereof to the court, unless the court or a justice thereof extends the time; and such report shall specify all claims presented, and the amount allowed on each; and any claimant may make written objections thereto in court, specifying the claims which he asks to have allowed or rejected, increased or diminished; and the court shall hear and decide the case. At request of either party, the court may direct an issue to be made up and submitted to a jury. Questions of law arising in the course of the proceedings may be made and carried to the full court as in actions in court. All claims allowed shall bear interest from the time they are filed.

Assets, how applied.
R. S. c. 47, § 72.
56 Me. 167.

SEC. 72. The receivers shall report to the court the amount and value of the assets in their hands belonging to such bank. When the claims against a bank have been ascertained and determined by the

court, or by the court and jury upon an accepted verdict as aforesaid, the court shall order the proceeds of the assets to be applied to the payment thereof. CHAP. 47.

SEC. 73. When it appears to the court that the assets of a bank in the hands of receivers are insufficient to pay the claims allowed against such bank, the court, after reserving a sufficient sum for further necessary expenses, may assess upon all the persons liable as stockholders to contribute to the payment of such claims, the sum requisite to make up such deficiency of assets; any stockholder may deposit such sum with the receivers subject to such assessments as the court may make; and the court may, from time to time, authorize the receivers to compound with such stockholders as are unable to pay the full amount of their liability.

When assets insufficient, court may assess on stockholders; and each may deposit such sum with receivers; and court may authorize receivers to compound. 1870, c. 140, §§ 1, 2, 3.

SEC. 74. The receivers shall thereupon file their bill in equity, in their own names, but in behalf of the claimants, against the persons liable as stockholders of the bank to contribute to the payment of its debts; and they shall be cited to appear before the court, upon such notice as the court orders to be given. Upon the hearing, the court shall from time to time, determine and assess the amount, which the several stockholders shall pay to the receivers to meet the claims. The court may issue all requisite precepts for the collection of the sums so assessed, and for the enforcement of its orders and decrees.

Assets not sufficient, bill in equity to be filed. Proceedings of court in such cases. R. S. c. 47, § 73. 48 Me. 401. 50 Me. 271. 56 Me. 167.

SEC. 75. If Judgment is rendered against the stockholders, no costs shall be awarded against those who, before service on them, had deposited with the receivers a sum equal to their liability, or compounded as aforesaid, or those on whom no service has been made. Against any stockholder, who pays to the receivers, before judgment, the amount assessed on him by the court, or is defaulted, the costs awarded shall be only the cost of service on him and one dollar for other expenses. Those who appear and defend, shall be held to pay all the remaining costs, to be equitably divided between them by the court; and the court may, in its discretion, require security for the payment of such costs. When judgment is rendered against the stockholders, execution may be issued against each for the amount of his liability and for the costs awarded against him.

What costs stockholders liable for. Court may require security therefor. Execution against each stockholder for his part. 1870, c. 140, § 4.

SEC. 76. The appointment of receivers in any case shall create a lien upon all real estate of the stockholders liable for claims against such bank, as fully as if it was attached by due process of law, which shall continue, that it may be seized on execution or other process granted by the court, and sold or set off in satisfaction of the claims aforesaid, or until such stockholder has paid to or deposited with the receivers an amount of money equal to his liability.

Lien on real estate of stockholders. R. S. c. 47, § 74. 50 Me. 381.

SEC. 77. No action shall be maintained against any bank after the appointment of receivers thereof; but all its creditors must seek their remedy under the provisions of the five preceding sections. All

No actions against bank after receivers' appointment. R. S. c. 47 § 75.

CHAP. 47. legal cost accrued upon suits commenced before the appointment of receivers shall be allowed and added to the claim sued, if such claim is adjudged valid.

Liability of directors and stockholders not diminished.
R. S. c. 47, § 76.
48 Me. 401.

SEC. 78. Nothing in the preceding nine sections shall be construed to increase or diminish the amount, for which the directors or stockholders of any bank are liable under the provisions of the other sections of this chapter. In assessing the amount for stockholders to pay, the court may have reference to such liability of the directors.

Court may decree distribution, reserving to meet contested claims.
R. S. c. 47, § 77.

SEC. 79. When the decision on any claim is delayed by questions of law arising therein, the court, when it is deemed safe and reasonable, may decree distribution among the claims allowed, and cause the stockholders to be cited in, and make assessments upon them to meet deficiencies as aforesaid; but there shall be reserved from distribution an amount sufficient to meet such contested claim or claims, if allowed.

SURRENDER OF CHARTERS, CLOSING BUSINESS, AND REDEEMING BILLS.

Bank may surrender its charter, and how. Six years to close affairs and redeem bills. Not applicable to banks in hands of receivers.
1863, c. 217, §§ 2, 3.
1865, c. 284.
1866, c. 24, § 1.
1867, c. 85.
1868, c. 178.
1869, c. 26, § 1.
48 Me. 401.
54 Me. 438.

SEC. 80. Any bank may surrender its charter by a vote of the owners of a majority of stock at a meeting duly called therefor; and within thirty days thereafter, shall file a written notice thereof, certified by the clerk of the corporation, with the secretary of state, and publish the same twelve weeks successively, commencing within two months of the date of the vote, in some newspaper printed in the county and in one in Boston, specifying therein the time when its liability to redeem its bills will expire; and such bank has six years from the filing of such notice to close up its affairs; and after that time, but not before, its liability to redeem its bills ceases, if no bills have been issued by it after the filing of such notice, which fact is to be determined by the affidavit of the cashier. This limitation of the time for redeeming bills does not apply to banks in the hands of receivers.

On surrendering charter, plates, dies and unsigned bills of bank to be delivered to secretary of state to be destroyed. Penalty.
1839, c. 100, §§ 1, 2.

SEC. 81. When a bank has surrendered its charter, ceased to do business in deposits and discounts, or has passed into the hands of receivers, the officers thereof shall deliver its plates, dies, and unsigned bills to the secretary of state, or forfeit not exceeding one thousand dollars to the use of the state, to be recovered by the treasurer thereof; and the secretary, in the presence of the state treasurer, shall destroy said articles within thirty days thereafter, and make a record of his doings in this respect; and the receivers of any bank, as soon as they are appointed, shall see that the provisions of this section are carried into effect.

Banks surrendering charters, to make dividends as often as ten per cent. is real-

SEC. 82. When a bank which has surrendered its charter and not been organized as a national bank, collects and receives from its assets, a sum not less than ten per cent. of its capital, more than is needed to pay its debts, the directors shall, within ten days, give

notice thereof by publishing three weeks successively in some newspaper printed in the county; and within thirty days shall declare and pay a dividend to the stockholders; and as often as ten per cent. is so received, it shall be divided till the final closing of its affairs; and any officers of such bank who fail to declare or pay such dividend, shall be jointly and severally liable, in an action on the case, to any aggrieved stockholder to double the amount so withheld.

SEC. 83. The assignee or purchaser of any chose in action, sold at public or private sale by a bank, may, after the bank has surrendered its charter, sue the same in his own name, subject to all legal and equitable defences; and any suit then pending in the name of the bank for the collection of such chose in action, may be prosecuted to final judgment and execution by the purchaser, the same as if the charter of the bank had not expired, by his endorsing the writ.

SEC. 84. In March annually, the secretary of state shall publish a list of the banks whose liability to redeem their bills expires in a year thereafter, in some newspaper printed in Portland, Lewiston, Bangor, Bath and Augusta, and in such other places as the governor and council direct.

PUNISHMENT OF FRAUDS.

SEC. 85. The following offences by officers, stockholders, or servants of banks, committed with a fraudulent intent to injure any creditor, stockholder, holder of bank notes issued, or other person, are hereby declared to be high misdemeanors, and the persons guilty thereof shall be punished by fine not exceeding five thousand dollars, imprisonment in the county jail less than one year, confinement in the state prison to hard labor not exceeding ten years, or any or all of said punishments according to the aggravation of the offence:

First.—If any such person converts to his own use, or delivers to any other person, or to his check or order, any funds or evidence of debt, or other property belonging to the bank or deposited therein.

Second.—If he issues or aids in issuing any bank notes or other evidence of debt obligatory on said bank, with the intent that the same shall not be paid.

Third.—If he becomes indebted to such bank for a valuable consideration with like intent, or aids or abets any other person so doing.

Fourth.—If he, on behalf of the bank, loans any money or delivers any valuable property, belonging to such bank or deposited therein, to any stockholder or other person.

Fifth.—If he makes any dividends of the funds or effects of such bank amongst the stockholders or any of them, beyond the profits actually accrued to such bank, or aids therein, thereby diminishing the capital of said bank.

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ized. Penalty
for not doing
it.
1866, c. 24,
§§ 3, 4, 5.

Chose in action
sold by bank,
may be sued in
name of pur-
chaser, after
charter has
been surren-
dered; and
pending ac-
tions may be
prosecuted in
name of bank.
1866, c. 12.

In March, sec-
retary of state
to publish list
of banks,
whose liability
to redeem bills
expires within
a year.
1869, c. 26, § 2.

Punishment
for frauds and
embezzle-
ments.
R. S. c. 47, § 83.

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PRIVATE, ASSOCIATED AND FOREIGN BANKING PROHIBITED.

Private, associated and foreign banking prohibited unless authorized by legislature.

Penalty.
R. S. c. 47,
§§ 79, 80, 81, 82.
1867, c. 122.

SEC. 86. No person shall issue any drafts, bills, notes or other evidences of debt, payable to bearer or order, as a private banker, for the purpose of loaning them or putting them in circulation as money; nor, unless specially authorized thereto by the legislature, shall he contribute to the funds or become a member of any association for the purpose aforesaid; nor transact any other business that banks may do by their charters except making discounts and receiving deposits; nor hold any agency for the purpose of receiving, issuing, loaning or putting in circulation, as money, the bills, notes, orders or other evidences of debt of any company not incorporated in this state, or any private banker not resident therein, under a penalty of one thousand dollars for each offence, to be recovered by indictment for the use of the state or by action of debt, one half to the state and the other to the person suing therefor. This section does not prohibit banks, incorporated in this state, from exercising their powers under the foregoing provisions of this chapter, nor from receiving and paying out, in the usual course of business, the bills of foreign banks, the circulation of which is not prohibited by law.

SAVINGS INSTITUTIONS.

Powers and obligations of savings institutions.
1869, c. 60, § 1.
56 Me. 507.

SEC. 87. Savings banks and institutions have the powers, and are subject to the duties, liabilities, and provisions in their charters, in the following sections of this chapter and in the general laws relating to corporations, unless otherwise specially provided.

Five trustees to be annually chosen. Vacancies in members, how filled.
1869, c. 60, § 2.

SEC. 88. The members of the corporation shall annually, at such times as may be provided in their by-laws, elect from their number five trustees, who shall have the entire supervision and management of the affairs of the institution, except so far as may be otherwise provided by their by-laws. The members may also, at any legal meeting of the corporation, by a majority of at least two-thirds of those present, by ballot, fill any vacancies that may occur in their number, and may add new members in the same manner if they see fit. Members removing from the state shall thereupon cease to be such.

President and treasurer to be elected. Officers sworn. Treasurer to give bond. His compensation.
1869, c. 60, § 3.

SEC. 89. The trustees, immediately after their election and qualification, shall elect one of their number for president, who shall also be president of the corporation. They shall also elect a treasurer, and when in their opinion necessary, an assistant treasurer. The treasurer, and in his absence the assistant treasurer, if there is one, shall be ex officio clerk of the corporation, and of the trustees. Said treasurer and assistant shall be subject to removal at the will of the trustees. They shall give bonds to the corporation for the faithful execution of the duties of their offices in such sums as the trustees may decide to be necessary for the safety of the funds. All said

officers shall be under oath faithfully to perform the duties of their office. The treasurer and assistant shall receive a compensation, to be fixed by the trustees, but the president and trustees shall perform their duties gratuitously. CHAP. 47.

SEC. 90. The trustees shall every six months thoroughly examine the affairs of the corporation and settle the treasurer's account, and ascertain the true state of both, an accurate record of which shall be kept for the inspection of any member of the corporation. Trustees twice a year to examine and record condition of banks. 1869, c. 60, § 4.

SEC. 91. The trustees shall see to the proper and safe investment of deposits and funds of the corporation, in the manner they regard perfectly safe, but no loan shall be made on security of names alone, nor directly or indirectly to any one of the trustees, or any firm of which he is a member. Investment of funds, how made. 1869, c. 60, § 5. 56 Me. 507.

SEC. 92. The net income or earnings of the corporation, after deducting the sum herein provided for a reserved fund, shall be ratably divided semi-annually, at the times fixed by the by-laws, among the depositors of three months standing at least before dividend day, or their representatives; but the corporation may, by their by-laws, include deposits of less standing. But no fractional percentage less than one-quarter shall be adopted. Any balance of earnings shall be carried to new account for next dividend. No deposit shall be received under any agreement to pay any specified sum, interest or dividend, for its use. Dividends, how and when declared. 1869, c. 60, § 6.

SEC. 93. Before making any such dividend, the trustees shall set apart from the earnings a sum equal to one-quarter per cent. for each six months on the whole amount of deposits, for a reserved fund, not subject to be divided, but kept constantly on hand to secure against losses and contingencies until the said reserved fund amounts to five per cent. of their assets. All losses shall be passed to the debit of said account. Reserved fund. 1869, c. 60, § 7.

SEC. 94. The treasurer has full power to assign, discharge and foreclose mortgages, and convey real estate held as security for loans, or the title of which accrued from foreclosure of mortgages. Power of treasurer over mortgages and other real estate securities. 1869, c. 60, § 8.

SEC. 95. The trustees shall cause all real estate of an insurable character held by them absolutely or in mortgage to be fully insured, the expense of which in case of mortgage, shall be added to the amount of the mortgage debt to be refunded in case of redemption. Real estate to be kept insured. 1869, c. 60, § 9.

SEC. 96. No officer of the corporation shall use or appropriate any of its funds to his own private purposes, under the penalty imposed by law for embezzlement. Officers not to appropriate funds. Penalty. 1869, c. 60, § 12.

SEC. 97. Money deposited by a married woman or minor is the property of and to be paid to the depositor or order, and is not the property of the husband or parents; and such depositors may maintain actions in their own names against the bank to recover their deposits, as if not under any such disability; but this section shall not Money deposited by married women and minors not to be property of husbands or parents, except fraudu-

CHAP. 47. apply to any money fraudulently deposited by or in the name of a married woman or minor belonging to a third person.

lently deposited.
1860, c. 137.
1869, c. 60, § 10.
Savings banks
under the
charge of ex-
aminer, and
treasurers to
make returns
to him.
R. S. c. 47, § 84.
1869, c. 60, § 11.

SEC. 98. Savings institutions shall be under the charge of the bank examiner the same as other banks; and the treasurer thereof shall annually make to the examiner a report, under oath, of the standing of the corporation, the situation of its funds, and all other matters which the examiner requires according to the form he prescribes. And for that purpose he shall seasonably furnish the treasurer with proper blanks, which shall be fully answered by him.

Institutions for
savings be-
coming insol-
vent, bill in
equity may be
filed for an
equal distribu-
tion of assets.
Service of the
bill, how
made.
R. S. c. 47, § 85.

SEC. 99. When a savings institution has not sufficient assets to pay all its debts to depositors and others, its trustees or any depositor may file a bill in equity in the supreme judicial court, in term time or vacation, praying for a sequestration and an equitable distribution of its assets. The court or a judge thereof may order it served by publication in the newspaper and for the time designated in the order, requiring the institution and all persons interested to appear and show cause why said prayer should not be granted.

Receiver may
be appointed,
attachments
thereby dis-
solved; no ac-
tion after.
R. S. c. 47, § 86.

SEC. 100. After service as aforesaid, the court may appoint a receiver to take possession of all the assets of such institution, and manage and dispose of them as the court directs; existing attachments shall thereby be dissolved; and no action can thereafter be commenced against it, until proceedings under the bill are closed.

Commission-
ers to decide
on claims;
their proceed-
ings.
Distribution of
assets.
R. S. c. 47, § 87.

SEC. 101. After a decree of sequestration is passed, the court shall appoint commissioners, who are to give notice of the times and places of their session as the court orders; receive and decide upon all claims against the institution; and make report to the court of the claims allowed, and disallowed, and of the amount due each depositor, which is subject to exception and amendment as reports of masters in chancery. When the amount due each person is established, the court shall cause others than depositors to be paid in full, and after deducting expenses, the balance to be ratably distributed among the depositors.

Trustees and
receiver may
compromise
debts.
R. S. c. 47, § 88.

SEC. 102. The trustees and receiver may compromise any debt due the institution.