

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

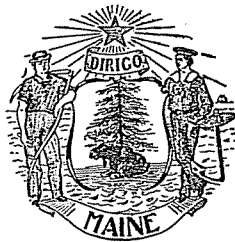
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAP. 48.

Proceedings,
trial and
decree in the
suit.
R. S., c. 46, § 53.
111 U. S., 110.

On dissolu-
tion, estate
vests in
shareholders.
R. S., c. 46, § 54.

Property of
inhabitants
of counties,
towns, etc.,
may be taken
for debts.
R. S., c. 46, § 55.

holders. When either of them has the custody of the records of the corporation, he shall produce them and make extracts therefrom and annex them to his answer, as the court directs.

SEC. 94. The court shall determine, with or without a jury, whether the allegations in the bill are sustained, and it may decree, that any such property shall be paid to such creditor in satisfaction of his judgment, and cause such decree to be enforced as in other chancery cases. Any question arising may, at the election of either party, be submitted to the decision of a jury under the direction of the court.

SEC. 95. When a corporation is dissolved, its real and personal estate is vested in the persons who were at the time shareholders, as tenants in common according to their interests. (a)

SEC. 96. The property of the inhabitants of counties, towns, cities and other quasi corporations, may be taken to pay any debt due from the body politic, of which they are members. All sums so paid, with interest and costs, may be recovered of such body politic. (b)

Note. Proceedings for sale on execution of titles of banks or corporations as mortgagees of lands, c. 78, § 39.

Proceedings for sale on execution of shares of stockholders in a corporation, c. 86, §§ 12-16, 23.

Proceedings for sale on execution of franchise of corporations having right to receive toll, c. 86, §§ 17-20; of franchises of railroad corporations, § 21.

CHAPTER 48.

SAVINGS BANKS, LOAN AND BUILDING ASSOCIATIONS, TRUST AND BANKING COMPANIES, FOREIGN BANKING CORPORATIONS.

Examiner,
appointed.
R. S., c. 47, § 48.
72 Me., 556.

Private, asso-
ciated, and
foreign bank-
ing prohibited,
unless author-
ized by legis-
lature.
R. S., c. 47, § 83.

—penalty.

—proviso.

SEC. 1. The governor, with the advice and consent of the council, shall appoint a bank examiner, 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.

SEC. 2. 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 the state, or of any private banker not resident therein, under a penalty of one thousand dollars for each offense, to be recovered by indictment for the use of the state, or by action of debt, half to the state and half to the prosecutor. This section does not prohibit banks, 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.

ORGANIZATION OF SAVINGS BANKS.

Savings
banks, cor-
porations.
R. S., c. 47, § 84.

SEC. 3. All savings banks or institutions for savings, lawfully organized, are corporations possessed of the powers and functions of corporations generally, and as such have power:

(a) 16 Me., 318; 29 Me., 134; 36 Me., 190; 66 Me., 400; 79 Me., 316.

(b) See c. 86, §§ 30-32; 1 Me., 364; 47 Me., 141; 49 Me., 328; 68 Me., 507.

CHAP. 48.

I. To have perpetual succession, each by its corporate name.
 II. To sue and be sued, complain and defend, in any court of law or equity.

III. To adopt and use a common seal.

IV. To make by-laws not inconsistent with the laws of the state or of the United States, for the management of their property and the regulation of their affairs.

V. To receive money on deposit, to invest the same, and further to transact the business of a savings bank, as hereinafter provided.

SEC. 4. Any number of persons not less than thirteen, may associate themselves for the purpose of organizing a savings bank in accordance with this chapter; three-fourths of such number shall reside in the county where the proposed bank is to be located, and may fill vacancies and add to their number from time to time as they desire, all of whom shall be residents of the state.

Organization.
 R. S., c. 47, § 85.

SEC. 5. Such persons shall execute a certificate, sworn to before a justice of the peace, in duplicate, one of which shall be deposited with the secretary of state for record, and the other sent to the bank examiner, in which shall be set forth: the name of the bank; the names of all the corporators and the places where they reside; their business occupations; and the place where its business is to be transacted; together with the reasons why a bank is needed in such place.

Certificates to be sent to the secretary of state and bank examiner.
 R. S., c. 47, § 86.

SEC. 6. A notice of intention to organize such bank, signed by all the corporators, shall be published once a week for three weeks in some newspaper published in said county where said bank is to be located, if any, otherwise in some newspaper published in an adjoining county.

Notice of intention to organize.
 R. S., c. 47, § 87.

SEC. 7. When the examiner receives the certificate, with the published order of notice, if he finds that the foregoing provisions have been complied with, he shall, from the best information at his command, ascertain:

Bank examiner, duty of.
 R. S., c. 47, § 88.

I. Whether greater convenience of access to a savings bank will be afforded to any considerable number of depositors by opening a savings bank at the place designated in such certificate.

II. Whether the responsibility, character and general fitness of the persons named in such certificate, for the discharge of the duties appertaining to such a trust, are such as to command the confidence of the community in which it is proposed to locate such bank.

SEC. 8. If the examiner is satisfied, concerning the several points named in the preceding section, and that the organization of a savings bank as proposed in such certificate, will be a public benefit, he shall, within sixty days after the same has been received by him for examination, issue under his hand, a certificate of authorization to the persons named therein, or to a portion of them, together with such other persons as a majority of those named in such certificate of association, in writing, approve; also a duplicate to the secretary of state; which certificate, so issued by him, shall authorize the persons named therein to open an office for the deposit of savings, as designated in the certificate of association, subject to the five preceding sections.

Examiner shall issue certificate of authorization to corporators.
 R. S., c. 47, § 89.

—and to the secretary of state.

SEC. 9. Upon the filing of such certificate with the secretary of state, the persons named therein, and their successors, are, thereupon and thereby, constituted a body corporate and politic, vested with all the powers conferred, and charged with all the liabilities imposed by the six preceding sections.

Corporation when authorized to transact business.
 R. S., c. 47, § 90.

CHAP. 48.

MANAGEMENT OF SAVINGS BANKS.

Savings banks,
their powers
and liabilities.
R. S., c. 47, § 91.
68 Me., 518.

Institutions,
legally or-
ganized.
R. S., c. 47, § 128.

Membership
in corpora-
tion.
R. S., c. 47, § 98.

Officers.
1899, c. 50, § 1.
—trustees,
number and
restrictions.
72 Me., 227.
—term of of-
fice.
R. S., c. 47, § 93.

Officers of
savings bank
shall not act
as agents for
certain cor-
porations.
1889, c. 286, § 4.
—treasurers
and trustees,
regulations
relating to.
R. S., c. 47, § 109.

Trustees, their
election and
duties.
R. S., c. 47, § 94.
68 Me., 404.

—office, how
vacated.

Officers, elec-
tion of.
1887, c. 142, § 2.
69 Me., 369.

—term.

—treasurer,
ex-officio,
clerk.

—bonds of
treasurer and
assistant
treasurer.

SEC. 10. Savings banks and institutions incorporated under the authority of the state, may exercise the powers and shall be governed by the rules and be subject to the duties, liabilities and provisions in their charters, in the following sections, and in the general laws relating to corporations, unless otherwise specially provided.

SEC. 11. Savings banks and institutions for savings which have exercised the privileges thereof and done business as such for one year, shall be held to be legally organized.

SEC. 12. Every such corporation shall consist of not less than thirty members, and may, at any legal meeting, by a vote of at least two-thirds of those present, elect by ballot any citizen of the county wherein the corporation is located, or of an adjacent county, to be a member thereof. No person shall continue to be a member after removing from the state. Any member who fails to attend the annual meetings for two successive years ceases to be a member, unless re-elected by a vote of the corporation.

SEC. 13. The officers of every such corporation shall consist of a president, treasurer and, when in the opinion of the trustees necessary, a vice-president and an assistant treasurer, and not less than five trustees, not more than two of whom shall be directors in any one national bank, trust company or other banking institution, who shall elect from their number or otherwise such other officers as they see fit. All officers shall be sworn to the faithful performance of their duties, and shall hold their several offices until others are chosen and qualified in their stead.

SEC. 14. No president, treasurer, clerk or employee of any savings bank shall act as agent or representative of any foreign corporation engaged in the business of selling or negotiating any bonds, mortgages, notes or other choses in action. No cashier in a national bank or trust and banking company shall be treasurer of any savings bank, the deposits of which exceed one hundred and fifty thousand dollars; and if the treasurer of a savings bank, having deposits not exceeding one hundred and fifty thousand dollars, is cashier in a national bank or trust and banking company, the board of trustees of such savings bank shall not include more than one director, nor more than two stockholders in the national bank or trust and banking company so connected therewith.

SEC. 15. The members of the corporation shall annually at such times as may be provided in their by-laws, elect from their number not less than 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. Any trustee who becomes a trustee or officer in any other savings corporation, thereby vacates his office as such trustee.

SEC. 16. The trustees, immediately after their election and qualification, shall elect one of their number president, who shall also be president of the corporation. They shall also elect a treasurer, and when deemed necessary, a vice-president and an assistant treasurer, to hold their offices during the pleasure of the trustees. 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. The treasurer and assistant treasurer shall give bonds to the corporation, for the faithful discharge of the duties of their offices, in such sums as the trustees decide to be necessary for the safety of the funds, and such bonds shall continue and be valid from year to year, so long as they are elected, and hold said offices, subject to renewal when-

CHAP. 48.

ever ordered by the trustees or examiner. Said bonds shall be recorded upon the books of the institutions, and the examiner shall annually examine the same and inquire into and certify to the sufficiency thereof, and when he deems any such bond insufficient, he shall order a new bond to be given within a time, by him specified. All such bonds executed after July one, eighteen hundred and eighty-seven, shall, at the expiration of ten years from the date thereof, be deemed insufficient. The trustees may, in lieu of such bond, insure at the expense of the bank with some fidelity or guaranty company, which shall be satisfactory to the bank examiner, for the faithful discharge of the duties of the treasurer, assistant treasurer and such other clerks as may be employed, in such sums as they may decide to be necessary for the safety of the funds in the custody of the corporation. Said treasurer, assistant treasurer and clerks shall receive a compensation to be fixed by the trustees. The trustees may receive such compensation for their services in making examinations and returns required by their by-laws and the state laws, as may be fixed by the corporation at any legal meeting thereof.

SEC. 17. Within thirty days after the annual election in the several savings banks, the clerks thereof shall cause to be published in some local newspaper, if any, otherwise in the nearest newspaper, a list of the officers and corporators thereof. They shall also return a copy of such list of officers and corporators to the bank examiner within said thirty days, which shall be kept on file in his office for public inspection. Any clerk who neglects to give such notice or make such return shall be liable to a penalty of fifty dollars.

SEC. 18. If any office becomes vacant during the year, the trustees may fill the same until it is filled at the next annual meeting. Special meetings of the corporation may be held at any time by order of the trustees; the treasurer shall also call special meetings upon application in writing of ten members of the corporation. Seven days' notice of all annual meetings shall be given by public advertisement in some newspaper of the county where the corporation is established, if any; otherwise, in the state paper.

SEC. 19. Savings banks and institutions for savings may receive on deposit, for the use and benefit of depositors, sums of money offered for that purpose; but shall not receive from any one depositor, directly or indirectly, over two thousand dollars, and no interest shall be paid to any one depositor for any amount of deposit, all dividends included, exceeding said sum, except for deposits of widows, orphans, administrators, executors, guardians, charitable institutions and as trust funds. Whenever a deposit is made in trust the name and residence of the person for whom it is made, or the purpose for which the trust is created, shall be disclosed in writing to the bank, and the deposit shall be credited to the depositor as trustee for such person or purpose; and if no other notice of the existence and terms of a trust has been given in writing to the corporation, the deposit, with the interest thereon, may, in the event of the death of the trustee, be paid to the person for whom such deposit was made, or to his legal representative, or to some trustee appointed by the court for that purpose. The trustees may refuse any deposit at their pleasure.

SEC. 20. Such corporations may pay any order drawn by any person who has funds on deposit to meet the same, notwithstanding the death of such drawer in the interval of time between signing such order and its presentation for payment when said presentation is made within thirty

—shall be annually examined by bank examiner.

—when bond shall be deemed insufficient.

—in lieu of bond, trustees may insure with some guarantee company.

—pay fixed by trustees.

—compensation of trustees, fixed by corporation.

Clerk to publish list of officers and corporators. 1903, c. 52.

—shall return copy of list to bank examiner.

—penalty.

Vacancies. R. S., c. 47, § 96.

—special meetings. R. S., c. 47, § 97.

—notice of annual meetings.

Regulation of deposits. 1899, c. 50, § 2. 72 Me., 276. 73 Me., 72. 90 Me., 551.

—deposits in trust, how made.

Authority to pay any order notwithstanding death of drawer. 1899, c. 50, § 3.

CHAP. 48.

Deposits of married women or minors are property of depositors. R. S., c. 47, § 117. 1899, c. 50, § 4.

—deposits may be paid minor, in discretion of trustees.

Duplicate book of deposit, how obtained in case of loss of original. 1891, c. 4. 56 Me., 509.

Investment of deposits. 1895, c. 161. 1903, c. 190. 68 Me., 404. 71 Me., 52.

days after the date of such order; and at any subsequent period provided the corporation has not received actual notice of the death of the drawer.

SEC. 21. Money deposited in a savings bank, institution for savings or trust company by a married woman or minor, is the property of and shall be paid to the order of the depositor, and is not the property of the husband or parents, and such depositors may maintain actions in their own names against the bank or trust company to recover their deposits; but this section does not apply to money fraudulently deposited by or in the name of a married woman or minor belonging to a third person. The receipt of such married woman or minor for such deposits and interest, or any part thereof, is a valid release and discharge to the corporation. When money is deposited in the name of a minor, the trustees may in their discretion pay the same to such minor or to the person making such deposit, and the same shall be a valid payment.

SEC. 22. When the person, to whom a book of deposit was issued, or his executor, or administrator, or guardian, in writing notifies the treasurer of the bank issuing the same, that such book is lost, and that he desires to have a duplicate book of deposit issued to him, said treasurer shall give public notice of such application by publishing at the expense of such applicant, an advertisement for three weeks successively, in some newspaper published in the town in which said bank is located, if any, otherwise in one published in the county, if any, and if not, then in the state paper. If such missing deposit book is not presented to said treasurer within six months after the last advertisement, then he shall issue a duplicate book of deposit to the person thus requesting the same, and such delivery of a duplicate relieves said bank from all liability on account of the original book of deposit so advertised.

SEC. 23. Savings banks and institutions for savings are restricted to and hereafter may invest their deposits as follows:

First, *a*: In the public funds of the United States and District of Columbia.

b: In the public funds of any of the New England states and of the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska.

Second, *a*: In the bonds of the counties, cities and towns of any of the New England states.

b: In the bonds of cities and districts in the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska, having a population of seventy-five thousand or more, when issued for municipal purposes and which are a direct obligation on all the taxable property therein.

c: In the bonds of counties of twenty thousand inhabitants or more in the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska, when issued for municipal purposes, and which are a direct obligation on all the taxable property therein, except when issued in aid of railroads, *provided*, that the net municipal indebtedness of such county does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes.

d: In the bonds of any city of ten thousand inhabitants or more in the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska, when issued for municipal purposes and which are a direct obli-

gation on all the taxable property therein, except when issued in aid of railroads, *provided*, that the net municipal indebtedness of such city does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes.

e: In the refunding bonds of counties and cities above enumerated issued to take up at maturity bonds which were legal and constitutional when issued, *provided*, that the interest has been fully paid on such original bonds for at least five years last prior to such refunding; *provided*, *further*, that such counties and cities can otherwise meet the foregoing conditions.

f: In the bonds and obligations of school district boards, boards of education and other corporate bodies within such cities, authorized to issue bonds payable primarily from taxes levied on all the taxable property in said district; *provided*, that the population of the district is ten thousand or more, and the population and assessed valuation of the district are equal to at least ninety per cent of the population and the assessed valuation of the city within which such district is located; *provided*, *further*, that the net municipal indebtedness of such district does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes.

g: In the bonds or obligations of any municipal or quasi municipal corporation of this state, when such securities are a direct obligation on all the taxable property of said corporation.

Third, *a*: In the railroad bonds of this state.

b: In the first mortgage bonds of any completed railroads of the states of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska.

c: In the first mortgage bonds of the Central Pacific, Union Pacific and Northern Pacific railroads.

79 Me., 423.

d: In the mortgage bonds of any railroad leased to any dividend paying railroad in New England upon terms guaranteeing the payment of a regular stated dividend upon the stock of such leased road and the interest on its bonds.

e: Street railroad companies are not railroad companies within the meaning of the foregoing clauses of this section.

f: In the bonds of street railroads constructed in this state prior to April twenty-seven, eighteen hundred and ninety-five, and in the bonds of street railroads in this state constructed after said date and in the first mortgage bonds of any completed street railroad in the states of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska; *provided*, that in the case of street railroads constructed in this state after April twenty-seven, eighteen hundred and ninety-five, and in the case of street railroads in the states above named, an amount of capital stock equal to thirty-three and one-third per cent of the mortgaged debt shall have been paid in, in cash, and expended upon the road evidenced by a certificate of the railroad commissioners of the state where the road is located, filed in the office of the secretary of state of this state, that said percentage has been so paid in and expended in addition to the amount of the bonded debt; *provided*, *further*, that in such of the above states as have

CHAP. 48.

no railroad commissioners having supervision of street railroads the bank examiner of this state may ascertain the facts and if they meet the foregoing requirement may file certificate thereof with the secretary of state, and all the expenses and compensation of the bank examiner for such service shall be paid by the railroad company seeking to make its bonds a legal investment under this section, whether the same are admitted or not.

Fourth: In the mortgage bonds of any water company in the New England states actually engaged in supplying any city or cities, town or towns, village or villages, or other municipal corporations with water for domestic use and for the extinguishment of fires, whenever such company is earning more than its fixed charges and interest on its debts and its running expenses.

Fifth: In bonds of any corporation other than railroad and water companies, incorporated under the authority of this state, which are earning and are paying a regular dividend of not less than five per cent a year.

Sixth, *a*: In the stock of any bank or banking association incorporated under the authority of this state.

b: In the stock of any bank or banking association incorporated under the authority of the United States, if located within the New England states.

c: In the stock of any railroad company of this state unencumbered by mortgage.

d: In the stock of any dividend paying railroad in New England.

e: In the stock of any railroad leased to any dividend paying railroad in New England upon terms guaranteeing the payment of a regular stated dividend upon the stock of such leased road and the interest on its bond.

f: In the stock of any corporation, other than railroad and water companies, incorporated under authority of this state which earns and is paying a regular dividend of not less than five per cent a year.

Seventh, *a*: In loans secured by first mortgages of real estate in this state and New Hampshire to an amount not exceeding sixty per cent of the value of such real estate.

b: In notes with a pledge as collateral of any public funds or bonds of any kind, or of any stocks, which the bank or institution would, by this section, be authorized to purchase.

c: In notes with a pledge as collateral of any savings bank deposit book issued by any savings bank in this state.

d: In notes with a pledge as collateral of the stock of any railroad or railroads mentioned in this section, to an amount not exceeding seventy-five per cent of the market value of such stock.

e: In loans to any municipal corporation in this state.

f: In loans secured by a mortgage of such personal property as in the judgment of the trustees it is safe and for the interest of the bank to accept.

g: In loans to any corporation owning real estate in this state and actually conducting in this state the business for which such corporation was created.

Eighth, *a*: The term "net municipal indebtedness of counties" as used in this section shall be construed to include all bonds which are a direct obligation of the county, less the amount of any sinking fund available in reduction of such debt.

b: The term "net municipal indebtedness of cities and districts" as used in this section shall be construed to include in the case of either, not only all bonds which are a direct obligation of the cities but also all bonds of the

districts or boards within the same as above enumerated, exclusive of any such debt created for a water supply and of the amount of any sinking fund available in reduction of such debt.

c: The number of inhabitants of cities and counties shall be determined by the last previous official census thereof as established by the last United States or state census, or city or county census taken in the same manner as United States or state census, and duly certified to by the clerk or treasurer of such city or the auditor or treasurer of such county.

Ninth: All investments shall be charged and entered on the books of the bank at their cost to the bank, or at par when a premium is paid.

SEC. 24. Any such bank or institution may hold real estate in the city or town in which such bank or institution is located, to an amount not exceeding five per cent of its deposits.

May hold
real estate.
1893, c. 170.

SEC. 25. No such bank or institution shall hold by way of investment, or as security for loans, or both, more than one-fifth of the capital stock of any corporation, nor invest more than ten per cent of its deposits, not exceeding sixty thousand dollars, in the capital stock of any corporation, nor have more than fifty per cent of its deposits in mortgages of real estate. This section and the two preceding do not apply to real estate, or other assets, acquired by the foreclosure of a mortgage thereon, or upon judgment for debts, or in settlements to secure debts.

Investments
in capital
stock of cor-
porations re-
stricted.
R. S., c. 47, § 102.

—application
of §§ 23, 24
and 25.

SEC. 26. Savings banks and institutions for savings may deposit on call in banks or banking associations incorporated under the authority of this state, or the laws of the United States, and receive interest for the same.

May deposit
on call in
banks.
R. S., c. 47, § 103.

SEC. 27. The trustees shall see to the proper investment of deposits and funds of the corporation, in the manner hereinbefore prescribed. No loan shall be made directly or indirectly to any officer of the corporation, or to any firm of which such officer is a member. (a)

Trustees to
invest.
1889, c. 165.
—no loan shall
be made to
any officer.

SEC. 28. The trustees, after passing to the reserve fund one-quarter of one per cent of the average amount of deposits for the six months previous to declaring a dividend, not subject to be divided, shall declare dividends, not exceeding two and a half per cent semi-annually, except as hereinafter provided, at such times as are required by their by-laws, among depositors of three months standing at least before dividend day. The corporation may by its by-laws include deposits of less standing. The reserve fund shall be kept constantly on hand, to secure against losses and contingencies, until it amounts to ten per cent of the deposits. All losses shall be passed to the debit of said account. And when said reserve fund amounts to ten per cent of the average amount of deposits for the six months previous to declaring a dividend, all net profits not otherwise divided, thereafter made by said banks, shall be divided every three years ratably among the depositors of one, two and three full years' standing, as extra dividends. No dividends or interest shall be declared, credited or paid, except by a vote of the board of trustees, entered upon their records, whereon shall be recorded the yeas and nays upon such vote. Trustees of savings banks and savings institutions are forbidden to make any semi-annual dividend of a rate per cent which will make the aggregate amount of said dividend greater than the actual earnings of the bank or institution, actually collected.

Dividends
from earn-
ings.
R. S., c. 47, § 106.
1903, c. 106.

—exceptions.

—reserve
fund.

—excess,
when to be
divided.

—dividends,
declared only
by vote of
trustees.

—not to ex-
ceed earnings
of bank.

SEC. 29. The treasurer of every savings bank or institution for savings shall within sixty days after a dividend is declared, credit the same to the

Dividends
shall be cred-
ited within

CHAP. 48.

sixty days.
1893, c. 189.

Interest on
deposits, pro-
hibited.
R. S., c. 47, § 107.

Notice for
payment to
depositor.
1895, c. 142.

Treasurer
may assign,
discharge and
foreclose
mortgages.
R. S., c. 47, § 114.

Trustees shall
effect insur-
ance.
R. S., c. 47, § 115.

Assets of
bank, con-
nected with
other bank,
to be kept
separate.
R. S., c. 47, § 109.

Securities to
be kept with-
in the state.
R. S., c. 47, § 110.

Treasurer
shall make
trial balance
weekly.
R. S., c. 47, § 111.

—annually to
record net
sum of each
deposit.

Treasurer
shall make
annual return
to bank ex-
aminer.
R. S., c. 47, § 113.

Treasurers
shall an-
nually pub-
lish state-
ment of in-
active ac-
counts.
1887, c. 136.
1903, c. 107.

—proviso.

deposit account. Any treasurer neglecting or refusing so to do shall be punished by fine of not less than one hundred, nor more than two hundred dollars.

SEC. 30. No deposit shall be received under an agreement to pay any specified sum of interest for its use, other than regular semi-annual and extra dividends.

SEC. 31. No savings bank shall be required to pay any depositor more than fifty dollars at any one time or in any one month until after ninety days' notice.

SEC. 32. The treasurer may, under the direction of the trustees, assign, discharge and foreclose mortgages, and convey real estate held as security for loans, or the title of which accrued from foreclosure of mortgages, or judgments of courts.

SEC. 33. The trustees shall cause all real estate of an insurable character held by them absolutely, or in mortgage, to be fully insured, and the expense of such insurance in case of mortgage, shall be added to the amount of the mortgage debt to be refunded in case of redemption.

SEC. 34. All coin, bills, notes, bonds, securities and evidences of debt, comprising the assets of any savings bank connected with a national or stock bank, shall be kept separate and apart from the assets or property of such national or stock bank, and also separate and apart from the assets or property of any other bank, banker, corporation, partnership, individual or firm.

SEC. 35. All securities owned or held by savings banks shall be kept within the state, and the place of their deposit shall be selected with reference to insuring the greatest possible security for their safe keeping, and shall be subject to the approval of the bank examiner.

SEC. 36. The treasurer of every savings bank, shall, every Saturday, make and declare a trial balance, which shall be recorded in a book kept for that purpose; and shall also, at least once in each year, cause to be entered on a suitable book, the net sum of each individual deposit at a fixed date, and ascertain the aggregate of all such deposits, and whether it agrees with the other books of said bank; and said books shall be open at all times for the inspection of the trustees, corporators and bank examiner.

SEC. 37. The treasurer of every savings bank and institution for savings shall annually make return of the condition and standing thereof at such time as the bank examiner designates, which return shall be made to said examiner within fifteen days after the day designated in the blank form of such return furnished to every such bank or institution by the examiner.

SEC. 38. The treasurer of every savings bank and institution for savings shall on or before the first day of November annually cause to be published in a newspaper in the place where the bank or institution is located, if any, otherwise in a newspaper published in the nearest place thereto, a statement containing the name, the amount standing to his credit, the last known place of residence or post office address and the fact of death, if known, of every depositor in said bank who shall not have made a deposit therein or withdrawn therefrom any part of his deposit or any part of the dividends thereon, for a period of more than twenty years next preceding; *provided, however*, that this section shall not apply to the deposits of persons known to the treasurer to be living. Said treasurer shall also transmit a copy of such statement to the bank examiner to be placed on

file in his office for public inspection. Any treasurer neglecting to comply with the provisions of this section shall be liable to a penalty of fifty dollars.

SEC. 39. Two of the trustees, at least, shall once in each year, thoroughly examine the affairs of the corporation, settle the treasurer's account, and report under oath to the bank examiner the standing of the corporation, the situation of its funds, and all other matters which the examiner requires, in the manner and according to the form that he prescribes. And the examiner shall seasonably give notice of the time and furnish blanks for said examination and return.

Annual examinations by trustees.
R. S., c. 47, § 118.

—examiner to furnish blanks.

SEC. 40. No gift, fee, commission or brokerage shall be received by any officer of a savings bank, on account of any transaction to which the bank is a party, under a penalty for each offense, of one hundred dollars, to be recovered in an action of debt, in the name, and to the use of the state, *provided*, that nothing herein contained applies to any expenses of examining titles, and making conveyances upon loans made by savings banks. Parties making a loan from a savings bank shall pay all expenses incurred by reason thereof.

No officer to receive gift, fee, etc.
R. S., c. 47, § 105.

—proviso.

—borrower to pay expenses.

SEC. 41. No officer of the corporation shall use or appropriate any of its funds for his own private purposes, under the penalties for embezzlement.

Funds not to be used by officer.
R. S., c. 47, § 116.

SEC. 42. Such banks and institutions are under the charge of the bank examiner for the purposes of examination. He shall visit every savings bank and institution for savings, incorporated by authority of the state, once in every year, and as much oftener as he deems expedient. At such visits he shall have free access to the vaults, books and papers, and thoroughly inspect and examine all the affairs of each of said corporations, and make such inquiries as are necessary to ascertain its condition and ability to fulfil all its engagements, and whether it has complied with the law, and its officers shall, whenever required to do so by the bank examiner, furnish him with statements and full information relating to the condition and standing of their institution, and of all matters pertaining to its business affairs and management. He shall preserve in a permanent form, a full record of his proceedings, including a statement of the condition of each of said corporations, a copy of which statement shall be published by such corporation immediately after the examination of the same, in a newspaper in the place where it is established, if any, otherwise in a newspaper published in the nearest place thereto.

Annual examinations by bank examiner.
1897, c. 218, § 1.

—visitations.

—examinations.
93 Me., 305.

—proceedings, and statement of condition to be published.

SEC. 43. The examiner may summon all trustees, officers or agents of any such corporation, and such other witnesses as he thinks proper, in relation to the affairs, transactions and condition thereof, and for that purpose may administer oaths; and whoever, without justifiable cause refuses to appear and testify when thereto required, or obstructs said examiner in the discharge of his duty, shall be fined not exceeding one thousand dollars, or imprisoned not exceeding two years.

He may summon officers and witnesses.
R. S., c. 47, § 120.

—penalty for refusal to testify.

SEC. 44. If, upon examination of any such corporation, the examiner is of the opinion that it is insolvent, or that its condition is such as to render its further proceedings hazardous to the public or to those having funds in its custody, he shall apply, or if, upon such examination, he is of opinion that it has exceeded its powers or failed to comply with any of the rules, restrictions or conditions provided by law, he may apply to one of the justices of the supreme judicial court to issue an injunction to restrain such corporation in whole or in part from proceeding further with its

Examiner may apply for injunction to restrain insolvent corporation.
R. S., c. 47, § 121.
66 Me., 244.
68 Me., 400.
93 Me., 305.

CHAP. 48.

—powers and duties of the justice in such cases.

—may appoint receivers, who shall report annually.
See § 48.

After decree of sequestration, appointment of commissioners.
R. S., c. 47, § 122.
1899, c. 50, § 5.

—duties and powers.

—court may extend time for hearing claims.

—claims, how paid.

Attachments dissolved, and suits discontinued.
R. S., c. 47, § 123.

—judgment recovered, to be added to claims.

Claims, when barred.
R. S., c. 47, § 124.

Supreme court or justice thereof may, on petition and examination, reduce deposit accounts.
R. S., c. 47, § 125.
68 Me., 399, 402.

business until a hearing can be had. Such justice may forthwith issue process for such purpose, and after a full hearing of the corporation, may dissolve or modify the injunction or make the same perpetual, and make such orders and decrees to suspend, restrain or prohibit the further prosecution of its business, as may be needful in the premises, according to the course of proceedings in equity; and he may appoint one or more receivers or trustees to take possession of its property and effects, subject to such rules and orders as are from time to time prescribed by the supreme judicial court, or by any justice thereof in vacation. Such receivers or trustees shall annually, in November, and at such other times as the examiner requires, make a report to him of the progress made in the settlement of the affairs of said corporation; and the examiner shall seasonably give notice of the time and furnish blanks for the report.

SEC. 45. After a decree of sequestration is passed as provided in the preceding section, the court or any justice thereof, in vacation, shall appoint commissioners who shall give such notice of the times and places of their sessions as the court or such justice orders; receive and decide upon all claims against the institution, and make report to the court at such time as the court orders of the claims allowed and disallowed and of the amount due each depositor, which shall be subject to exception and amendment, as reports of masters in chancery. On application of any person interested, the court may extend the time for hearing claims by the commissioners, as justice may require. 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 depositors. When it appears upon the settlement of the account of the receiver of such an institution that there is remaining in his hands funds due depositors who cannot be found and whose heirs or legal representatives are unknown, the court may order such unclaimed funds to be paid into the state treasury, together with a statement giving the names of such depositors and the amount due each, the same to be held subject for twenty years thereafter to be paid to the person or persons having established a lawful right thereto when made to appear upon proper proceedings instituted in the court ordering such disposition of such unclaimed funds.

SEC. 46. All attachments of the property of the bank shall be dissolved by the decree of sequestration, and all pending suits discontinued and the claim in suit presented to the commissioners, unless the court, or some justice thereof in vacation, on application of the plaintiff within three months from said decree, passes an order allowing the receiver to be made a party to the suit, and that the same may be prosecuted to final judgment. After decree of sequestration, no action at law shall be maintained on any claim against the bank, unless the court, or a justice thereof in vacation, on application therefor within the time above named, authorizes it, and in such case the receiver shall be made a party; any judgment recovered as herein provided shall be added to the claims against the bank.

SEC. 47. All claims not presented to the commissioners within the time fixed by the court, or litigated as aforesaid, are forever barred.

SEC. 48. Whenever a savings bank or institution for savings, is insolvent by reason of loss on, or depreciation in the value of any of its assets, without the fault of its trustees, the supreme judicial court, in term time, or any justice thereof, in vacation, shall, on petition in writing, of a majority of the trustees, and the bank examiner, setting forth such facts, appoint a time for the examination of the affairs of such corporation, and

cause notice thereof to be given to all parties interested, in such manner as may be prescribed; and, if upon an examination of its assets and liabilities, and from other evidence, he is satisfied of the facts set forth in said petition, and that the corporation has not exceeded its powers, nor failed to comply with any of the rules, restrictions and conditions provided by law, he may, if he deems it for the interest of the depositors and the public, by proper decree, reduce the deposit account of each depositor, so as to divide such loss pro rata among the depositors, thereby rendering the corporation solvent, so that its further proceedings will not be hazardous to the public, or those having or placing funds in its custody; and the depositors shall not draw from such corporation, a larger sum than is thus fixed by the court, except as hereinafter authorized; *provided, however*, that its treasurer shall keep an accurate account of all sums received for such assets of the corporation held by it at the time of filing such petition; and if a larger sum is realized therefrom than the value estimated as aforesaid by the court, he shall, at such times as the court prescribes, render to the court a true account thereof, and thereupon the court, after due notice thereof to all parties interested, shall declare a pro rata dividend of such excess among the depositors at the time of filing the petition. Such dividend may be declared by the court, whenever the court deems it for the interest of the depositors and the public, whether all, or only a portion, of such assets has been reduced to money; and any such dividend may at any time, in the discretion of the court, be declared to be a final one. No deposit shall be paid or received by such corporation after the filing of the petition until the decree of the court, reducing the deposits as herein provided. If the petition is denied, the bank examiner shall proceed to wind up the affairs of the corporation as provided in section forty-four.

—proviso.

—proceedings,
if petition is
denied.

SEC. 49. Whenever it may become necessary to preserve the assets or protect depositors in a savings bank, the supreme judicial court in equity, on application of the bank examiner or trustees of such bank, may, after due notice, make an order restraining the bank from paying out its funds or any portion thereof, or from declaring or paying any dividends or deposits for such time as the court shall deem advisable. The court may at any time revoke or modify the original order and authorize the bank to pay dividends upon its deposits, or pay any portion of its deposits to such as may desire to withdraw the same, or make any other or further order that may be necessary to protect the depositors in such institution. Nothing in this section shall be construed to take away the rights of the parties in interest to proceed under the provisions of sections forty-four and forty-eight of this chapter.

Court may re-
strain pay-
ment, to pre-
serve assets
or to protect
depositors.
1899, c. 50, § 6.

—order may
be revoked
or modified.

SEC. 50. The examiner shall, annually, by the first day of December, make a report to the governor and council, of the general conduct and condition of each of the banks visited by him, making such suggestions as he deems expedient. Such report shall be printed and laid before the legislature at its next session, and one copy sent to each savings bank in the state.

Examiner
shall make
annual report
to the gov-
ernor and
council.
R. S., c. 47, § 126.
—distribution.

SEC. 51. If, in the opinion of the examiner, any savings bank or its officers or trustees have persistently violated any provision of this chapter, he shall forthwith report the same, with such remarks as he deems expedient, to the attorney general, who shall forthwith institute a prosecution therefor in behalf of the state. The penalty for such violation, unless otherwise prescribed, is not less than one hundred, nor more than five hundred dollars.

Examiner
shall report
violations of
law.
R. S., c. 47, § 137.

—penalty.

CHAP. 48.

Punishment
for unauthor-
ized persons
advertising
business as a
savings bank.
R. S., c. 47, § 130

Powers,
privileges,
duties and
restrictions,
conferred by
charters, are
modified so as
to conform to
this chapter.
R. S., c. 47, § 131.

—legality of
former invest-
ments and
transactions,
not affected.
1895, c. 161, § 2.

—change of
investments
not required.

—investments
in securities
not herein
named a mis-
demeanor.
See § 25.

SEC. 52. Whoever, not authorized by law, advertises his business as that of a savings bank, or receives deposits under pretense of conducting a savings bank, forfeits one hundred dollars for each offense; but nothing in this chapter prohibits any person from advertising his business as a banker, and offering to take and taking deposits to be loaned upon such terms and conditions as the depositor may prescribe.

SEC. 53. The powers, privileges, duties and restrictions, conferred and imposed upon any savings corporation, by whatever name known, in its charter or act of incorporation, are so far abridged, enlarged or modified, that every such charter or act shall conform to this chapter; and every such corporation possesses the powers, rights and privileges, and is subject to the duties, restrictions and liabilities herein conferred and imposed, anything in their respective charters or acts of incorporation to the contrary notwithstanding. But nothing herein affects the legality of investments made, of transactions had, or the payment of interest at a rate not exceeding six per cent on deposits made, prior to the dividend next following March eleven, eighteen hundred and seventy-seven. And all investments authorized by any law in force when such investments were made, or transactions had, are valid, and this chapter does not require the change of investments for those herein before named, except as the same can be done gradually by the sale or redemption of the securities so invested in, in such manner as to prevent loss or embarrassment in the business of such corporation, or unnecessary loss or injury to the borrowers on such securities. Any investment in securities not named in section twenty-three, is a misdemeanor, on the part of the trustees authorizing, or officers making, the same; and such trustees or officers are subject to the prosecutions and punishments prescribed by law for that offense:

LOAN AND BUILDING ASSOCIATIONS.

Organization.
R. S., c. 47, § 132.

—powers.

First meet-
ing.
R. S., c. 47, § 133.
See c. 117, § 17.

Capital stock.
1887, c. 61.

—shares may
be issued in
series.

Minors may
hold shares.
1887, c. 61.

SEC. 54. Loan and building associations may be organized in the manner provided herein, for the organization of savings banks; and upon the filing of any certificate of authorization of a loan and building association with the secretary of state, as so provided, the persons therein named, their associates, successors and assigns, shall, thereupon and thereby, be constituted a body corporate and politic, and such body may adopt and use a common seal, hold, manage and convey real and personal property, sue and be sued, prosecute and defend suits in law or in equity, have perpetual succession each by its corporate name, and make and ordain by-laws for its government, not repugnant to the constitution and laws.

SEC. 55. The certificate of authorization issued by the bank examiner, shall provide the method of calling the first meeting of the association.

SEC. 56. The capital to be accumulated shall not exceed one million dollars, and shall be divided into shares of the ultimate value of two hundred dollars each. The shares may be issued in quarterly, half-yearly or yearly series, in such amounts and at such times as the members may determine. No person shall hold more than twenty-five shares in the capital of any such association. No shares of a prior series shall be issued after the issue of a new series.

SEC. 57. Minors may hold shares by trustees, and the shares of each shareholder, not exceeding two, shall be exempt from attachment and execution.

SEC. 58. The number, title, duties and compensation of the officers of the association, their terms of office, the time of their election, as well as the qualifications of electors, and time of each periodical meeting of the officers and members shall be determined by the by-laws, but no member shall be entitled to more than one vote. All officers shall continue in office until their successors are duly elected, and no association shall expire from neglect on its part to elect officers at the time prescribed by the by-laws. The office of secretary and treasurer may be held by one and the same person, if any association so provides by its by-laws.

Officers, elections and meetings, determined by by-laws. 1887, c. 61.

—tenure.

—secretary and treasurer may be same person. 1891, c. 123.

SEC. 59. The secretary, treasurer and other persons holding positions of trust in loan and building associations shall give bonds to the corporation for the faithful discharge of the duties of their offices in such sums as the directors decide to be necessary for the safety of the funds, and such bonds shall continue to be valid from year to year so long as they are elected and hold said offices, subject to renewal whenever ordered by the bank examiner or directors. The directors may, in lieu of said bond, insure at the expense of the association with some fidelity or guaranty company which shall be satisfactory to the examiner, for the faithful discharge of the duties of the secretary and treasurer and such other clerks as may be employed, in such sums as they may decide to be necessary for the safety of the funds in the custody of the corporation. The examiner shall annually examine the bonds given, as aforesaid, and inquire into and certify to the sufficiency thereof, and when he deems any such bond insufficient he shall order a new bond to be given, within a time by him specified.

Secretary and treasurer shall give bonds. 1897, c. 319, § 5.

—valid from year to year, subject to renewal when ordered.

—may insure with some guaranty company.

—bonds shall be examined annually.

SEC. 60. The officers shall hold stated monthly meetings. At or before each of these meetings, every member shall pay to the association, as a contribution to its capital, one dollar, as dues upon each share held by him, until the share reaches the ultimate value of two hundred dollars, or is withdrawn, canceled or forfeited. Payment of dues on each series shall commence from its issue.

Meetings shall be held monthly. 1887, c. 61.

—monthly payments on shares.

SEC. 61. Shares may be withdrawn after one month's notice of such intention, written in a book held and provided by the association for the purpose. Upon such withdrawal, the shareholder's account shall be settled as follows: from the amount then standing to the credit of the shares to be withdrawn, there shall be deducted all fines, a proportionate part of any unadjusted loss, together with such proportion of the profits previously credited to the shares as the by-laws may provide, and such shareholder shall be paid the balance; *provided*, that at no time shall more than one-half of the funds in the treasury be applicable to the demands of withdrawing members, without the consent of the directors. The directors may, under rules made by them, retire the unpledged shares of any series at any time after four years from the date of their issue, by enforcing the withdrawal of the same; *provided*, that the shareholders whose shares are to be retired shall be determined by lot, and that they shall be paid the full value of their shares, less all fines and a proportionate part of any unadjusted loss.

Shares may be withdrawn. 1887, c. 61.

—shareholders' accounts, how settled.

—unpledged shares of any series, may be retired.

—proviso.

SEC. 62. When each unpledged share of a given series reaches the value of two hundred dollars, all payments of dues thereon shall cease, and the holder thereof shall be paid out of the funds of the association, two hundred dollars therefor, with interest at the rate of five per cent a year, from the time of such maturity to the time of payment; *provided*, that at no time shall more than one-half of the funds in the treasury be applicable to the payment of such matured shares, without the consent of the

When shares reach maturity, holders shall be paid value thereof. 1887, c. 61. 1903, c. 79, § 1.

CHAP. 48.

—shares subject to lien for unpaid dues.

Board of directors shall invest funds and fix rates of interest.
1901, c. 149, § 1.

—members may make loans.

—any association may fix rate of interest.

—how balances may be invested.

Premiums to be received as profits, and distributed to shareholders.
1887, c. 61.

Rate of interest to be charged on loans.
1901, c. 149, § 2.

—when ultimate value reached shares canceled.

Loans shall be secured by mortgage on real estate and pledge of shares.
1887, c. 61.

—conditions of note and mortgage.

—shares alone may be pledged as security for loans.

—if borrower fails to offer security, loan shall be forfeited.

directors, and that before paying matured shares, all arrears and fines shall be deducted. Every share shall be subject to a lien for the payment of any unpaid dues, fines, interest, premiums and other charges received thereon, which may be enforced in the manner hereinafter provided.

SEC. 63. The board of directors shall see to the proper investment of the funds of the association, as provided in this section. After due allowance for all necessary and proper expenses, and for the withdrawal of shares, the moneys of the association shall be loaned to the members at a rate of monthly premium to be fixed by the directors, which shall in no case exceed forty cents a share. Any member may, upon giving security satisfactory to the directors, receive a loan of two hundred dollars for each share held by him, or such fractional part of two hundred dollars as the by-laws may allow. Any association may provide in its by-laws that instead of the interest and premium, a stated rate of annual interest of not less than five, nor more than eight per cent, may be charged upon the sum desired, payable in monthly instalments. Such rate shall include the whole interest and premium to be paid upon the loan. Any balance remaining unloaned to members may be invested in such securities as are legal for the investment of deposits in savings banks. No loan shall be made on the gross premium plan.

SEC. 64. Premiums for loans shall consist of a percentage charged on the amount lent in addition to interest, and shall be deemed to be a consideration paid by the borrower for the present use and possession of the future or ultimate value of his shares, and shall, together with interest and fines, be received by the association as a profit on the capital invested in the loan, and shall be distributed to the various shares and series of said capital as hereinafter provided.

SEC. 65. A borrowing member, for each share borrowed upon, shall, in addition to his dues and monthly premium, if such monthly premium be charged, pay monthly interest on his loan at the rate of not less than five, nor more than six per cent a year until his shares reach the ultimate value of two hundred dollars each, or the loan has been repaid; and when said ultimate value is reached, said shares and loan shall be declared canceled and satisfied, and the balance, if any, due upon the shares shall be paid to the member.

SEC. 66. For every loan made, a note secured by first mortgage of real estate shall be given, accompanied by a transfer and pledge of the shares of the borrower. The shares so pledged shall be held by the association as collateral security for the performance of the conditions of the note and mortgage. Said note and mortgage shall recite the number of shares pledged, and the amount of money advanced thereon, and shall be conditioned for the payment, at the stated meetings of the corporation, of the monthly dues on said shares, and the interest and premium upon the loan, together with all fines on payments in arrears, until said shares reach the ultimate value of two hundred dollars each, or said loan is otherwise canceled or discharged; *provided*, that the shares, without other security, may, in the discretion of the directors, be pledged as security for loans, to an amount not exceeding their value as adjusted at the last adjustment and valuation of shares before the time of the loan. If the borrower neglects to offer security, satisfactory to the directors, within the time prescribed by the by-laws, his right to the loan shall be forfeited, and he shall be charged with one month's interest and one month's premium at the rate bid by him, together with all expenses, if any, incurred, and the money appropriated for such loan may be re-loaned at the next or any subsequent meeting.

CHAP. 48.

SEC. 67. A borrower may repay a loan at any time, upon application to the association, whereupon, on settlement of his account, he shall be charged with the full amount of the original loan, together with all monthly instalments of interest, premium and fines in arrears, and shall be given credit for the withdrawing value of his shares pledged and transferred as security, and the balance shall be received by the association in full satisfaction and discharge of said loan; *provided*, that all settlements made at periods intervening between stated meetings of the directors, shall be made as of the date of the stated meeting next succeeding such settlement; *and provided*, that a borrower desiring to retain his shares and membership may, at his option, repay his loan without claiming credit for his shares, whereupon said shares shall be re-transferred to him and shall be free from any claim by reason of said canceled loan.

Borrower may repay loan at any time.
1887, c. 61.

—settlement of accounts, how made.

SEC. 68. Members who make default in the payment of their monthly dues, interest and premiums, shall be charged a fine not exceeding two per cent a month on each dollar in arrears. No fines shall be charged after the expiration of six months from the first lapse in any such payment, nor upon a fine in arrears. The shares of a member who continues in arrears more than six months shall, at the option of the directors, if the member fails to pay the arrears within thirty days after notice, be declared forfeited, and the withdrawing value of the shares at the time of the first default shall be ascertained, and after deducting all fines and other legal charges, the balance remaining shall be transferred to an account to be designated the forfeited share account, to the credit of the defaulting member. Said member, if not a borrower, shall be entitled, upon thirty days' notice, to receive the balance so transferred, without interest from the time of the transfer, in the order of his turn, out of the funds appropriated to the payment of withdrawals. All shares so forfeited or transferred shall cease to participate in any profits of the association accruing after the last adjustment and valuation of shares before said default.

Members failing to pay dues, etc., shall be fined.
1887, c. 61.

—shares in arrears more than six months, shall be forfeited.

SEC. 69. If a borrowing member is in arrears for dues, interest, premiums or fines for more than six months, the directors may declare the shares forfeited after one month's notice, if the arrears continue unpaid. The account of such borrowing member shall then be debited, with the arrears of interest, premiums and fines to date of forfeiture, and the shares shall be credited upon the loan at their withdrawing value. The balance of the account may, and after six months shall be enforced against the security by any legal method, or by proceedings in equity, for sale and foreclosure, jurisdiction therefor being hereby specially given to the supreme judicial and superior courts, to be exercised upon bill or petition in a summary manner. The shares, the value whereof has been so applied in payment shall revert to the corporation, and be held by it free from all interest, claim or demand on the part of the borrower, or any person claiming from or under him.

Forfeiture of shares of borrowing members.
1887, c. 61.

—account how adjusted.

—balance of account enforced against security.

—shares shall revert to association.

SEC. 70. Upon the death of a shareholder, his legal representatives shall be entitled to receive the amount of his unpledged shares, to be ascertained as provided in section sixty-one for withdrawal of shares. No fines shall be charged, or profits credited to a deceased member's account from and after his decease, unless his legal representatives assume the future payments on such shares, which they may assume under the same rights and liabilities of the deceased. Moneys received for the shares of a deceased shareholder, or the shares themselves, as the case may be, shall descend to the same persons and be distributed in the same manner as

Unpledged shares of deceased shareholder shall revert to his legal representatives.
1887, c. 61.

—shares of, and money received for shares of deceased shareholder, how distributed.
Sec c. 77, § 19.

CHAP. 48.

Accounts how
kept, and
business, how
transacted.
1897, c. 319, § 2.

money received from a policy of life insurance on the life of a deceased person.

SEC. 71. The general accounts of every such association shall be kept by double entry. The secretary shall at least once each month make and declare a trial balance, which shall be recorded in a book provided for that purpose, and it shall at all times be open to the inspection of the directors and shareholders of the association. All moneys received from the members shall be receipted for by persons designated by the directors in a pass book provided by the association for the use of and to be held by the member, and said pass book shall be plainly marked with the name and residence of the holder thereof, the number of shares held by him and the number or designation of the series or issue to which said shares respectively belong and the date of the issue of such series. All moneys so received shall be originally entered by the proper officer in a book to be called the cash book, and the entries therein shall be so made as to show the name of the payer, the number of the shares, the number or designation of the series, or issues of the particular share, or shares so entered, together with the amount of dues, interest, premiums and fines paid thereon, as the case may be. Each payment shall be classified and entered in a column devoted to its kind. Said cash book shall be closed on the last day of the month in which each stated meeting is held, and shall be an exhibit of the receipt of all moneys paid by shareholders during said month. All payments made by the association for any purpose whatsoever, shall be by order, check or draft, signed by the president and secretary, and indorsed by the persons in whose favor the same are drawn. The name of the payee, the amount paid, and the purpose, object or thing for which the payment is made, together with its date, shall be entered on the margin of said order, check or draft. The treasurer shall dispose of and secure the safe keeping of all moneys, securities and property of the corporation, in the manner designated by its by-laws.

—duty of
treasurer.

Profits and
losses, when
and how dis-
tributed.
1897, c. 319, § 3.
1903, c. 79, § 2.

SEC. 72. The profits and losses may be distributed annually, semi-annually or quarterly, to the shares then existing, but shall be distributed at least once in each year, and whenever a new series of shares is to be issued. Profits and losses shall be distributed to the various shares existing at the time of such distribution, in proportion to their value at that time, and shall be computed upon the basis of a single share, fully paid to the date of distribution. Losses shall be apportioned immediately after their occurrence. No dividend shall be made at a rate per cent which will make the aggregate amount of said dividend greater than the actual earnings of the association, actually collected. At each periodical distribution of profits, the directors shall reserve as a guaranty fund a sum not less than three, nor more than ten per cent of the net profits accruing since the last adjustment, until such fund amounts to five per cent of the dues capital, which fund shall thereafter be maintained and held, and said fund shall be at all times available to meet losses in the business of the association from depreciation in its securities or otherwise.

—guaranty
fund.

May purchase
real estate
upon which it
has lien.
1887, c. 61.
1903, c. 79, § 3.

—sale within
five years.

SEC. 73. Any association may purchase, at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien or other encumbrance, or in which it may have an interest, and may sell, convey, lease or mortgage at pleasure, the real estate so purchased, to any person or persons whatsoever. All real estate in whatever manner acquired shall be sold within five years from the acquisition of title thereto; but the bank examiner, upon application of any association, may extend said time in which said real estate may be sold.

SEC. 74. Directors shall cause all real estate of an insurable character held by them absolutely or in mortgage, to be fully insured against loss by fire or lightning and the expense of such insurance in case of mortgage shall be added to the amount of the mortgage debt, to be refunded in case of payment or redemption.

Directors shall insure all real estate.
1897, c. 319, § 5.

SEC. 75. The bank examiner shall perform, in reference to all loan and building associations, the same duties and shall have the same powers as are required of him or given to him in reference to savings banks; and shall, annually, by the first day of December, make a report to the governor and council of the general conduct and condition of each of the associations visited by him, making such suggestions as he deems expedient or the public interest requires. The officers of such associations shall answer truly all inquiries made, and shall make all returns required by the bank examiner.

Examinations by bank examiner.
1897, c. 319, § 4.

—report.
93 Me., 305.

SEC. 76. Except as is hereinafter provided no person, association or corporation shall carry on the business of accumulating the savings of its members and loaning to them such accumulations in the manner of loan and building associations within this state, unless incorporated under the laws thereof for such purpose.

Business of loan and building associations in this state, restricted.
1891, c. 79, § 1.

SEC. 77. The bank examiner may authorize any such association or corporation duly established under the laws of another state to carry on such business in this state, but said association or corporation shall not transact such business in this state unless it shall first deposit with the treasurer of state, the sum of twenty-five thousand dollars and thereafter a sum equal to fifteen per cent of the deposits made in such association or corporation by citizens of the state, the amount of percentage of deposits so required to be determined from time to time by the bank examiner; or in lieu thereof the whole or any part of said sum may consist of any of the securities in which savings banks may invest, as regulated in section twenty-three of this chapter, at their par value, and the said deposit shall be held in trust by said treasurer for the protection and indemnity of the residents of the state with whom such associations or corporations respectively have done or may transact business. Said moneys or property shall be paid out or disposed of only on the order of some court of competent jurisdiction, made on due notice to the attorney general of the state, and upon such notice to the creditors and shareholders of such association or corporation as the court shall prescribe. For the purpose of ascertaining the business and financial condition of any such association or corporation doing or desiring to do such business, the bank examiner may make examinations of such associations or corporations, at such times and at such places as he may desire, the expense of such examinations being paid by the association or corporation examined, and may also require returns to be made in such form and at such times as he may elect. Whenever, upon examination or otherwise, it is the opinion of the bank examiner that any such association or corporation is transacting business in such manner as to be hazardous to the public, or its condition is such as to render further proceedings by it hazardous to the public, said bank examiner shall revoke or suspend the authority given to said association or corporation; but this section shall not prevent such association, corporation or institution incorporated under laws of another state, from loaning money upon mortgages of real estate located within the state.

Bank examiner may authorize foreign associations to do business in this state.
1891, c. 79, § 2.

—what securities deposit may consist of.

—shall be held in trust for benefit of creditors.

—bank examiner may make examination of such associations.

—may revoke authority when found doing business hazardous to the public.

SEC. 78. Whoever violates any provision of the two preceding sections, shall be punished by a fine not exceeding one thousand dollars; and

Penalty for violation.
1891, c. 79, § 4.

CHAP. 48.

any provision thereof may on petition, be enforced by injunction issued by a justice of the supreme judicial court or of the superior court.

TRUST AND BANKING COMPANIES.

Authority of
bank exam-
iner over
trust and
banking com-
panies.
1897, c. 218, § 2.

SEC. 79. The bank examiner shall at all times have the same authority over all trust and banking companies incorporated under the laws of this state that he now has over savings banks or savings institutions by virtue of the provisions of sections forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven of this chapter; and all the provisions of said sections shall apply to said trust and banking companies excepting so much as relates to the distribution of assets after a decree of sequestration, as provided in section forty-five. The distribution of the assets of trust and banking companies shall be made under order of the court.

Reserve fund,
shall be in
lawful money,
and equal to
fifteen per
cent of de-
posits.
1893, c. 281.

SEC. 80. Every trust and banking company having authority to receive money on deposit shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per cent of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said percentage of such deposits, it shall not further diminish the amount of its legal reserve by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored; *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, and one-third of said fifteen per cent may consist of lawful money and bonds of the United States or of this state, the absolute property of such corporation. All provisions of charters in conflict with this section are void.

—shall not
increase lia-
bilities, when
fund is below
required
amount.

—proviso.

—conflicting
charters, void.

Guaranty
fund which
shall be kept
secure against
loss.
1901, c. 196, § 1.

SEC. 81. Every trust and banking company shall set apart as a guaranty 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 the company. The said surplus shall be kept to secure against losses and contingencies, and whenever the same becomes impaired it shall be reimbursed in the manner provided for its accumulation.

Loans can
only be made
to officers on
approval of
directors or
executive
committee.
1901, c. 196, § 2.

SEC. 82. No such company shall make any loan to its directors, officers, agents or other persons in its employ, until the proposition to make such loan shall have been submitted by the person desiring the same to the board of directors of such bank, or to the executive committee of such board, if any, and accepted and approved by a majority of such board or committee. Such approval, if the loan is made, shall be spread upon the records of the corporation; and this record shall, in every instance, give the names of the directors authorizing the loan.

Shall not
make loans
on shares of
its capital
stock.
1901, c. 196, § 3.

SEC. 83. Such corporations shall not make loans or discounts on the security of the shares of their own capital stock, nor be the purchasers or holders of any such shares unless necessary to prevent loss upon a debt previously contracted in good faith; and all stock so acquired shall, within a reasonable time after its acquisition, be disposed of at public or private sale.

Shall not es-
tablish
agencies with-
out consent
of the legis-
lature.
1901, c. 196, § 4.

SEC. 84. No trust and banking company shall establish a branch or agency in any city or town other than that in which the parent institution has its location until the same be authorized by a special act of the legislature. This provision shall not apply to branches and agencies established

before April twenty-two; nineteen hundred and one, and in operation under charter rights then existing.

SEC. 85. No trust or banking company, association or institution, incorporated under the laws of this state, or of any other state and doing business in this state, shall act or do business as administrator or guardian, anything in their charter to the contrary notwithstanding.

Shall not act as administrator or guardian. 1889, c. 312.

SEC. 86. The shareholders in a trust and banking company 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.

Responsibility of shareholders. 1899, c. 68, § 1. 96 Me., 447.

SEC. 87. When the capital stock of such a company shall become impaired by losses or otherwise, the bank examiner or the directors of such institution, may file a complaint in the supreme judicial court in equity, setting forth the fact that such capital stock is impaired, and asking said court to order an assessment upon the capital stock aforesaid sufficient to meet the impairment and again make the corporation solvent. After giving due notice and hearing all parties interested, the court shall, if it finds the capital stock to be impaired as aforesaid, order such an assessment to be made upon such stock. Such assessment, when made, shall be due and payable by each shareholder to the treasurer of said company on order of said court within sixty days from the time such order is made. If any shareholder or shareholders of such company shall neglect or refuse, after due notice, to pay the assessment ordered as aforesaid within the time specified, a sufficient amount of the capital stock of such shareholder or shareholders may, after due notice given, be sold under the directions of the court to pay such assessment and the costs of sale. After paying the assessment and costs aforesaid from the proceeds of such sale, the balance, if any, shall be returned to the delinquent shareholder or shareholders. If no bidder can be found who will pay for such stock, the amount of the assessment due thereon and the costs of the advertisement and sale, the amount previously paid by such stockholder or stockholders, and said stock, shall be forfeited to the company, and shall be sold by said company as the directors shall order, within six months from the time of said forfeiture.

Proceedings when capital stock becomes impaired. 1899, c. 68, § 2.

—application for assessment.

—if shareholder neglects or refuses to pay, his shares may be sold.

SEC. 88. Nothing in the two preceding sections shall be construed to take away the general rights of creditors to enforce the liability of shareholders in such corporation in any manner provided by statute, or the right to proceed against the corporation under the provisions of section seventy-nine.

General rights of creditors not impaired. 1899, c. 68, § 3.

FOREIGN INVESTMENT CORPORATIONS.

SEC. 89. No foreign corporation, or any agent or representative thereof, shall offer to sell, sell or negotiate in this state, any bonds, mortgages, notes or other choses in action, issued, indorsed or guaranteed by it, unless it first obtains a license therefor from the bank examiner. Before receiving such license it shall furnish the examiner a detailed statement of its condition, which statement shall clearly describe the various classes of its assets and liabilities and shall be sworn to by either its president, treasurer or secretary, and certified to be correct by at least two of its directors. Said statement shall in all particulars be as full as the examiner may require. Upon receiving such statement the bank examiner may grant a license authorizing such corporation to conduct its business in this state subject to its laws until the first day of the next December, and

Foreign corporations, engaged in selling bonds, etc., shall first obtain license of bank examiner. 1891, c. 131, § 1.

—shall furnish examiner a detailed statement of its condition.

CHAP. 48.

—license may
be revoked.

See c. 117, § 17.

Corporation
shall publish
statement in
some news-
paper.
1891, c. 131, § 2.

—shall appoint
bank exam-
iner to be its
true and law-
ful attorney,
upon whom
processes may
be served.

—duties of
bank exam-
iner.

See c. 117, § 17.

Corporation
and agents,
are under the
supervision of
the bank ex-
aminer, and
shall furnish
statements of
standing,
when re-
quired.
1891, c. 131, § 3.
—penalty for
violation of
§§ 89-91.

such license may be renewed annually thereafter so long as the bank examiner regards the corporation responsible and safe, but in all cases to terminate on the first day of the succeeding December. The examiner may revoke such license at any time should he deem the condition of such corporation or its management unsafe, whereupon the right of such corporation to do business in this state shall terminate.

SEC. 90. Such corporation or its agents shall publish at their own expense in some newspaper published in any town or city designated by the bank examiner, a copy of the statement furnished him. Every such corporation shall at the time of making application for license as hereinbefore provided, appoint in writing the bank examiner or his successor in office to be its true and lawful attorney upon whom all lawful processes in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the corporation, and that the authority shall continue in force so long as any liability remains outstanding against the corporation in this state. Service made in such manner on said corporation in any such suit or proceeding shall be valid and binding thereon, and the judgment rendered therein shall bind the corporation as valid in every respect whether the defendants appear or not. If license is granted by the bank examiner he shall place said writing on file in his office to take effect therefrom, but if license is not granted by him it shall be returned to the corporation. Copies of said writing, certified by the bank examiner, shall be deemed sufficient evidence thereof. When legal process against any such corporation is served upon said bank examiner, he shall within ten days thereafter mail a copy thereof, postage prepaid, directed to the address of said corporation, or to any person designated by said corporation in writing.

SEC. 91. Such corporation and its agents for the purposes hereinbefore mentioned, are under the supervision of the bank examiner and shall at all times at his request furnish him such statements and information as he may desire, together with full facilities to ascertain the true condition and standing of the same, and no person shall act as agent or representative of such corporation before the license herein provided is granted or after the same has been revoked. Whoever violates any provision of this section or the two preceding sections shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding sixty days.