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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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10 to take and sell a sufficient quantity of the logs, timber or
 11 lumber, at public auction, to pay the tolls so due; *Provi-*
 12 *ded.* That written or printed notices of the sale shall be
 13 posted up at the office of the surveyor general of logs and
 14 lumber of the district, and at the county seat of the county
 15 in which said property is seized.

CHAPTER XXXIII. c 133

BANKS AND BANKING.

1 SECTION. 1. The auditor of state, on application of any
 2 person or association of persons wishing to organize under
 3 this chapter, shall cause to be engraved and printed in the
 4 best manner to guard against counterfeiting, such quantity
 5 of circulating notes, in the similitude of bank notes, in
 6 blank, of the different denominations hereinafter authorized
 7 to be issued, as may from time to time be needed to meet
 8 the demands of those organizations for the purpose of
 9 banking; and all necessary expenses in procuring such cir-
 10 culating notes in blank, shall be charged to and paid by the
 11 banker or banking association at whose solicitation and for
 12 which the same are furnished. C. S. p. 854, Sect. 1.

1 SECT. 2. Such bank notes shall be of the dimensions
 2 usually issued by banks, from one dollar to five hundred
 3 dollars; but such notes shall not be of any intermediate
 4 number between five and ten dollars, ten and twenty, twen-
 5 ty and fifty, or fifty and one hundred dollars. C. S. p. 855, Sect. 2.

1 SECT. 3. Such blank circulating notes shall be counter-
 2 signed by the auditor of state, and numbered, and regis-
 3 tered in proper books to be kept for that purpose in his
 4 office and under his direction, so that each denomination of
 5 such circulating notes shall be of the same similitude and
 6 all bear the uniform signature of the auditor of state. C. S. p. 855, Sect. 3.

1 SECT. 4. Whenever any person or association of per-
 2 sons formed for the purpose of banking, under the provis-
 3 ions of this chapter, duly assigns or transfers in trust, to
 4 the auditor, any portion of the public stocks issued by any
 5 state of the United States, on which full interest is semi-
 6 annually paid, said stocks to be valued at a rate to be esti-
 7 mated and governed by the average rate at which such
 8 stocks have been sold in the city of New York, at the stock
 9 exchange, within six months next preceeding the time when
1890--p. 177, Sect. 1;
 1861--p. 170, Sect. 1,
 combined &
 amended. c 25
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10 such stocks are assigned or transferred to the auditor;
 11 or any stocks or securities issued by the United States,
 12 bearing interest at a rate not less than five per centum per
 13 annum, said stocks or securities to be valued at a rate to be
 14 estimated and governed by the rate at which such stocks or
 15 securities are sold in the city of New York, at the time of
 16 the assignment or transfer to the auditor, such person or
 17 association of persons is entitled to receive from the audi-
 18 tor an amount of such circulating notes of different denom-
 19 inations, registered and countersigned, equal to the amount
 20 of public stocks so assigned or transferred; such state
 21 stocks shall in all cases be, or be made to be, equal to stocks
 22 producing six per cent: per annum, except as herein pro-
 23 vided; and the auditor shall not take any such stocks at a
 24 value above their par value, nor above ninety-five per cent.
 25 of their current market value at the stock exchange in the
 26 city of New York, at the time of such assignment or trans-
 27 fer to the auditor; and if at any time any of the stocks so
 28 assigned or transferred, depreciate ten per cent. or more in
 29 value at the stock exchange in New York, the auditor shall
 30 reduce the rate at which such stocks shall be held as secu-
 31 rities, and shall require such banker or banking association
 32 owning such stocks to make up such deficiency with addi-
 33 tional stocks to be assigned or transferred as aforesaid, or
 34 such banker or banking association may make up such de-
 35 ficiency by returning to the auditor such amount of bank
 36 bills previously issued to him, as are equal to the deficiency
 37 of security caused by such depreciation. No stocks shall
 38 be received by the auditor until the same are submitted to
 39 the governor and approved by him; and if, in the opinion
 40 of the governor and auditor, any stocks offered are deemed
 41 insecure, they shall not be received as such securities un-
 42 der the provisions of this chapter, nor shall any stocks
 43 which have been received as aforesaid, be withdrawn or ex-
 44 changed without the joint consent of the governor and au-
 45 ditor.

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1864—p. 103, Sect. 1.

1 SECT. 5. All securities assigned and transferred to the
 2 auditor by any banker or banking association as aforesaid
 3 shall be endorsed at the time of such assignment and trans-
 4 fer, with a certificate which shall state the time of the as-
 5 signment and transfer, by whom and for what purpose such
 6 security is assigned and transferred, and that the same is
 7 not to be withdrawn without the consent of the auditor en-
 8 dorsed thereon, and countersigned by the governor.

1864—p. 103, Sect. 2.

1 SECT. 6. Whenever the securities so assigned and trans-
 2 ferred to the auditor by any banker or banking association,
 3 for the redemption of their circulating notes, shall, in the
 4 opinion of the auditor and governor, become insufficient for

5. that purpose, the auditor may receive the interest and divi-
 6. dends on all securities and shall deposit the same with some
 7. safe banking association; the deposit to be made on such
 8. terms and at such rate of interest as the auditor and gov-
 9. ernor determine, and be withdrawn and paid over whenever,
 10. in their opinion, such securities are sufficient to warrant it.

1. SECT. 7. No portion of the securities deposited, assign-
 2. ed or transferred to the auditor by any banker or banking 1864—p. 103, Sect. 3.
 3. association to be used as security for the circulating notes
 4. of such banker or banking association, shall be applied to
 5. the payment of fees for protesting any of their circulating
 6. notes.

1. SECT. 8. The words "secured by the pledge of public C. S. p. 855, Sect. 6.
 2. stocks," shall be engraved upon the face of all bills and Amended. 2/33
 3. notes, the payment of which is secured by the transfer of
 4. public stocks.

1. SECT. 9. The auditor may give to any person or asso- C. S. p. 856, Sect. 7.
 2. ciation transferring securities in pursuance of the provis- Amended.
 3. ions of this chapter, a power of attorney to receive interest
 4. or dividends thereon, which person or association may
 5. receive and apply to their own use, but such power may be
 6. revoked upon such person or association failing to redeem
 7. the circulating notes so issued, or when, in the opinion of
 8. the auditor or governor, such securities become insufficient,
 9. to secure their circulating notes as hereinbefore provided;
 10. and the auditor upon application of the owners of such
 11. transferred securities in trust, may, with consent of the
 12. governor, change or transfer the same for other securities
 13. of the kind specified in this chapter, or may transfer the
 14. said securities or any part thereof, upon receiving and can-
 15. celing an equal amount of the circulating notes delivered to
 16. him by such person or association in such manner that the
 17. circulating notes shall always be secured in full, as in this
 18. chapter provided.

1. SECT. 10. Any person or association of persons may es- C. S. p. 856, Sect. 9.
 2. tablish offices of discount, deposit and circulation, and be
 3. come incorporated upon the terms and conditions, and sub-
 4. ject to the liabilities prescribed in this chapter, but the ag-
 5. gregate of the capital stock of such establishment shall not
 6. be less than twenty-five thousand dollars, and no such office
 7. shall be established in any town containing less than two
 8. hundred inhabitants.

1. SECT. 11. Such person or association of persons un-
 2. der their hands and seals, shall make a certificate which
 3. shall specify:

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C. S. p. 856, Sect. 10.
Amended.

4 *First.*—The name assumed to distinguish the bank and
5 to be used in all its dealings, which name shall not be that
6 of any other bank in this state ;

7 *Second.*—The place where the business of discount or de-
8 posit is carried on ;

9 *Third.*—The amount of capital stock, and the number of
10 shares into which the same shall be divided ;

11 *Fourth.*—The name and place of residence of the share-
12 holders, and the number of shares held by them respec-
13 tively ;

14 *Fifth.*—The period at which said bank shall commence
15 and terminate, which certificate shall be acknowledged and
16 recorded in the office of the register of deeds of the county
17 where the office of such bank may be established, and a
18 copy thereof shall be filed in the office of the auditor of
19 state, and upon the recording of such certificate, the person
20 or persons aforesaid shall become a body politic and corpo-
21 rate by the name assumed as aforesaid, for and during the
22 time fixed in such certificate, and by such name shall have
23 power to contract and be contracted with, sue and be sued,
24 and shall have all other powers, privileges and immunities
25 incident to corporations, and applicable to the ends of
26 such establishments, subject to the restrictions and provi-
27 sions of this chapter.

C. S. p. 856, Sect. 11.

1 SECT. 12. A copy of the certificate required by the pre-
2 ceding section, duly certified by the register of deeds of the
3 county, or by the auditor of state, may be used as evidence
4 in all courts for or against such bank ; or any person for or
5 against whom such evidence is necessary, whether on civil
6 or criminal trial.

C. S. p. 856, Sect. 12.

1 SECT. 13. Such person or association has power to car-
2 ry on the business of banking, by discounting bills, notes
3 and other evidences of debt, by receiving deposits, by buy-
4 ing and selling gold and silver bullion, foreign coin and for-
5 eign and inland bills of exchange, by loaning money on real
6 and personal securities, and by exercising such incidental
7 powers as may be necessary to carry on such business ; may
8 choose one of their number as president, and appoint a
9 cashier and such other officers as their business requires,
10 and remove such president, cashier, officers and agents, at
11 pleasure, and appoint others in their places ; but no such
12 association or banker shall commence the business of bank-
13 ing under this chapter until such association or banker de-
14 posits with the auditor the securities required by this
15 chapter.

1 SECT. 14. The shares in such bank are personal proper-
2 ty, and transferable on the books of the bank, in such man-

ner as may be agreed upon in the articles organizing such
 bank, or prescribed in its by-laws, and every person be-
 coming a stockholder therein, shall, in proportion to his in-
 terest, succeed to all the rights and be subject to all the lia-
 bilities of prior shareholders; no change shall be made
 in the articles organizing such bank, whereby the rights,
 remedies or securities of existing creditors shall be in any
 manner impaired, and any association constituting such bank
 shall not be dissolved by the death or insanity of any one
 of the shareholders therein.

C. S. p. 857, Sect. 13.

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SECT. 15. If the maker of any circulating note, coun-
 signed and registered as aforesaid, shall at any time, on
 lawful demand during the usual hours of business, at the
 place where such note is payable, fails or refuses to redeem
 such note in the lawful money of the United States, the
 holders of such note making such demand, may cause the
 same to be protested for non-payment by a notary public,
 under his official seal. But the maker or makers of such
 note shall not be liable for the expense of so protesting the
 same, unless on such demand and refusal so to redeem the
 same, he refuses to waive protest, and notice of protest
 thereon, and such waiver of protest in all cases, is equiva-
 lent to the regular protest thereof; and such notary shall,
 on protesting the same, forthwith forward notice of such
 protest to the auditor of state; the notary making such pro-
 test shall certify in his notice of protest, the number of notes
 on which said payment was refused, and describe them by
 their numbers and letters, and shall also certify to the ag-
 gregate amount of said notes; the auditor of state on re-
 ceiving and filing in his office such protest, together with
 such note as aforesaid, shall forthwith give notice in wri-
 ting to the makers of such note, to pay the same, and if they
 omit to do so for forty days after such notice, the auditor
 shall immediately thereupon, unless he is satisfied there is
 a good and legal defense against the payment of such note,
 give notice that all the circulating notes of such person or
 association, and countersigned and registered as aforesaid,
 will be redeemed out of the trust funds in his hands for that
 purpose, which notice shall be given by publishing the same
 in some newspaper printed in the county where the busi-
 ness of such bank is established, if any, and in some news-
 paper printed at the capital of this state, and the auditor
 shall apply the said trust funds belonging to the maker of
 such protested note to the payment of all circulating notes,
 whether protested or not; put in circulation by the maker
 of such protested note, pursuant to the provisions of this
 chapter, and adopt such measures for the payment of such
 notes, as will, in his opinion, most effectually prevent loss
 to the holder; and to this end the auditor may, after the

C. S. p. 857, Sect. 14.

40 expiration of the said forty days, and after giving thirty
 41 days' notice by publication in a newspaper printed and pub-
 42 lished at the capital of this state, and in a daily newspaper
 43 printed in the city of New York, proceed to sell at the Mer-
 44 chants' Exchange in the city of New York; at public auction,
 45 the securities so pledged, and out of the proceeds of such
 46 sale, shall pay pro rata and cancel all bills and notes which
 47 have been issued and put in circulation by such bank, un-
 48 der the provisions of this chapter; but nothing in this
 49 chapter contained shall be considered as implying any
 50 pledge on the part of this state for the payment of such bills
 51 or notes beyond the proper application of the securities
 52 pledged to the auditor of state for their redemption.

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 C. S. p. 858, Sect. 15. 1 SECT. 16. Such bank or banking association is liable to
 2 pay the holder of every bill or note put in circulation as
 3 money, the payment of which has been demanded or refus-
 4 ed at the banking house or usual place of business of such
 5 association or bankers, damage for non-payment thereof
 6 from the time of such refusal until the payment of such evi-
 7 dence of debt and damages thereon.

C. S. p. 858, Sect. 16. 1 SECT. 17. The auditor of state shall not countersign
 2 bills or notes for any association or banker, to an amount
 3 in the aggregate exceeding the securities at their value, as
 4 before provided in this chapter, deposited with him in trust
 5 by such association or banker, or use or dispose of such
 6 securities in any manner other than provided for in this
 7 chapter, and any auditor of state or deputy, who violates the
 8 provisions of this section, shall be deemed guilty of a felony,
 9 and be punished by a fine not less than five thousand dol-
 10 lars, or be imprisoned not less than five years in the state
 11 prison, or by both such fine and imprisonment.

C. S. p. 858, Sect. 17. 1 SECT. 18. It shall be lawful for any person or associa-
 2 tion of persons organized under the provisions of this chap-
 3 ter, by his or their articles of association to provide for an
 4 increase of their capital stock, and of the numbers of such
 5 association from time to time as they may think proper.

C. S. p. 858, Sect. 18. 1 SECT. 19. Contracts made by any bank or banking as-
 2 sociation; established under the provisions of this chapter,
 3 and all notes and bills issued and put in circulation as money,
 4 shall be signed by the president and cashier thereof, and all
 5 actions and proceedings brought or prosecuted by and in
 6 behalf of such bank or banking association, shall be brought
 7 and prosecuted in the corporate name mentioned in the cer-
 8 tificate made and filed as hereinbefore required.

1 SECT. 20. Such bank or banking association may pur-

2 chase, hold and convey real estate for the following pur-
3 poses :

4 *First.*—Such as is necessary for its immediate accom- c. s. p. 838, Sect. 19. 2 / 33
5 modation in the convenient transaction of its business.

6 *Second.*—Such as is mortgaged to it in good faith by
7 way of security for loans made, or money due to such
8 bank.

9 *Third.*—Such as is conveyed to it in satisfaction of debts
10 previously contracted in the course of its dealings.

11 *Fourth.*—Such as it acquires by sale on execution or
12 judgment of any court in its favor. The said bank shall
13 not purchase, hold or convey real estate in any other case
14 or for any other purpose whatever, and all conveyances of
15 such real estate shall be made to the corporation, and the
16 president and cashier may sell, assign, grant or convey the
17 same under the direction of the association free from any
18 claim thereon in favor of or against the shareholders or any
19 person claiming under them.

1 SECT. 21. The president and cashier of every bank
2 formed pursuant to the provisions of this chapter, shall at c. s. p. 838, Sect. 20.
3 all times keep a true and correct list of the names of all the
4 shareholders of such bank, with the amount of stock held
5 by each, the time of transfer, and to whom transferred, and
6 shall file a copy of such list in the office of the register of
7 deeds of the county wherein such bank is located; and also
8 in the office of the auditor of state on the first Monday in
9 January and July in each year, and the stockholders in each
10 bank shall be individually liable in an amount equal to
11 double the amount of stock owned by them for all the debts
12 of such bank, and such individual liability shall continue for
13 one year after any transfer or sale of stock by any stock-
14 holder or stockholders.

1 SECT. 22. In the event of the insolvency of any bank
2 established under the provisions of this chapter, the bill hold- c. s. p. 839, Sect. 21.
3 ers thereof shall be entitled to preference in payment over
4 all other creditors of such bank.

1 SECT. 23. It shall not be lawful for any bank formed
2 under the provisions of this chapter to make any of its bills c. s. p. 839, Sect. 22.
3 or notes to be put in circulation as money, payable at any
4 other place than the office where the business of the bank
5 is carried on and conducted, nor to issue the same at any
6 other place; and said bills or notes shall be made payable
7 on demand and without interest.

1 SECT. 24. When any owner of any bank desirous of
2 relinquishing the banking business notifies the state auditor
3 of such intention, it is competent for the said bank or bank-

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C. S. p. 850, Sect. 23.

4 ers to redeem and deposit with the auditor of state from
 5 time to time, any amount of their circulating notes which
 6 may have been issued to said association, bank or bankers,
 7 in sums, however, not less than one thousand dollars at any
 8 one time, and to receive therefor and withdraw an equal
 9 amount of the securities by them deposited with the auditor
 10 of state, but no bank shall continue to transact any business
 11 whatever further than what may be required to close up its
 12 affairs, when its capital stock, securities, or circulation is
 13 reduced to less than twenty-five thousand dollars, nor in
 14 any case after two years from the date of said notice of in-
 15 tention to relinquish and close up their banking business as
 16 aforesaid, and whenever the retiring bank or bankers desire
 17 to withdraw all the securities lodged with the auditor of
 18 state, they may do so by producing and filing with the audi-
 19 tor of state, a certificate of deposit to his credit in such bank
 20 as he approves, of an equal amount with the circulating
 21 notes of such bank or banks then remaining unredeemed,
 22 and the auditor of state on being satisfied of such deposit
 23 and of the sufficiency thereof, shall give up all the remaining
 24 securities heretofore deposited by such bank or bankers for
 25 the redemption of the circulating notes issued to it.

C. S. p. 850, Sect. 24.

1 SECT. 25. Such banking association or banker after hav-
 2 ing complied with the provisions of the preceding section,
 3 shall give notice for two years in some newspaper printed
 4 in the county where such bank is located if any, and in a
 5 paper printed at the capital of this state, that all circulating
 6 notes issued by such banking association or banker, must
 7 be presented at the auditor of state's office within two years
 8 from the date of such notice, or that the funds deposited for
 9 the redemption of the notes, will be given up to the bank-
 10 ing association or banker, and on receiving satisfactory
 11 proof of the giving of such notice for the time aforesaid,
 12 the auditor of state shall surrender to the order of such bank-
 13 ing association or banker, any securities which he may hold
 14 for the payment of any unredeemed notes of the said bank-
 15 ing association or bankers.

C. S. p. 850, Sect. 25.

1 SECT. 26. Any banking association or banker wishing
 2 to withdraw any of the securities by them deposited with
 3 the auditor of state, may do so by depositing an equal
 4 amount of the circulating notes which have been issued to
 5 said association or banker by the auditor of state, in sums
 6 of not less than one thousand dollars; *provided*, that the
 7 amount of securities thus withdrawn by deposits of said cir-
 8 culating notes shall not reduce the amount of stock securi-
 9 ties remaining in the hands of the auditor to less than twen-
 10 ty-five thousand dollars.

1 SECT. 27. The securities to be deposited with the audi-
 2 tor of state in trust by any association or banker, shall be C. S. p. 860, Sect. 27.
 3 held by him exclusively for the redemption of the bills or
 4 notes of such bank, put in circulation as money until the
 5 same are paid and returned to the auditor as provided in
 6 this chapter, but the auditor may assign said securities to
 7 said association or banker, transferring the same upon re-
 8 ceiving therefor equivalent securities or an equivalent amount
 9 in circulating notes issued by such bank, as provided in
 10 the preceding section.

1 SECT. 28. All circulating notes of banks or banking
 2 associations returned to the auditor shall be destroyed by C. S. p. 860, Sect. 27.
 3 him in presence of the governor and an authorized officer
 4 of the bank, after he has made a record of the same, which
 5 shall specify the number of each note, its date, and shall be
 6 made in the books to be kept by himself for registering cir-
 7 culating notes.

1 SECT. 29. The auditor shall receive mutilated circulat-
 2 ing notes issued by him, and after making a record of them, C. S. p. 860, Sect. 28.
 3 their denomination and amount, deliver in lieu thereof cir-
 4 culating notes to the same amount.

1 SECT. 30. All of the bills or notes of any bank or bank-
 2 ing association shall be at all times received by the same in C. S. p. 860, Sect. 29.
 3 payment of all debts due to such bank or banking associa-
 4 tion.

1 SECT. 31. If any portion of the declared capital of any
 2 banking association is reduced for any purpose whatever C. S. p. 860, Sect. 30.
 3 while any debts of the association remain unsatisfied, no
 4 dividend or profits in the shares of the capital stock of the
 5 association shall thereafter be made until the deficit of the
 6 capital is made good, either by subscription of the share-
 7 holders, or out of the subsequent accruing profits of the as-
 8 sociation; and if it appears that any such dividends have
 9 been made, it shall be the duty of any judge of the district
 10 court of the county in which said bank is located, on appli-
 11 cation of any person in interest, to make the necessary or-
 12 ders and decrees for the closing of the affairs of the associa-
 13 tion, and distribute its property and effects among its credi-
 14 tors and shareholders.

1 SECT. 32. The officers or agents of any banking associa-
 2 tion or banker who shall pay out, to be put in circulation C. S. p. 860, Sect. 31.
 3 as money in this state, any bill, note, certificate of deposit,
 4 or other paper having the similitude of a bank note, know-
 5 ing the same to have been issued otherwise than by the au-
 6 thority of this or some other state of the United States, of

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7 the congress of the United States, or of the British Posses-
 8 sions, shall, for each offense, upon conviction thereof; be
 9 adjudged guilty of a misdemeanor, and shall be punished by
 10 a fine of not less than one hundred dollars, or by not more
 11 than twelve months imprisonment, or both by fine and im-
 12 prisonment.

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C. S. p. 860, Sect. 32.

1 SECT. 33. Such bank or banking association may de-
 2 mand and receive for loans on real and personal security,
 3 or for notes, bills, or other evidences of debt discounted,
 4 such rate of interest as may be agreed upon by the parties,
 5 not exceeding twelve per cent. per annum, subject, how-
 6 ever, to such general laws regulating and fixing the rate of
 7 interest as may hereafter be passed by the legislature; and
 8 it shall be lawful to receive the interest in advance, accord-
 9 ing to the ordinary usage of banking institutions, and in
 10 general do all things and have all the privileges incident to
 11 banking associations or corporations.

C. S. p. 860, Sect. 33.

1 SECT. 34. Every bank or banking association shall, on
 2 the first Monday of January, April, July and October in
 3 every year, after having commenced the business of bank-
 4 ing, as provided in this chapter, make and transmit to the
 5 auditor a report, sworn to by the president and cashier, and
 6 containing a true statement of the following items on the
 7 mornings of the first Monday of January, April, July and
 8 October, before any business of that day: loans and dis-
 9 counts, over drafts due from banks, due from directors of
 10 said bank, due from broker, real estate, specie, cash items,
 11 stocks, and promissory notes; bills of solvent banks, bills
 12 of suspended banks, loss and expense account, capital, cir-
 13 culation, amount due to state treasurer, amount due to de-
 14 positors on demand, amount due not included under either
 15 of the above heads; and the auditor shall publish said re-
 16 port, once in some newspaper printed at the capital of the
 17 state, and in the county in which said bank or banks are
 18 located, if any, and the expense thereof shall be defrayed
 19 by the banks, and if any bank fails to furnish to the auditor
 20 its quarterly report in time for such publication, or fails to
 21 pay the expenses incurred in the publication of its report
 22 when they are demanded by him, it shall forfeit and pay
 23 the auditor the sum of one hundred dollars, to be applied by
 24 him to the expense of publishing the quarterly reports, and
 25 the auditor of state is authorized to collect the said forfeit-
 26 ure in his name, upon his application to any court of com-
 27 petent jurisdiction in the county where such delinquent
 28 bank may be located; the auditor shall also transmit annu-
 29 ally to the legislature at the commencement of its session,
 30 a condensed summary of all the items reported to him by
 31 all the banks, which summary shall contain a true and cor-

32 rect statement of the condition of all the banks in the state,
33 at the time of the making of their last report.

1 SECT. 35. Every bank and banking association formed
2 under the provisions of this chapter, shall annually, on the
3 first Monday of January in each year, cause to be published
4 for six successive weeks, in one public newspaper printed
5 in the county in which such bank may be located, if any,
6 and in some newspaper printed at the capital of this state,
7 a true and accurate statement, verified by the oath of the
8 cashier, of all deposits made with said bank, and of all divi-
9 dends and interest declared and payable upon any of the
10 stocks, bonds or other evidences of indebtedness of said
11 bank, which at the date of such statement, have remained
12 unclaimed by any person or persons authorized to receive the
13 same, for two years then next preceding.

C. S. p. 861, Sect. 34.

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1 SECT. 36. Such statement shall set forth the time that
2 every such deposit was made, its amount, the name and res-
3 idence if known, of the person making it, the name of the
4 person in whose favor the dividend or interest may have
5 been declared, its amount, and upon what number of shares,
6 and on what amount of stocks, bond or other evidence of
7 indebtedness of any such bank or banking association.

C. S. p. 861, Sect. 35.

1 SECT. 37. All plates, dies, and like materials of and
2 peculiar to, any individual bank or banking association
3 which has closed business, either by its own voluntary act,
4 or by operation of law, under the direction of the auditor,
5 in presence of the governor and treasurer of state, shall be
6 destroyed; and such destruction, specifying the articles so
7 destroyed, shall be officially certified to by all the three
8 aforesaid officers.

C. S. p. 861, Sect. 36.

1 SECT. 38. The legislature shall annually elect a joint
2 committee whose duty it shall be to examine the treasurer's
3 accounts, and the securities deposited in the auditor of
4 state's office, by banking associations and individual banks,
5 together with all books and papers therein, relating to the
6 business of banking, and the said committee shall report the
7 true state and condition of that department to the legislature.

C. S. p. 861, Sect. 37.

1 SECT. 39. Every officer, agent or clerk of any banking
2 association or banker authorized by this chapter, who wil-
3 fully and knowingly subscribes, or makes any false state-
4 ment of facts, entries in the books of such person or asso-
5 ciation, or knowingly subscribes or exhibits false papers
6 with the intent to deceive any person authorized to examine
7 as to the condition of such bank or association, or wilfully
8 and knowingly subscribes and makes false reports, shall be

C. S. p. 862, Sect. 38.

9 deemed guilty of felony, and shall be subjected to imprison-
10 ment at hard labor in the state prison, for such term not
11 less than one year nor more than ten years, as the court
12 trying him shall designate.

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C. S. p. 826, Sect. 39.

1 SECT. 40. The auditor of state shall, before entering
2 upon his duties under this chapter, give to the state of Min-
3 nesota a bond in the penal sum of fifty thousand dollars,
4 with not less than five sureties to be approved by the gov-
5 ernor and secretary of state, conditioned for the faithful dis-
6 charge of all the duties of his office, provided for and in-
6 cumbent upon him under this chapter, and deposit the same
7 in the office of the state treasurer; and the auditor of state
8 shall not be directly nor indirectly interested in any bank or
9 banking association or as an individual banker.

C. S. p. 862, Sect. 40.

1 SECT. 41. Any banker or banking association that shall
2 organize under this chapter, shall pay the auditor for the
3 services performed by him or under his direction, in behalf
4 of such banker or banking association, (according to the
5 provisions thereof,) one-fourth of one per cent. on the
6 amount of circulating notes countersigned and registered as
7 hereinbefore provided, and the auditor may require the same
8 to be paid at the time of the delivery of such notes.

C. S. p. 862, Sect. 41.

1 SECT. 42. In case the securities deposited with the au-
2 ditor of state to secure the redemption of the circulating
3 notes of any bank, shall be sold in pursuance of the require-
4 ments hereof, one-eighth of one per cent. on the amount re-
5 ceived for the same shall be allowed the auditor of state, for
6 his services in selling the stock and redeeming the notes of
7 such bank, and the amount of such per centage together
8 with all necessary expenses incurred in advertising and sell-
9 ing such stock, shall be audited by the state treasurer, and
10 on his certificates the auditor of state may deduct the same
11 from the proceeds of such sale.

C. S. p. 862, Sect. 42.

1 SECT. 43. Any person or persons violating any of the
2 provisions of this chapter, not hereinbefore specially pro-
3 vided for, shall upon conviction thereof, pay a fine of not
4 less than fifty dollars or more than five hundred dollars for
5 each and every offense, to be recovered before any court
6 having competent jurisdiction, and all fines and penalties so
7 recovered shall be paid into the state treasury.

New.

1 SECT. 44. Every bank or banking association organized
2 under the provisions of this chapter, which refuses or neg-
3 lects to comply with any requirement lawfully made upon
4 it by the auditor of state pursuant to this chapter, for the
5 period of ninety days after demand made, shall be deemed

6 to have forfeited its franchises, and any failure on the part
 7 of such bank or banking corporation to comply with, or any
 8 violation of any of the provisions of this chapter, shall work
 9 a forfeiture of its franchises, and in either case the attorney
 10 general upon demand of the auditor of state, shall com-
 11 mence an action for the purpose of annulling the existence
 12 of said corporation. Whenever any banking corporation is
 13 dissolved by the proceedings directed in this section, the
 14 state auditor shall proceed to sell the securities and redeem
 15 the currency of said bank in the same manner as provided
 16 by section fifteen of this chapter.

1 SECT. 45. Whenever any bank or banking association
 2 which has heretofore been incorporated under the provis-
 3 ions of this chapter, has re-organized as a national bank, pur-
 4 suant to the act of congress of the United States, approved 1865—p. 74, Sect. 1. C 32
 5 June third, eighteen hundred and sixty-four, entitled an
 6 act to provide a national currency, secured by a pledge of
 7 United States bonds, and to provide for the circulation and
 8 redemption thereof, the auditor may surrender to such na-
 9 tional bank the securities in his hands deposited by such
 10 state bank, upon receiving from such national bank an
 11 amount of lawful money of the United States equal to the
 12 amount of the outstanding notes of such state bank, to be
 13 held and applied by him to the redemption of such out-
 14 standing notes.

1 SECT. 46. Upon receiving such notes or securities such
 2 bank or banking association shall give the same notice as is 1865—p. 74, Sect. 2.
 3 required by the twenty-fifth section of this chapter, and
 4 upon the expiration of the time specified in such notice, he
 5 shall surrender to the national bank which deposited them,
 6 such notes or security; *provided*, all the circulating notes
 7 issued by such state bank, which have been presented, have
 8 been redeemed.

CHAPTER XXXIV.

CORPORATIONS.

TITLE I.

OF CORPORATIONS EMPOWERED TO TAKE PRIVATE PROPERTY FOR PUBLIC USES.

1 SECTION 1. Any number of persons, not less than five,
 2 may associate themselves and become incorporated for the