altered obligation or other security of the United States, shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

Punishment for.

Section 5432, as codified in section 152 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1117):

Taking impressions of tools, implements, etc.

Whoever, without authority from the United States, shall take, procure, or make, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bedplate, bedpiece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any kind or description of obligation or other security of the United States now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Punishment for.

Having unlawful possession of impressions.

Section 5433, as codified in section 153 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1117):

Whoever, with intent to defraud, shall have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or whoever, with intent to defraud, shall sell, give, or deliver any such imprint, stamp, or impression to any other person, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Punishment for.

Dealing in counterfeit securities.

Section 5434, as codified in section 154 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1117):

Whoever shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or

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may hereafter be issued by virtue of any Act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Punishment for.

SEC. 5435. Every person who falsely personates any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, and, under color of such false personation, transfers or endeavors to transfer such public stock or any part thereof, or receives or endeavors to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize-money, wages, or other debt, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years. (Amended, 35 Stat. L., 1095.)

False personation of holder of public stocks. 3 Mar., 1825, ch. 65, sec. 18, vol. 4, p. 120.

SEC. 5436. Every person who knowingly or fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, or any part thereof, received or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years. (Amended, 35 Stat. L., 1095.)

False demand on fraudulent power of attorney. *Ibid.*

Section 5437, as codified in section 174 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1122):

Circulating bills of expired banks.

In all cases where the charter of any corporation which has been or may be created by act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, reissue, or utter as money, or in any other way knowingly put in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or

Punishment for.

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purporting to have been made under authority derived therefrom, or if any person shall knowingly aid in any such act, he shall be fined not more than ten thousand dollars, or imprisoned not more than five years, or both. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

Circulation permitted.

Secreting or embezzling tools and materials for printing securities.

Section 5453, as codified in section 155 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1117):

Whoever, without authority from the United States, shall secrete within, embezzle, or take and carry away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bedpiece, bedplate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in

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circulation or not, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Punishment for.

SEC. 5488. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment. (Amended, 35 Stat. L., 1105.)

Disbursing officer unlawfully depositing, converting, loaning, or transferring public money. 14 June, 1866, ch. 122, sec. 2, vol. 14, p. 64.

(See sections 3620, 5497.)

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. (Amended, 35 Stat. L., 1105.)

Failure of Treasurer, etc., to safely keep public moneys. 3 Mar., 1857, ch. 114, sec. 2, vol. 11, p. 249.

(See section 3639.)

SEC. 5490. Every officer or other person charged by any act of Congress with the safe-keeping of the public moneys, who fails to safely keep the same, without loaning, using, converting to his own use, depositing in banks, or exchanging for other funds than as specially allowed by law, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged; and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. (Amended, 35 Stat. L., 1105.)

Custodians of public money failing to safely keep, without loaning, etc. 6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

(See section 3639.)

SEC. 5491. Every officer or agent of the United States who, having received public money which he is not au-

Failure of officer to render accounts, etc. 6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

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17 July, 1862, c. 199, s. 1, v. 12, p. 593. 2 Mar., 1867, Res. 48, v. 14, p. 571. 15 July, 1870, c. 295, s. 15, v. 16, p. 334.

thorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled, and shall be imprisoned not less than six months or more than ten years. (Amended, 35 Stat. L., 1095.)

(See sections 3622, 3633.)

Failure to deposit as required. 6 Aug., 1846, c. 90, s. 16, v. 9, p. 63. 3 Mar., 1857, c. 114, s. 3, v. 11, p. 249.

SEC. 5492. Every person who, having moneys of the United States in his hands or possession, fails to make deposit of the same with the Treasurer, or some assistant treasurer, or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper Department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money embezzled. (Amended, 35 Stat. L., 1105.)

Unlawfully receiving, etc., to be embezzlement. 14 June, 1866, c. 122, s. 3, v. 14, p. 65.

SEC. 5497. Every banker, broker, or other person not an authorized depositary of public moneys, who knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or who uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law, and every president, cashier, teller, director, or other officer of any bank or banking association, who violates any of the provisions of this section, is guilty of an act of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be punished as prescribed in section fifty-four hundred and eighty-eight. (Amended, 35 Stat. L., 1106.)

(See sections 3639, 3651.)

ACTS SUBSEQUENT TO THE REVISED STATUTES.

ACT OF DECEMBER 17, 1873.

18 Stat. L., pt. 3, p. 1.

CHAP. I.—*An act to provide for the redemption of the loan of eighteen hundred and fifty-eight.*

Redemption of loan, 1858, ch. 165, vol. 11, p. 365; 1859, ch. 82, sec. 6, vol. 11, p. 430.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of redeeming the bonds issued under the act entitled 'An act to authorize a loan not

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exceeding the sum of twenty millions of dollars,' approved June fourteenth, eighteen hundred and fifty-eight, as amended March third, eighteen hundred and fifty-nine, called the loan of eighteen hundred and fifty-eight, it is hereby declared to be the pleasure of the United States to pay all the coupon bonds of said loan on the first day of January, eighteen hundred and seventy-four, at which date the interest thereon shall cease, and coin in the Treasury sufficient to redeem said coupon bonds is hereby appropriated for that purpose.

Coupon bonds made payable January 1, 1874.
Interest to cease, when.
Appropriation of coin.

SEC. 2. That the Secretary of the Treasury may issue an equal amount, at par of principal and interest, of five-per-centum bonds of the funded loan under the act for refunding the national debt, approved July fourteenth, eighteen hundred and seventy, and the act amendatory thereof, approved January twentieth, eighteen hundred and seventy-one, for any of the bonds of the loan of eighteen hundred and fifty-eight, which the holders thereof may on or before February first, eighteen hundred and seventy-four, elect to exchange for the five-per-centum bonds of the said funded loan, with interest from said January first: *Provided*, That no commissions or allowances whatever shall be paid for the exchange of bonds hereby authorized, and no interest shall be allowed on the new bonds for any time for which interest is paid on the bonds exchanged.

Five per cent. bonds may be issued in exchange for any bonds of loan of 1858.
1870, ch. 256, vol. 16, p. 272.
1871, ch. 23, vol. 16, p. 399.
No commissions, etc., to be allowed on exchanges.

Approved, December 17, 1873.

ACT OF JUNE 20, 1874.

CHAP. 328.—*An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.*

* * * * *

SEC. 4. That the act entitled "An act limiting the appropriation of certain moneys, for the preparation, issue, and re-issue of certain securities of the United States, and for other purposes," approved May twenty-third, eighteen hundred and seventy-two, and all other acts and parts of acts making permanent appropriations for the expenses of the national loan, except the second section of the act approved July fourteenth, eighteen hundred and seventy, entitled "An act to authorize the refunding of the national debt," are hereby repealed, this repeal to take place on the first day of July next; and hereafter

Repeal of permanent appropriations for national loan.
1872, ch. 197, vol. 17, p. 156.
1870, ch. 256, s. 2, vol. 16, p. 272.

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Estimates to be submitted annually.

the Secretary of the Treasury shall annually submit to Congress detailed estimates of appropriations required for said expenses; and for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, the following sums, or so much thereof as may be necessary, are hereby appropriated to defray the expenses of the national loan, for the following clerical and other employees, to wit: * * *

Expenses of national loan for year ending June 30, 1875.

* * * * *

Approved, June 20, 1874.

ACT OF JUNE 23, 1874.

18 Stat. L., pt. 3, p. 248.

CHAP. 459.—*An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen hundred and seventy-one, between the United States of America and the Queen of Great Britain.*

* * * * *

Judgments, out of what money paid.

SEC. 15. That the Secretary of the Treasury is hereby authorized and required to pay the said respective judgments of said court, out of any such money in the Treasury not otherwise appropriated; and for that purpose he is hereby authorized when necessary to issue and sell at public sale, after ten days' notice of the time and place of sale, at not less than par in coin, a sufficient amount of coupon or registered bonds of the United States, in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States after ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of five per centum per annum; and upon the payment, from time to time, of the said respective judgments of said court as before provided, the bonds of the United States mentioned in the act approved March third, eighteen hundred and seventy-three, entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen

Secretary of the Treasury authorized to sell bonds for the purpose.

See act of April 11, 1876.

1873, ch. 261, vol. 17, p. 601.

Vol. 17, p. 873.

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hundred and seventy-one, between the United States of America and the Queen of Great Britain," shall be canceled and extinguished to the amount of such payments; and when all such payments shall have been made, any such bonds remaining shall be also canceled and extinguished; and after the payment of the said judgments, and the re-imbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon. * * *

Certain bonds to be canceled and extinguished.

Balance remaining after payment of judgments and reimbursement of expenses to constitute a fund, etc.

* * * * *

Approved, June 23, 1874.

ACT OF JANUARY 14, 1875.

CHAP 15.—*An act to provide for the resumption of specie payments.*

18 Stat. L., pt. 3, p. 296.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined, at the mints of the United States, silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositaries and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

Issue of silver coins for the redemption of fractional currency authorized.

SEC. 2. That so much of section three thousand five hundred and twenty-four of the Revised Statutes of the United States as provides for a charge of one-fifth of one per centum for converting standard gold bullion into coin is hereby repealed; and hereafter no charge shall be made for that service.

Repeal of authority to charge a percentage for conversion of bullion into coin. See Revised Statutes, 3524.

SEC. 3. That section five thousand one hundred and seventy-seven of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may in-

Repeal of limitation of aggregate amount of circulating notes. See Revised Statutes, 5177.

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crease its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national bank currency among the several States and Territories are hereby repealed. And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of three hundred million of dollars, to the amount of eighty per centum of the sum of national-bank notes so issued to any such banking association as aforesaid and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of three hundred million dollars of such legal-tender United States notes, and no more. And on and after the first day of January, anno Domini, eighteen hundred and seventy-nine, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assitant treasurer of the United States in the city of New York, in sums of not less than fifty dollars. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July fourteenth, eighteen hundred and seventy, entitled, "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Repeal of provisions for withdrawal and redistribution. See Revised Statutes, 5181.

United States notes in excess of $300,000,000 to be redeemed in a certain ratio to increase of national-bank circulation.

Redemption of United States notes in coin after January 1, 1879.

Appropriation.

Sale of bonds to provide means of redeeming United States notes. See 1870, ch. 56, vol. 16, p. 272.

Approved, January 14, 1875.

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ACT OF MARCH 3, 1875.

CHAP. 130.—*An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.*

18 Stat. L., pt. 3, pp. 399, 401.

* * * * *

SEC. 3. That to carry into effect the provisions of section three of the act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes" approved June twentieth, eighteen hundred and seventy-four, the Secretary of the Treasury is authorized to appoint the following force, to be employed under his direction, namely:

Force to be employed in carrying out provisions of 1874, c. 343, s. 3.

* * * * *

* * * And at the end of each month, the Secretary of the Treasury shall reimburse the Treasury to the full amount paid out under the provisions of this section by transfer of said amount from the deposit of the national banking-associations with the Treasury of the United States; and at the end of each fiscal year he shall transfer from said deposit to the Treasury of the United States such sum as may have been actually expended under his direction for stationery, rent, fuel, light, and other necessary incidental expenses which have been incurred in carrying into effect the provisions of the said section of the above named act.

Office of the Comptroller of the Currency.

* * * * *

SEC. 11. That the Secretary of the Treasury is hereby authorized, at such times as may be necessary, for the purpose of obtaining bonds for the sinking-fund, in compliance with sections three thousand six hundred and ninety-four to three thousand six hundred and ninety-seven, inclusive, of the Revised Statutes of the United States, to give public notice that he will redeem, in coin, at par, any bonds of the United States, bearing interest at the rate of six per centum, of the kind known as five-twenties; and in three months after the date of such public notice, the interest on the bonds so selected and called for payment shall cease.

Redemption of bonds. R. S., 3694–3697, p. 735.

* * * * *

Approved, March 3, 1875.

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ACT OF MARCH 3. 1875.

18 Stat. L., pt. 3, p. 463.

CHAP. 134.—*An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.*

* * * * *

James B. Eads and others to construct jetties, etc., to maintain channel between South Pass of Mississippi River and Gulf of Mexico.

SEC. 4. That James B. Eads, of Saint Louis, Missouri, be, and he is hereby, authorized, with such others as may be associated with him, on the conditions hereinafter mentioned, to construct such permanent and sufficient jettees and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a wide and deep channel between the South Pass of the Mississippi River and the Gulf of Mexico, and for that purpose he may construct, in the river, outlet, or pass, and likewise in the Gulf of Mexico, such walls, jettees, dikes, levees, and other structures, & employ such boats, rafts, and appliances, as he may, in the prosecution of said work deem necessary: *Provided*, * * *

Obligations to be discharged in money or bonds.

SEC. . That the option of discharging the obligations herein assumed by the United States, either in money or bonds, is expressly reserved; and the Secretary of the Treasury is hereby directed to issue the bonds of the United States, bearing five per centum interest, of the character and description set out in the act entitled "An act to authorize the refunding of the public debt," approved July fourteenth, eighteen hundred and seventy, to said Eads or his legal representatives, in payment at par of the aforesaid warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriations of money: *Provided*, That in no case shall the Government of the United States be liable for any losses incurred by said Eads and his associates in the performance of the work herein mentioned, nor shall any payments thereon be made in excess of the sums nor contrary to the terms hereinbefore prescribed.

United States not liable for losses, etc.

Approved, March 3, 1875.

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ACT OF MARCH 3, 1875.

CHAP. 167.—*An act to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations and for other purposes.*

18 Stat. L., pt. 3, p. 507.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and release any claims for tax on circulation of evidences of indebtedness made against any mining, manufacturing or other corporations other than against any national banking-association, State bank, or banking-association, by such corporations paying the tax, without penalty, that shall have accrued thereon since November first, eighteen hundred and seventy-three; and that the provisions of section three thousand four hundred and twelve of the Revised Statutes of the United States shall not be construed in pending cases, except as to national banking-associations, to apply to such evidences of indebtedness issued and reissued prior to the passage of this act, but said section shall be construed as applying to such evidences of indebtedness issued after the passage hereof.

Certain penalties on mining and manufacturing corporations remitted.

R. S., 3412, p. 374, construed.

Approved, March 3, 1875.

ACT OF APRIL 11, 1876.

CHAP. 55.—*An act to enable the Secretary of the Treasury to pay judgments provided for in an act approved February fifteenth, eighteen hundred and seventy-six, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress."*

19 Stat. L., 32.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, for the purpose of paying the judgments provided for in an act approved February fifteenth, eighteen hundred and seventy-six, entitled "An act providing for the payment of judgments rendered under section eleven, of chapter four hundred and fifty-nine of the laws of the first session of the Forty-third Congress," is hereby authorized to convert into coupon-bonds, and to sell, after five days' notice, so many

Judgments of Alabama claims court, sale of bonds for payment of.

1876, ch. 10.

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as may be necessary for this purpose of the five per centum registered bonds of the United States now held subject to the disposition of Congress under the provisions of the act approved March third, eighteen hundred and seventy-three, chapter two hundred and sixty-one.

1873, ch. 261, vol. 17, p. 601.

1874, ch. 459. sec. 15, 18 Stat., 248. Repealed.

SEC. 2. That so much of section fifteen of the act approved June twenty-third, eighteen hundred and seventy-four, chapter four hundred and fifty-nine, as conflicts with this act, is hereby repealed.

Approved, April 11, 1876.

ACT OF MAY 31, 1878.

20 Stat. L., 87.

CHAP. 146.—*An act to forbid the further retirement of United States legal-tender notes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired cancelled or destroyed but they shall be reissued and paid out again and kept in circulation: *Provided* That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

Legal-tender notes, further retirement of, prohibited.

See act of February 4, 1868, Revised Statutes, 3581.

Proviso. Revised Statutes, 3582.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved, May 31, 1878.

ACT OF JUNE 8, 1878.

20 Stat. L., 102.

CHAP. 170.—*An Act to authorize the Secretary of the Treasury to constitute Superintendents of Mints or Assayers in Assay-offices, Assistant Treasurers of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be and he is hereby authorized to constitute any superintendent of a mint or assayer of any assay-office, an assistant treasurer of the United States without additional compensation,

Superintendents of mints and assayers may be constituted assistant treasurers.

For what purpose.

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to receive gold coin and bullion on deposit for the purposes provided for in section two hundred and fifty-four of the Revised Statutes.

Approved, June 8, 1878.

ACT OF JUNE 11, 1878.

CHAP. 180.—*An act providing a permanent form of government for the District of Columbia.* 20 Stat. L., 102.

* * * * *

SEC. 7. That the offices of sinking-fund commissioners are hereby abolished, and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws. Offices of sinking-fund commissioners abolished and duties transferred to Treasurer of United States.

* * * * *

Approved, June 11, 1878.

ACT OF JANUARY 25, 1879.

CHAP. 24.—*An act to facilitate the refunding the national debt.* 20 Stat. L., 265.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized in the process of refunding the national debt under existing laws to exchange directly at par the bonds of the United States bearing interest at four per centum per annum authorized by law for the bonds of the United States commonly known as five-twenties outstanding and uncalled, and, whenever all such five-twenty bonds shall have been redeemed, the provisions of this section and all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing interest at five per centum per annum or a higher rate, which may be redeemable. In any exchange made under the provisions of this section interest may be allowed, on the bonds redeemed, for a period of three months.

Public debt.

Exchange of 6 for 4 per cent bonds.

Interest.

Approved, January 25, 1879.

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ACT OF FEBRUARY 26, 1879.

20 Stat. L., 321. CHAP. 102.—*An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to issue, in exchange for lawful money of the United States that may be presented for such exchange, certificates of deposit, of the denomination of ten dollars, bearing interest at the rate of four per centum per annum, and convertible at any time, with accrued interest, into the four per centum bonds described in the refunding act; and the money so received shall be applied only to the payment of the bonds bearing interest at a rate of not less than five per centum in the mode prescribed by said act, and he is authorized to prescribe suitable rules and regulations in conformity with this act.

Public debt.

Certificates in aid of refunding.

Proceeds.

Approved, February 26, 1879.

ACT OF MARCH 3, 1879.

20 Stat. L., 383. CHAP. 182.—*An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June thirtieth, eighteen hundred and eighty, namely:

Appropriations.

Sundry civil expenses.

* * * * *

MISCELLANEOUS OBJECTS UNDER THE TREASURY DEPARTMENT.

* * * * *

1879, ch. 329. * * *; and so much of the act "making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes," approved June nineteenth, eighteen hundred and seventy-eight, as authorizes the Secretary of the Treasury to issue coin certificates in exchange for bullion deposited for coinage at mints and assay-offices other than

Bullion certificates.

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those mentioned in section thirty-five hundred and forty-five of the Revised Statutes, be, and the same is hereby, repealed; said repeal to take effect at the end of the present fiscal year. R. S., 3545.

* * * * *

Approved, March 3, 1879.

ACT OF MARCH 3, 1879.

CHAP. 186.—*An act to promote the education of the blind.* 20 Stat. L., 467.

(This act provides an appropriation of $250,000 to be invested in 4 per cent bonds, the interest on said bonds to be paid over to the trustees of the American Printing House for the Blind; the trustees to make report to the Secretary of the Treasury.)

Approved, March 3, 1879.

ACT OF MARCH 3, 1881.

CHAP. 133.—*An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes.* 21 Stat. L., 457.

* * * * *

SEC. 2. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled. Secretary of Treasury to apply surplus money in Treasury to purchase or redemption of bonds. Proviso.

* * * * *

Approved, March 3, 1881.

ACT OF JULY 12, 1882.

CHAP. 290.—*An act to enable national-banking associations to extend their corporate existence, and for other purposes.* 22 Stat. L., 162.

* * * * *

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing three and a half per centum interest, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denomi- Three and a half per cent bonds received in exchange for three per cent registered bonds.

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nations of fifty, one hundred, five hundred, one thousand, and ten thousand dollars, of such form as he may prescribe, bearing interest at the rate of three per centum per annum, payable quarterly at the Treasury of the United States. Such bonds shall be exempt from all taxation by or under State authority, and be payable at the pleasure of the United States: *Provided*, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than three per centum, and which shall be redeemable at the pleasure of the United States, shall be outstanding and uncalled. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.

Exempt from tax, etc.

Proviso.

* * * * *

Approved, July 12, 1882.

ACT OF MAY 16, 1884.

23 Stat. L., 22. CHAP. 52.—*An act to prevent and punish the counterfeiting within the United States of notes, bonds, and other securities of foreign Governments.*

(This act provides penalties for counterfeiting within the United States the notes, bonds, or securities of foreign governments.)

(This act was amended by the act of March 4, 1909 (chap. 321, 35 Stat. L., pp. 1117 to 1119). See sections 156 to 162 inclusive.)

ACT OF MARCH 31, 1886.

24 Stat. L., 9. CHAP. 41.—*An act to amend section three hundred and four of the Revised Statutes of the United States, authorizing the temporary appointment of an Acting Assistant Treasurer.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three hundred and four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

R. S., sec. 304, p. 51, amended.

Assistant Treasurer.

"SEC. 304. The Treasurer may, in his discretion, and with the consent of the Secretary of the Treasury, au-

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thorize the Assistant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States; and in the event of the absence or illness of either the Treasurer or the Assistant Treasurer, or both, the Secretary of the Treasury may, on the recommendation of the Treasurer appoint for a term not exceeding thirty days at one time, from among the clerks in the Treasury, any one of said clerks to be Acting Assistant Treasurer during such absence or illness: *Provided, however*, That no such appointment shall be made until the official bond given by the principal of the office shall be made in terms to cover and apply to the acts and defaults of every such person so appointed from time to time. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the Assistant Treasurer, for whom he acts."

Acting assistant treasurer to perform duties of Treasurer. Proviso.

Approved, March 31, 1886.

ACT OF MARCH 3, 1887.

CHAP. 345.—*An act authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes.*

24 Stat. L., 488.

(Sections 1, 2, and 3 provide for a commission to investigate the books, workings, and consolidation, etc., of said railroads and to report whether the interests of the United States require any extension of the time for performance of their obligations to the Government.)

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the

Subrogation of United States to prior liens, etc.

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debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

Proceedings to protect the rights, etc., of United States.

Investment of sinking funds.

SEC. 5. That the sinking-funds which are or may be held in the Treasury for the security of the indebtedness of either or all of said railroad companies may, in addition to the investments now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either or all of said companies, or in any of the first-mortgage bonds of either of said companies which have been issued under the authority of any law of the United States and secured by mortgages of their roads and franchises, which by any law of the United States have been made prior and paramount to the mortgage, lien, or other security of the United States in respect of its advances to either of said companies as provided by law.

Approved, March 3, 1887.

ACT OF MARCH 2, 1889.

25 Stat. L., 939.

CHAP. 411.—*An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.*

* * * * *

Names on portraits.

* * * : *And provided further*, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes and silver certificates of the United States shall be inscribed below such portrait: * * *

* * * * *

Approved, March 2, 1889.

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ACT OF OCTOBER 1, 1890.

CHAP. 1246.—*An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia.* 26 Stat. L., 625.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That corporations may be formed within the District of Columbia for the purposes hereinafter mentioned in the following manner: District of Columbia. Corporations authorized.

Any time hereafter any number of natural persons, citizens of the United States, not less than twenty-five, may associate themselves together to form a company for the purpose of carrying on in the District of Columbia any one of three classes of business herein specified, to wit: Minimum number of corporators.

First. A safe deposit, trust, loan, and mortgage business. Safe deposit, etc., business.

Second. A title insurance, loan, and mortgage business. Title insurance, etc., business.

Third. A security, guaranty, indemnity, loan, and mortgage business: *Provided*, That the capital stock of any of said companies shall not be less than one million of dollars: *Provided further*, That any of said companies may also do a storage business when their capital stock amounts to the sum of not less than one million two hundred thousand dollars. Security, etc., business. Provisos. Minimum capital. Storage business.

(The remaining sections 2 to 34, inclusive, prescribe method of organization, etc., establish rules for the conduct of business, etc.)

Approved, October 1, 1890.

ACT OF FEBRUARY 10, 1891.

CHAP. 127.—*An act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases.* 26 Stat. L., 742.

* * * * *

SEC. 4. That all counterfeits of any of the obligations or other securities of the United States or of any foreign Government, or counterfeits of any of the coins of the United States or of any foreign Government, and all ma- Counterfeits of United States obligations.

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terial or apparatus fitted or intended to be used, or that shall have been used, in the making of any such counterfeit obligations or other securities or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct.

Issue of search warrants in such cases.

SEC. 5. That the several judges of courts established under the laws of the United States and the commissioners of such courts may, upon proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in the daytime only, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money, or the manufacture or concealment of counterfeit obligations or coins of the United States, or of any foreign government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign government or of any political division of any foreign government, is being carried on or practiced, and there search for any counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and if any such be found to seize and secure the same, and to make return thereof to the proper authority; and all such counterfeit money, coins, dies, hubs, molds, plates, and other things and all such counterfeit obligations so seized shall be forfeited to the United States.

Seizures.

Approved February 10, 1891.

(This act was amended by the act of March 4, 1909 (chap. 321, 35 Stat. L., pp. 1120 and 1121). See sections 169 to 173, inclusive.)

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ACT OF AUGUST 13, 1894.

CHAP. 281.—*An act to subject to state taxation national bank notes and United States Treasury notes.* 28 Stat. L., 278.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That circulating notes of national banking associations and United States legal tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency and gold, silver or other coin shall be subject to taxation as money on hand or on deposit under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax money or currency circulating as money within its jurisdiction.

State taxation of national currency and United States notes authorized.

Proviso.

To be taxed as other money.

SEC. 2. That the provisions of this Act shall not be deemed or held to change existing laws in respect of the taxation of national banking associations.

Existing laws.

Approved, August 13, 1894.

ACT OF AUGUST 15, 1894.

CHAP. 290.—*An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.* 28 Stat. L., 286.

* * * * *

SEC. 19. * * *. And the Secretary of the Treasury is hereby authorized to issue to the Cherokee Nation or to its assigns evidences of indebtedness of the United States of America, bearing interest at the rate of four per centum per annum, payable annually on the fourth day of March of each year, in amounts of one thousand and ten thousand dollars, respectively, for the respective amounts of the second, third, fourth, and fifth installments, maturing respectively on the fourth day of March, eighteen hundred and ninety-six, the fourth day of March, eighteen hundred and ninety-seven, the fourth day of March, eighteen hundred and ninety-eight, and the fourth day of March, eighteen hundred and ninety-nine, and amounting in the aggregate to six million six hun-

Cherokee Nation.

Bonds to be issued for paying installments.

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dred and forty thousand dollars, as specified in said act of March third, eighteen hundred and ninety-three; and this provision shall not be construed to extend the time nor to increase the amount of the liability of the Government as provided in section ten of the said Act of March third, eighteen hundred and ninety-three.

Vol. 27, p. 640.

* * * * *

Approved, August 15, 1894.

ACT OF MAY 28, 1896.

29 Stat. L., 179.

CHAP. 252.—*An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes.*

* * * * *

SEC. 5. That section thirty-six hundred and twenty-one of the Revised Statutes is amended to read as follows:

Moneys to be deposited in public depositaries.

R. S., Sec. 3621, p. 714, amended.

"SEC. 3621. Every person who shall have moneys of the United States in his hands or possession, and disbursing officers having moneys in their possession not required for current expenditure, shall pay the same to the Treasurer, an Assistant Treasurer, or some public depositary of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer, the Assistant Treasurer, or the public depositary shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post-Office Department shall be paid into the Treasury in the manner now required by law."

Proviso. Postal revenues.

* * * * *

Approved, May 28, 1896.

ACT OF JUNE 13, 1898.

30 Stat. L., 448.

CHAP. 448.—*An act to provide ways and means to meet war expenditures, and for other purposes.*

* * * * *

Issue of certificates of indebtedness authorized.

SEC. 32. That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding three per centum per annum, such sum or sums as, in his judgment, may be necessary to meet public ex-

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penditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of fifty dollars or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed one hundred millions of dollars; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

Proviso. —limit.

Counterfeiting.

SEC. 33. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures authorized on account of the existing war (such proceeds when received to be used only for the purpose of meeting such war expenditures) the sum of four hundred million dollars, or so much thereof as may be necessary, and to prepare and issue therefor, coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of twenty dollars or some multiple of that sum, redeemable in coin at the pleasure of the United States after ten years from the date of their issue, and payable twenty years from such date, and bearing interest payable quarterly in coin at the rate of three per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That the bonds authorized by this section shall be first offered at par as a popular loan under such regulations, prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan, and in allotting said bonds the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted: *Provided further*, That any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds and certificates herein authorized is hereby appro-

Issue of bonds to secure loan authorized.

—denominations, etc.

Provisos.

Popular loan.

Disposition of bonds not subscribed for.

Expenses.

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priated out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

* * * * *

Approved, June 13, 1898.

ACT OF JULY 1, 1898.

30 Stat. L., 605.

CHAP. 546.—*An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes.*

* * * * *

Hand-roller presses.

* * *: *Provided further*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses.

* * * * *

Approved, July 1, 1898.

ACT OF JULY 7, 1898.

30 Stat. L., 659.

CHAP. 571.—*An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for prior years, and for other purposes.*

* * * * *

Central Pacific and Western Pacific railroads.

Commission to settle indebtedness to Government.

SETTLEMENT WITH THE CENTRAL PACIFIC AND WESTERN PACIFIC RAILROADS: That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads, upon such terms and in such manner as may be agred upon by them, or by a majority of them, and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

Provisos.

Approval by the President.

Minimum sum to be accepted.

That said commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of the principal and interest and

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all amounts necessary to reimburse the United States for moneys paid for interest or otherwise: *And also provided*, That said commission are hereby empowered to grant such time or times of payment by installment, and at such rates of interest, to be not less than three per centum per annum, payable semiannually, and with such security as to said commission may seem expedient: *Provided, however*, That in any settlement that may be made the final payment and full discharge of said indebtedness shall not be postponed to exceed ten years and the whole amount, principal and interest, shall be paid in equal semiannual installments within the period so limited, and in any settlement made it shall be provided that if default shall be made in any payment of either principal or interest or any part thereof then the whole sum and all installments, principal and interest, shall immediately become due and payable, notwithstanding any other stipulation of said settlement: *Provided further*, That unless the settlement herein authorized be perfected within one year after the passage of this Act the President of the United States shall at once proceed to foreclose all liens now held by the United States against said railroad companies and to collect the indebtedness herein sought to be settled, and nothing in this Act contained shall be held to waive or release any right, lien, or cause of action already held by the United States.

Time of payments.

Final discharge.

Default in payment.

Foreclosure in default of settlement.

No waiver of existing liens, etc.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars to defray the expenses of said commission in making the said settlement.

Appropriation for expenses of commission.

* * * * *

Approved, July 7, 1898.

JOINT RESOLUTION, JULY 7, 1898.

(No. 55.) *Joint resolution to provide for annexing the Hawaiian Islands to the United States.*

30 Stat. L., 751.

* * * * *

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million

United States to assume the public debt of Hawaii.

—limit.

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dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

—interest.

* * * * *

Approved, July 7, 1898.

ACT OF MARCH 14, 1900.

31 Stat. L., 45.
2 Supp. R. S., 1119.

CHAP. 41.—*An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.*

Standard of value fixed.
—gold dollar.
R. S., § 3511.
1890, Sept. 26, ch. 945 (1 Supp. R. S., 807).
—parity of value to be maintained.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dollar consisting of twenty-five and eight-tenths grains of gold nine-tenths fine, as established by section thirty-five hundred and eleven of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

Treasury notes, 1890, July 14, ch. 708 (1 Supp. R. S., 774).
—redeemable in gold.

SEC. 2. That United States notes, and Treasury notes issued under the Act of July fourteenth, eighteen hundred and ninety, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set apart in the Treasury a reserve fund of one hundred and fifty million dollars in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section thirty-seven hundred of the Revised Statutes of the United States. If the Secretary of the

Maintenance of reserve fund.
—by exchange of notes.
—by accepting deposits of gold.
—by procuring gold.
R. S., § 3700.
—by bond issue.

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Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below one hundred million dollars, then it shall be his duty to restore the same to the maximum sum of one hundred and fifty million dollars by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of not exceeding three per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of one hundred and fifty million dollars.

—rate of interest.

Disposition of funds from sale of bonds.

—redemption of bonds, etc.

—notes to be reissued.

Limit to reserve fund.

Sec. 3. That nothing contained in this act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

Quality of silver dollar, etc., unaffected.

Sec. 4. That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve,

Divisions of issue and redemption established.

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all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

—duties.

Cancellation of Treasury notes for silver dollars coined, etc.

SEC. 5. That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the acts of July fourteenth, eighteen hundred and ninety, and June thirteenth, eighteen hundred and ninety-eight, from bullion purchased under the act of July fourteenth, eighteen hundred and ninety, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

Issue of silver certificates.

Gold certificates to be issued on deposits of gold.

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than twenty dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be

—to be counted as bank reserve, etc.

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suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed.

Suspension of authority to issue certificates.

Denomination of certificates.

Repeal of R. S., sec. 5193.

SEC. 7. That hereafter silver certificates shall be issued only of denominations of ten dollars and under, except that not exceeding in the aggregate ten per centum of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of twenty dollars, fifty dollars, and one hundred dollars; and silver certificates of higher denomination than ten dollars, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of ten dollars or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United States notes of less denomination than ten dollars shall from time to time be retired and canceled, and notes of denominations of ten dollars and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

Denomination of silver certificates.

—on reissue.

SEC. 8. That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States purchased under the Act of July fourteenth, eighteen hundred and ninety, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate one hundred millions of dollars. Whenever any silver bullion purchased under the act of July fourteenth, eighteen hundred and ninety, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

Silver bullion may be used for subsidiary coinage 1890, July 14, ch. 708 (1 Supp. R. S., 774).

—limit.

—cancellation of notes.

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Recoinage of uncurrent silver coins.

SEC. 9. That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

—reimbursement of loss from face value.

* * * * *

Redemption of bonds.

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at five per centum per annum, payable February first, nineteen hundred and four, and any bonds of the United States bearing interest at four per centum per annum, payable July first, nineteen hundred and seven, and any bonds of the United States bearing interest at three per centum per annum, payable August first, nineteen hundred and eight, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of two per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of two and one-quarter per centum per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section thirty-six hundred and ninety-four of the Revised Statutes:

—reissue of 2 per cent bonds.

— valuation.

R. S., § 3694.

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And provided further, That the two per centum bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of one per centum of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

Bonds to be issued at par.

Interest to cease on bonds called for payment.

* * * * *

Approved, March 14, 1900.

NOTE.—The act of May 26, 1906 (34 Stat. L., 202), amends section 6 of the above act to read as follows:

"*Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below fifty million dollars the authority to issue certificates as herein provided shall be suspended, but the Secretary of the Treasury is directed to coin, within reasonable time, any and all gold bullion held in said reserve fund in excess of fifty million dollars."

Proviso. Issue to cease if coin in reserve is below $50,000,000.

Bullion to be coined.

ACT OF JUNE 6, 1900.

CHAP. 780.—*An act to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.*

31 Stat. L., 274.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment of the Sioux City and Pacific Railroad Company's indebtedness to the Government of the United States; and to that end may receive and determine upon any proposition or propositions from said Sioux City and Pacific Railroad Company or from any other person or persons, corporation or corporations, and may sell or assign the mortgage given by said company to the United States and do any and all things

Sioux City and Pacific Railroad. Commission to adjust indebtedness of, to Government created.

— powers.

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proper and necessary to effect such settlement and adjustment and secure to the United States the largest sum possible in the payment of said indebtedness up to the full amount thereof: *Provided*, That they deem the same for the best interests of the Government; and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

Proviso. — qualification, etc.

Approved, June 6, 1900.

ACT OF JUNE 6, 1900.

31 Stat. L., 658.

CHAP. 797.—*An act to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided*, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury, United States bonds to an amount not less than the aggregate sum at any time on deposit with such banks or bankers: *And provided further*, That this Act shall apply to Cuba only while occupied by the United States.

Cuba, Porto Rico, and Philippines. Designation of depositories for public moneys.

Provisos. Security deposit.

Application to Cuba.

Approved, June 6, 1900.

JOINT RESOLUTION OF JUNE 6, 1900.

31 Stat. L., 719.

(No. 32.) *Joint resolution to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) be, and the said institution is hereby, authorized and empowered to amend article one of its by-laws, which said by-laws are referred to in, and published with, the royal (Spanish) decree dated May fifth,

Banco Español de Puerto Rico may amend its by-laws.

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anno Domini eighteen hundred and eighty-eight, granting a concession to said bank, so as to change its name to that of Bank of Porto Rico (Banco de Puerto Rico) and to substitute for its capital in pesos the equivalent in money of the United States at the ratio established by law, and to amend article thirty-one of said by-laws, so that to be a councilor of said bank it may not be necessary to be a Spaniard, and further to modify and amend said by-laws, but always in accordance with existing law, and subject to the approval of the governor of Porto Rico: Provided, That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain: And provided further, That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.

Provisos. Powers not enlarged.

Federal control unabridged.

Approved, June 6, 1900.

ACT OF MARCH 3, 1901.

CHAP. 871.—*An act to amend section fifty-one hundred and fifty-three of the Revised Statutes of the United States.*

31 Stat. L., 1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-one hundred and fifty-three of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury

National banks depositaries of public moneys, except customs receipts.

—exception not applicable to Hawaii, Alaska, etc.

R. S., sec. 5153, p. 996, amended.

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shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

Approved, March 3, 1901.

ACT OF JUNE 28, 1902.

32 Stat. L., 484.

CHAP. 1302.—*An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.*

* * * * *

Bond issue authorized to defray expenses.

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this Act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of one hundred and thirty million dollars, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of twenty dollars or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of two per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out

Denominations.

Interest.

Exempt from taxes.

Proviso.

Minimum price.

Expenses.

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of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Approved, June 28, 1902.

ACT OF JULY 1, 1902.

CHAP. 1369.—*An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.* 32 Stat. L., 691.

* * * * *

SEC. 85. That the treasury of the Philippine Islands and such banking associations in said islands with a paid up capital of not less than two million dollars and chartered by the United States or any State thereof as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: *Provided*, That the Treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War. Depositories of public money. Proviso. Deposit of bonds, etc., not required.

* * * * *

Approved, July 1, 1902.

ACT OF DECEMBER 21, 1905.

CHAP. 3.—*An act supplemental to an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and making appropriation for Isthmian Canal construction, and for other purposes.* 34 Stat. L., 5.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two per cent bonds of the United States authorized by section eight of the Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eight, nineteen hundred and two, shall have Isthmian Canal.

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Rights, etc., accorded bonds issued for construction of.

all the rights and privleges accorded by law to other two per cent bonds of the United States, and every national banking association having on deposit, as provided by law, such bonds issued under the provisions of said section eight of said Act approved June twenty-eight, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

Vol. 32, p. 484.

Taxes.

R. S., sec. 5214, p. 1008.

(Section 2 appropriates the sum of eleven million dollars to continue the construction of the Isthmian Canal: "*Provided*, That all expenditures from the appropriation herein made shall be reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said act approved June twenty-eighth, nineteen hundred and two."

Vol. 32, p. 484.

(Section 3 requires reports from officers in Canal Zone, including an itemized account of all moneys received and expended, etc.)

Approved, December 21, 1905.

NOTE.—The proviso in section 2 of the above act is repeated in the following acts: February 27, 1906 (34 Stat. L., 33); June 30, 1906 (34 Stat. L., 762); March 4, 1907 (34 Stat. L., 1369); May 27, 1908 (35 Stat. L., 386); March 4, 1909 (35 Stat. L., 1025).

ACT OF JUNE 25, 1906.

34 Stat. L., 460.

CHAP. 3536.—*An act to modify the requirements of the act entitled "An act to promote the education of the blind," approved March third, eighteen hundred and seventy-nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred and fifty thousand dollars heretofore invested in United States registered four per centum bonds, funded loan of nineteen hundred and seven, inscribed "Secretary of the Treasury, trustee—interest to the Treasurer of the United States for credit of appropriation 'To promote the education of the blind,'" shall upon the maturity and redemption of said

Education of the blind.

Proceeds of matured bonds made a trust fund.

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bonds on the first day of July, nineteen hundred and seven, in lieu of reinvestment in other Government bonds, be set apart and credited on the books of the Treasury Department as a perpetual trust fund; and the sum of ten thousand dollars, being equivalent to four per centum on the principal of said trust fund, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes authorized by the Act approved March third, eighteen hundred and seventy-nine, entitled "An act to promote the education of the blind," approved March third, eighteen hundred and seventy-nine.

Permanent annual appropriation in place of interest.

Disposition.

Vol. 20, p. 467.

Approved, June 25, 1906.

ACT OF MAY 30, 1908.

CHAP. 229.—*An act to amend the national banking laws.*

35 Stat. L., 546.

* * * * *

SEC. 15. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than one per centum per annum upon the average monthly amount of such deposits: *Provided, however*, That nothing contained in this Act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further*, That the rate of interest charged upon such deposits shall be equal and uniform throughout the United States.

Interest payable on special deposits of public moneys.

Provisos.

Safe-keeping not modified.

Uniform interest.

* * * * *

SEC. 17. That a Commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the Commission shall be filled in the same manner as the original appointment.

National Monetary Commission created.

Appointment.

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Inquiry as to changes in monetary system, etc.

SEC. 18. That it shall be the duty of this Commission to inquire into and report to Congress at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

Authority.

Officials.

Powers.

Appropriation.

SEC. 19. That a sum sufficient to carry out the purposes of sections seventeen and eighteen of this Act, and to pay the necessary expenses of the Commission and its members, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said Commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such Commission.

Immediately available.

Accounts.

Termination of act.

SEC. 20. That this Act shall expire by limitation on the thirtieth day of June, nineteen hundred and fourteen.

Approved, May 30, 1908.

ACT OF MARCH 4, 1909.

35 Stat. L., 931.

CHAP. 298.—*An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and nine, and for prior years, and for other purposes.*

* * * * *

National Monetary Commission.

That the members of the National Monetary Commission, who were appointed on the thirtieth day of May, nineteen hundred and eight, under the provisions of section seventeen of the Act entitled "An Act to amend the national banking laws," approved May thirtieth, nineteen hundred and eight, shall continue to constitute the National Monetary Commission until the final report of said

Continued.

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commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were members of the Senate or House of Representatives. All Acts or parts of Acts inconsistent with this provision are hereby repealed.

Compensation.

* * * * *

Approved, March 4, 1909.

ACT OF AUGUST 5, 1909.

CHAP. 6.—*An act to provide revenue, equalize duties and encourage the industries of the United States, and for other purposes.*

* * * * *

SEC. 39. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of two hundred and ninety million five hundred and sixty-nine thousand dollars (which sum together with the eighty-four million six hundred and thirty-one thousand nine hundred dollars already borrowed upon issues of two per cent bonds under section eight of the Act of June twenty-eighth, nineteen hundred and two, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the Canal from its inception to its completion), and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, payable fifty years from the date of issue, and bearing interest payable quarterly in gold coin at a rate not exceeding three per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United

Panama Canal.
Additional issue of bonds for construction, etc.
Amount.
Vol. 32, p. 484.
Denominations.
Payable in fifty years.
Interest.
Exemption from taxation.
Proviso.
Disposal.

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States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same; and the authority contained in section eight of the Act of June twenty-eighth, nineteen hundred and two, for the issue of bonds bearing interest at two per centum per annum, is hereby repealed.

Appropriation for expenses.

Issue of 2 per cent bonds repealed. Vol. 32, p. 484.

SEC. 40. That section thirty-two of an Act, entitled, "An Act providing ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, be, and the same is hereby, amended to read as follows:

Certificates of indebtedness. Vol. 30, p. 466, amended.

Issue authorized at 3 per cent.

"That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding three per centum per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of fifty dollars or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasurer may prescribe: *Provided*, That the sum of such certificates outstanding shall at no time exceed two hundred millions of dollars; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this Act."

Payable within one year.

Proviso. Amount increased.

Laws as to counterfeiting, etc., applicable.

* * * * *

Approved, August 5, 1909. (5.05 p. m.)

[PUBLIC—No. 33.]

An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any bonds and certificates of indebtedness of the United States hereafter issued shall be payable, principal and interest, in United States gold coin of the pres-

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ent standard of value; and that such bonds may be issued in such denominations as may be prescribed by the Secretary of the Treasury.

SEC. 2. That any certificates of indebtedness hereafter issued shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority; and that a sum not exceeding one-tenth of one per centum of the amount of any certificates of indebtedness issued is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, February 4, 1910.

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BANKING.

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BANKING.

ACT OF FEBRUARY 25, 1791.

CHAP. X.—*An act to incorporate the subscribers to the Bank of the United States.*

1 Stat. L., 191. [Expired.]

Preamble.

Whereas, it is conceived that the establishment of a Bank for the United States, upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon the principles which afford adequate security for an upright and prudent administration thereof, will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, for the use of the Government, in sudden emergencies; and will be productive of considerable advantage to trade and industry in general: Therefore,

Establishment of a Bank of the United States, and amount and division of its stock, and time of subscribing.

SECTION 1. *Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a Bank of the United States shall be established; the capital stock whereof shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; and that subscriptions, towards constituting the said stock, shall, on the first Monday of April next, be opened at the city of Philadelphia, under the superintendence of such persons, not less than three, as shall be appointed for that purpose by the President of the United States (who is hereby empowered to appoint the said persons accordingly); which subscriptions shall continue open, until the whole of the said stock shall have been subscribed.

Act of Mar. 2, 1791, ch. 11.

By whom to be subscribed.

SEC. 2. *And be it further enacted*, That it shall be lawful for any person, co-partnership, or body politic, to subscribe for such or so many shares, as he, she, or they shall think fit, not exceeding one thousand, except as shall be hereafter directed relatively to the United States; and that the sums, respectively subscribed, except on behalf of the United States, shall be payable one fourth in gold and

Proportions of gold and silver and the public debt to be subscribed, and

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silver, and three fourths in that part of the public debt, which, according to the loan proposed in the fourth and fifteenth sections of the act, entitled "An act making provision for the debt of the United States," shall bear an accruing interest, at the time of payment, of six per centum per annum, and shall also be payable in four equal parts, in the aforesaid ratio of specie to debt, at the distance of six calendar months from each other; the first whereof shall be paid at the time of subscription.

when to be paid.

(Section 3 makes the subscribers a corporation by the name of "the president, directors, and company of the Bank of the United States," to continue until March 4, 1811; and empowers them to hold property not exceeding fifteen millions of dollars, including the amount of their capital stock, and to make all convenient regulations, and to do all necessary things, subject to the limitations and provisions of this act.

(Section 4 provides for the annual election of twenty-five directors, and requires the directors to choose one of their number as president.

(Section 5 requires that as soon as four hundred thousand dollars, in gold and silver, shall have been received from the subscribers, a time shall be fixed for the election of directors, and the operations of the bank shall then begin at the city of Philadelphia.

(Section 6 empowers the directors to employ the necessary officers, clerks, and servants, and to govern the affairs of the corporations.)

Articles of constitution.

SEC. 7. *And be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz.

Stockholders, how to vote, in what proportion to sum subscribed, and

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following: That is to say, for one share, and not more than two shares, one vote: for every two shares above two, and not exceeding ten, one vote: for every four shares above ten, and not exceeding thirty, one vote: for every six shares above thirty, and not exceeding sixty, one vote: for every eight shares above sixty, and not exceeding one hundred, one vote: and for every ten shares above one hundred, one vote:—But no person, co-partnership, or body politic shall be entitled to a greater number than thirty votes. And after the first

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election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in elections by proxy.

in certain cases may vote by proxy.

II. Not more than three fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year: but the director, who shall be president at the time of an election, may always be re-elected.

Number of electors eligible for ensuing year, and

III. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

who as directors.

IV. No director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

Compensation to be allowed.

V. Not less than seven directors shall constitute a board for the transaction of business, of whom, the president shall always be one, except in case of sickness, or necessary absence; in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for the purpose.

How to constitute a board.

VI. Any number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least ten weeks notice, in two public gazettes of the place where the bank is kept, and specifying, in such notice, the object or objects of such meeting.

Number of stockholders empowered to call a meeting, etc.

VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour.

Cashier and treasurer to give bond.

VIII. The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Limitation of property;

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and of debts they shall at any time owe.

IX. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed the sum of ten millions of dollars, over and above the monies then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the United States. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of record of the United States, or of either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

In case of excess, directors accountable in private capacities and may be prosecuted.

Exception in favor of absentees at time of excess.

Corporation may sell public debt and part of its stock, but not purchase, etc.

X. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatsoever; nor shall directly or indirectly deal or trade in any thing, except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of six per centum per annum, for or upon its loans or discounts.

and take not more than 6 per cent per annum.

How and for what objects to make loans.

XI. No loan shall be made by the said corporation, for the use or on account of the Government of the United States, to an amount exceeding one hundred thousand dollars, or of any particular State, to an amount exceeding fifty thousand dollars, or of any foreign prince or state, unless previously authorized by a law of the United States.

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XII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

And bills, etc., shall

XIII. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names.

be assignable,

and

And bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her, or their private or natural capacity or capacities; and shall be assignable and negotiable, in like manner, as if they were so issued by such private person or persons—that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by indorsement, in like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

bills to be obligatory.

XIV. Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors advisable; and once in every three years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts, which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum, subscribed by any person, co-partnership, or body politic, the party failing shall lose the benefit of any dividend, which may have accrued, prior to the time for making such payment, and during the delay of the same.

Dividends of profits made.

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Offices may be established within United States, for discount and deposit only, etc.

XV. It shall be lawful for the directors aforesaid, to establish offices wheresoever they shall think fit, within the United States, for the purposes of discount and deposit only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations as they shall deem proper; not being contrary to law, or to the constitution of the bank.

Officer at the head of the Treasury to be furnished with statements.

XVI. The officer at the head of the Treasury Department of the United States, shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements. *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Not of private nature.

Penalty for buying or selling goods, etc.

SEC. 8. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons, by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandises, and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

How money may be advanced or lent.

SEC. 9. *And be it further enacted*, That if the said corporation shall advance or lend any sum, for the use or on account of the Government of the United States, to an amount exceeding one hundred thousand dollars; or of any particular State to an amount exceeding fifty thousand dollars; or of any foreign prince or state, (unless previously authorized thereto by a law of the United States,) all and every person and persons, by and with whose order, agreement, consent, approbation, or conniv-

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ance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent; one fifth thereof to the use of the informer, and the residue thereof to the use of the United States; to be disposed of by law and not otherwise.

Bills or notes made receivable by United States.

1812, ch. 43.

SEC. 10. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States.

Subscriptions made by United States, how to be paid, etc.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars; to be paid out of the monies which shall be borrowed by virtue of either of the acts, the one entitled "An act making provision for the debt of the United States;" and the other entitled "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes, for which the said monies shall have been procured; reimbursable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions, that the Government may think fit.

1790, ch. 34.

1790, ch. 47.

No other bank to be established.

SEC. 12. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged.

Approved, February 25, 1791.

(Paragraph XI of section 7 of this act forbids the loaning of money by the Bank to the United States in a greater sum than one hundred thousand dollars; but subsequent acts giving authority for the borrowing of money authorize the bank to loan the amounts notwithstanding the said prohibition.

(See act of February 28, 1793, chap. 18, sec. 3, vol. 1, Stat. L., p. 329; act of March 20, 1794, chap. 8, sec. 1, vol. 1, Stat. L., p. 345; act of June 9, 1794, chap. 63, sec. 2, vol. 1, Stat. L., p. 395; act of December 18, 1794, chap.

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4, sec. 2, vol. 1, Stat. L., p. 404; act of February 21, 1795, chap. 25, sec. 1, vol. 1, Stat. L., p. 418; act of March 3, 1795, chap. 45, sec. 19, vol. 1, Stat. L., p. 438; act of March 3, 1795, chap. 46, sec. 6, vol. 1, Stat. L., p. 439; act of May 30, 1796, chap. 41, sec. 5, vol. 1, Stat. L., p. 487; act of May 31, 1796, chap. 44, sec. 1, vol. 1, Stat. L., p. 488; act of June 1, 1796, chap. 51, sec. 3, vol. 1, Stat. L., p. 494; act of July 8, 1797, chap. 16, sec. 1, vol. 1, Stat. L., p. 534; act of July 16, 1798, chap. 79, sec. 1, vol. 1, Stat. L., p. 607; act of July 16, 1798, chap. 84, sec. 2, vol. 1, Stat. L., p. 609; act of March 2, 1799, chap. 31, sec. 9, vol. 1, Stat. L., p. 726; act of May 7, 1800, chap. 42, sec. 1, vol. 2, Stat. L., p. 60; act of February 26, 1803, chap. 8, sec. 2, vol. 2, Stat. L., p. 202; act of November 10, 1803, chap. 3, sec. 3, vol. 2, Stat. L., p. 247; act of March 26, 1804, chap. 46, sec. 4, vol. 2, Stat. L., p. 292; act of February 13, 1806, chap. 5, sec. 2, vol. 2, Stat. L., p. 350; act of June 28, 1809, chap. 10, sec. 1, vol. 2, Stat. L., p. 551; act of May 1, 1810, chap. 45, sec. 1, vol. 2, Stat. L., p. 610.)

ACT OF MARCH 2, 1791.

1 Stat. L., 196.

CHAP. XI.—*An act supplementary to the act intituled "An act to incorporate the subscribers to the Bank of the United States."*

Subscriptions to bank stock prolonged. 1791, ch. 10.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the subscriptions to the stock of the bank of the United States, as provided by the act, intituled "An act to incorporate the subscribers to the Bank of the United States," shall not be opened until the first Monday in July next.

Time of first payment.

SEC. 2. *And be it further enacted*, That so much of the first payment as by the said act is directed to be in the six per cent. certificates of the United States, may be deferred until the first Monday in January next.

Not more than thirty shares to be subscribed at one time.

SEC. 3. *And be it further enacted*, That no person, corporation, or body politic, except in behalf of the United States, shall, for the space of three months after the said first Monday in July next, subscribe in any one day, for more than thirty shares.

Specie proportion, when to be paid, and failure in future payments to forfeit sum first paid.

SEC. 4. *And be it further enacted*, That every subscriber shall, at the time of subscribing, pay into the hands of the persons who shall be appointed to receive the same, the specie proportion required by the said act

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to be then paid. And if any such subscriber shall fail to make any of the future payments, he shall forfeit the sum so by him first paid, for the use of the corporation.

In what manner public debt funded at 3 per cent may be paid to the bank.

SEC. 5. *And be it further enacted*, That such part of the public debt, including the assumed debt, as is funded at an interest of three per cent. may be paid to the bank, in like manner with the debt funded at six per cent. computing the value of the former at one half the value of the latter, and reserving to the subscribers who shall have paid three per cent. stock, the privilege of redeeming the same with six per cent. stock, at the above rate of computation, at any time before the first day of January, one thousand seven hundred and ninety-three; unless the three per cent. stock shall have been previously disposed of by the directors.

Approved, March 2, 1791.

ACT OF FEBRUARY 28, 1793.

1 Stat. L., 328.

CHAP. XVIII.—*An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three.*

* * * * * * *

President may borrow not exceeding $800,000.

SEC. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said States, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, one thousand seven hundred and ninety-three: And that it shall be lawful for the Bank of the United States to lend the said sum. And the President of the United States shall cause so much of the loan, made of the Bank of the United States, pursuant to the eleventh section of the act, by which it is incorporated, to be paid off, in sums not less than fifty thousand dollars, as, in his opinion, the state of the Treasury may, from time to time, admit, out of any monies which may be in the Treasury, having due regard to the exigencies of Government, and the appropriations made and to be made by law.

On what terms and of whom.

Loan made of the bank, how to be paid off.

Approved, February 28, 1793.

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ACT OF MARCH 2, 1793.

1 Stat. L., 338. [Obsolete.]

CHAP. XXV.—*An act providing for the payment of the first instalment due on a loan made of the Bank of the United States.*

President may apply certain monies to pay first installment to Bank of United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to apply two hundred thousand dollars, of the monies which may have been borrowed, in pursuance of the fourth section of the act, intituled "An act making provision for the reduction of the public debt," in payment of the first instalment, due to the Bank of the United States, upon a loan made of the said bank, in pursuance of the eleventh section of the act for incorporating the subscribers to the said bank.

1790, ch. 47.

Approved, March 2, 1793.

ACT OF JUNE 4, 1794.

1 Stat. L., 372. [Obsolete.]

CHAP. XL.—*An act providing for the payment of the second instalment due on a loan made of the Bank of the United States.*

President of United States to pay second installment to the bank out of foreign loans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized and empowered to apply two hundred thousand dollars of the proceeds of foreign loans heretofore transferred to the United States, in payment of the second instalment due to the Bank of the United States, upon a loan of the said bank, made pursuant to the eleventh section of the act for incorporating the subscribers to the said bank: and that the annual period for the payment of each instalment of the said loan, shall be deemed to be the last day of December in each year.

Annual period for payment of each installment.

Appropriation for paying interest on said loan.

SEC. 2. *And be it further enacted*, That a sufficient sum of the dividends, which have accrued, or which shall hereafter accrue, on the stock owned by the United States, in the Bank of the United States, be, and the same is hereby appropriated to the payment of the interest, which has, or shall become due, on the loan obtained, as aforesaid.

Approved, June 4, 1794.

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ACT OF JUNE 5, 1794.

CHAP. XLVI.—*An act to authorize the President of the United States during the recess of the present Congress, to cause to be purchased or built a number of vessels to be equipped as galleys, or otherwise, in the service of the United States.* 1 Stat. L., 376.

* * * * *

SEC. 3. *And be it further enacted*, That there be appropriated for the purpose aforesaid, the sum of eighty thousand dollars to be paid out of the proceeds of any revenue of the United States, which now are, or hereafter during the present session shall be provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated as aforesaid, according to such contract or contracts, which shall be made concerning the same.

Appropriation therefor.

President authorized to borrow $80,000.

Approved, June 5, 1794.

ACT OF JUNE 9, 1794.

CHAP. LXIII.—*An act making appropriations for certain purposes therein expressed.* 1 Stat. L., 395.

* * * * *

SEC. 2. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States (which is hereby authorized to lend the same), or of any other body or bodies politic, person or persons, any sum not exceeding in the whole, one million of dollars to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the proceeds of the said revenues.

President of the United States to borrow a sum.

Not exceeding $1,000,000.

SEC. 3. *Provided always, and be it further enacted*, That there shall be reserved out of the proceeds of the said revenues, a sum sufficient to pay the interest of whatever monies may be borrowed pursuant to the act, intituled "An act making further provision for the expenses

Certain sum to be reserved.

1794, ch. 7.

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attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations;" and such sum is hereby pledged and appropriated for that purpose, according to the terms of the contract or contracts which shall or may be made concerning the said monies. And the faith of the United States is hereby pledged to make such further provision therefor, as may be necessary.

Approved, June 9, 1794.

ACT OF JANUARY 8, 1795.

1 Stat. L., 409. [Obsolete.]

CHAP. XI.—*An act providing for the payment of certain instalments of foreign debts; and of the third instalment due on a loan made of the Bank of the United States.*

Certain instalments of debt, how to be paid.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to cause any instalments of the foreign debts, which may fall due in the year one thousand seven hundred and ninety-five, and also the third instalment due on a loan made of the Bank of the United States, in pursuance of the eleventh section of the act for incorporating the subscribers to the said bank, to be paid out of the proceeds of any foreign loans heretofore made.

1791, ch. 10.

Approved, January 8, 1795.

ACT OF FEBRUARY 21, 1795.

1 Stat. L., 418. [Obsolete.]

CHAP. XXV.—*An act for the reimbursement of a loan authorized by an act of the last session of Congress.*

Bank of United States authorized to lend.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Bank of the United States be, and the same is hereby authorized to lend to the United States, the whole, or any part of the sum of eight hundred thousand dollars (remaining unapplied) in pursuance of the authority granted to borrow one million of dollars, by the act, intituled "An act making further pro-

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vision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations.

1794, ch. 7.

SEC. 2. *And be it further enacted*, That after reserving such sums as may be sufficient to satisfy prior appropriations, there be further appropriated, in aid of the provision heretofore made, out of the proceeds of the duties which have arisen, or may arise upon carriages for the conveyance of persons; upon licenses for selling wines and foreign distilled spirituous liquors by retail; upon snuff and refined sugar; and upon property sold at auction; which were imposed by acts passed during the last session, and which may be further continued, the present session of Congress, or from the proceeds of such duties or revenues as may be established in lieu thereof, a sum sufficient to the reimbursement, before the year one thousand eight hundred and one, of any loan or loans, which have been, or which may hereafter be made, in virtue of the act aforesaid: And that the faith of the United States be, and the same is hereby pledged, to make good any deficiency of the said duties.

Surplus of certain revenues appropriated.

Approved, February 21, 1795.

ACT OF JUNE 1, 1796.

CHAP. LI.—*An act making appropriations for the support of the Military and Naval Establishments for the year one thousand seven hundred and ninety-six.*

1 Stat. L., 493.

* * * * *

(Section 2 makes reference to authority of Bank of United States to make a loan.)

Out of what funds payable.

SEC. 3. *And be it further enacted*, That the President of the United States be empowered to borrow, at an interest not exceeding six per centum, of the Bank of the United States, which is hereby authorized to lend the same; or of any body or bodies politic, person or persons, any sum or sums not exceeding in the whole, six hundred and fifty thousand dollars, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

President of United States may borrow $650,000 to satisfy this act.

Approved, June 1, 1796.

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ACT OF JUNE 27, 1798.

1 Stat. L., 573.

CHAP. LXI.—(This act prescribes a penalty on forging or uttering counterfeit bills, notes, orders, or checks by or upon the Bank of the United States, which was repealed by the act of February 24, 1807 (Chap. XX, 2 Stat. L., 423) which see.)

ACT OF JULY 16, 1798.

1 Stat. L., 609.

CHAP. LXXXIV.—*An act making certain appropriations; and to authorize the President to obtain a loan on the credit of the direct tax.*

* * * * *

The President may borrow two millions on the credit of the direct tax.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to borrow of the Bank of the United States, who are hereby enabled to lend the same, or of any other corporation, persons or person, the sum of two millions of dollars, upon the credit, and in anticipation of the direct tax, laid and to be collected within the United States; which tax shall be, and is hereby pledged for the repayment of any loan which shall be obtained thereon, as aforesaid; and the faith of the United States shall be, and is hereby pledged to make good any deficiency: *Provided*, That the interest to be allowed for such loan, shall not exceed six per centum per annum; and that the principal shall be reimbursed at the pleasure of the United States.

Approved, July 16, 1798.

ACT OF MARCH 2, 1799.

1 Stat. L., 726.
Repealed 1802, ch. 9.

CHAP. XXXI.—*An act giving eventual authority to the President of the United States to augment the Army.*

(Sections 1 to 8 provide for augmenting the military force, including volunteers, etc.)

Appropriation for the purposes of this act, and authority to borrow money.

SEC. 9. *And be it further enacted*, That for the execution of this act, if it shall be found necessary to carry it, or any part of it into effect, there be appropriated the sum of two millions of dollars, and that the President be authorized to borrow, on behalf of the United States, the said sum, or so much thereof as he shall deem necessary (which the Bank of the United States is hereby empowered to lend) and upon such terms and conditions as

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he shall judge most advantageous to the United States: *Provided*, That such terms and conditions shall not restrain the United States from paying off the sum which may be borrowed, after the expiration of fifteen years.

Certain duties pledged to redeem the loan.

SEC. 10. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be, and hereby is pledged and appropriated for paying the interest of all such monies as may be borrowed pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected; and also for paying, by discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid.

* * * * *

Approved, March 2, 1799.

ACT OF APRIL 29, 1802.

2 Stat. L., 167.

CHAP. XXXII.—*An act making provision for the redemption of the whole of the Public Debt of the United States.*

* * * * *

(Section 3 provides that all reimbursements of the principal of the public debt shall be made under the superintendence of the commissioners of the sinking fund, including temporary loans heretofore obtained from the Bank of the United States.)

* * * * *

Commissioners authorized to employ the Bank of the United States as an agent, for the payment of the Dutch debt, etc.

SEC. 5. *And be it further enacted*, That for the purpose of more effectually securing the reimbursement of the Dutch debt, the commissioners of the sinking fund may, and they hereby are empowered, with the approbation of the President of the United States, to contract, either with the Bank of the United States, or with any other public institution, or with individuals, for the payment, in Holland, of the whole, or any part, of the principal of the said Dutch debt, and of the interest and charges accruing on the same, as the said demands become due, on such terms as the said commissioners shall think most advantageous to the United States; or to employ either the said Bank, or any other public institution, or any individual or individuals, as agent or agents, for the purpose of purchasing bills of exchange, or any other kind

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Compensation to agent.

of remittances, for the purpose of discharging the interest and principal of said debt, and to allow to such agent or agents a compensation not exceeding one-fourth of one per cent. on the remittances thus purchased or procured by them under the direction of the said commissioners, and as much of the duties on tonnage and merchandise as may be necessary for that purpose is hereby appropriated towards paying the extra allowance or commission resulting from such transaction, or transactions, and also to pay any deficiency arising from any loss incurred upon any remittance purchased or procured under the direction of the said commissioners, for the purpose of discharging the principal and interest of the said debt.

* * * * *

Approved, April 29, 1802.

ACT OF FEBRUARY 26, 1803.

2 Stat. L., 202.

CHAP. VIII.—*An act making further provision for the expenses attending the intercourse between the United States and foreign nations.*

* * * * *

President authorized to borrow the money. The terms and time of reimbursement.

SEC. 2. *And be it further enacted*, That the President of the United States may, if he shall deem it necessary, and he hereby is authorized to borrow the whole, or any part of the said sum, at an interest not exceeding six per centum per annum, reimbursable before the year one thousand eight hundred and eleven: and it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

* * * * *

Approved, February 26, 1803.

ACT OF FEBRUARY 24, 1804.

2 Stat. L., 251.

CHAP. XIII.—*An act for laying and collecting duties on imports and tonnage within the territories ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic, and for other purposes.*

* * * * *

Other acts extended to Louisiana.

SEC. 2. *And be it further enacted*, That so much of any act or acts of the United States, now in force, or

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which may be hereafter enacted, concerning the Bank of the United States, and for the punishment of frauds committed on the same; * * * shall extend to and have full force and effect in the above-mentioned territories.

Act concerning the Bank of the United States; * * * extended to Louisiana.

* * * * *

Approved, February 24, 1804.

ACT OF MARCH 23, 1804.

CHAP. XXXII.—*An act supplementary to the act intituled "An act to incorporate the subscribers to the Bank of the United States."*

2 Stat. L., 274. [Obsolete.] Act of February 18, 1791, ch. 10.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President and directors of the Bank of the United States shall be, and they are hereby authorized to establish offices of discount and deposit in any part of the territories or dependencies of the United States, in the manner, and on the terms prescribed by the act to which this is a supplement.

Bank of the United States authorized to establish offices of discount and deposit.

Approved, March 23, 1804.

ACT OF MARCH 26, 1804.

CHAP. XLVI.—*An act further to protect the commerce and seamen of the United States against the Barbary powers.*

2 Stat. L., 292. [Expired.]

* * * * *

SEC. 4. * * *; or if necessary the President of the United States is hereby authorized to borrow the said sum, or such part thereof as he may think proper, at a rate of interest not exceeding six per centum per annum, from the Bank of the United States, which is hereby empowered to lend the same, or from any other body or bodies politic or corporate, or from any person or persons; and so much of the proceeds of the duties laid by this act, as may be necessary, shall be and is hereby pledged for replacing in the treasury, the said sum of one million of dollars, or so much thereof as shall have been thus expended, and for paying the principal and interest of the said sum, or so much thereof as may be borrowed, pursuant to the authority given in this section: and an account of the several expenditures made under this act, shall be laid before Congress during their next session.

President authorized to borrow this sum.

Bank of the United States authorized to lend.

See acts of 1809, ch. 7; 1810, ch. 5; 1813, ch. 40.

Accounts to be laid before Congress.

Approved, March 26, 1804.

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ACT OF FEBRUARY 13, 1806.

2 Stat. L., 349. [Obsolete.]

CHAP. V.—*An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.*

* * * * *

President authorized to cause the money to be borrowed.

SEC. 2. *And be it further enacted*, That the President of the United States be, and hereby is authorized, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum, per annum, redeemable at the will of the Congress of the United States. And it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

Rates of interest.

Fund made subject to the reimbursement of principal and the paying of the interest.

SEC. 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them, by law, shall be, and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal, of all such monies as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

Approved, February 13, 1806.

ACT OF FEBRUARY 24, 1807.

2 Stat. L., 423.

CHAP. XX.—*An act to punish frauds committed on the Bank of the United States.*

Act of April 10, 1816, ch. 44, sec. 18.

Punishment for falsely making, forging, or counterfeiting notes of the Bank of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check on the said bank or corporation, or any cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check, on the said bank or corporation, or any cashier thereof, or

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shall pass, utter or publish, or attempt to pass, utter or publish as true, any false, forged, or counterfeited bill, or note, purporting to be a bill, or note, issued by order of the president, directors and company of the Bank of the United States, or any false, forged, or counterfeited order or check, upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by order of the president, directors and company of the Bank of the United States, or any falsely altered order or check, on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered with intention to defraud the said corporation, or any other body politic, or person; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labour, for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: Provided, that nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states, over the offence, declared punishable by this act.

Or checks or orders thereon.

Saving of the jurisdiction of state courts.

SEC. 2. *And be it further enacted*, That the act, intituled "An act to punish frauds committed on the Bank of the United States," passed the twenty-seventh day of June, one thousand seven hundred and ninety-eight, shall be and the same is hereby repealed: Provided nevertheless, that the repeal of the said act shall not be so construed, as to prevent the trial, condemnation or punishment of any person, or persons, charged with or guilty of a violation of any of its provisions, previous to the passing of this act.

Repeal of act of June 27, 1798, ch. 61.

Approved, February 24, 1807.

ACT OF JUNE 28, 1809.

CHAP. X.—*An act supplementary to the act, entituled "An act making further provision for the support of public credit, and for the redemption of the public debt."*

2 Stat. L., 551.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested in the commissioners of the

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Act of Mar. 3, 1795, ch. 45.
Powers of the commissioners of the sinking fund extended.

sinking fund, by the tenth section of the act to which this act is a supplement, shall extend to all the cases of reimbursement of any instalments or parts of the capital, or principal, of the public debt now existing, which may become payable according to law. And in every case in which a loan may be made accordingly, it shall be lawful for such loan to be made of the Bank of the United States, any thing in any act of Congress to the contrary notwithstanding.

Approved, June 28, 1809.

ACT OF FEBRUARY 15, 1811.

2 Stat. L., 621.

CHAP. XV.—*An act concerning the Bank of Alexandria.*

(This act established the Bank of Alexandria, and in addition to prescribing its general powers and duties provided that it should not issue any note for a smaller sum than five dollars. Other acts in relation to banks in the District of Columbia and Territories, with some of the special powers and duties prescribed, are as follows: February 15, 1811 (chap. 16, 2 Stat. L., 625), incorporated the Bank of Washington. February 16, 1811 (chap. 17, 2 Stat. L., 629), incorporated the Farmers Bank of Alexandria. February 16, 1811 (chap. 18, 2 Stat. L., 633), incorporated the Bank of Potomac; not to issue notes of a smaller sum than five dollars. February 18, 1811 (chap. 19, 2 Stat. L., 636), incorporated the Union Bank of Georgetown. May 16, 1812 (chap. 87, 2 Stat. L., 735), incorporated the Mechanics Bank of Alexandria; not to issue notes of a smaller sum than five dollars. March 3, 1817 (chap. 93, 3 Stat. L., 383), incorporated the Farmers and Mechanics Bank of Georgetown, the Central Bank of Georgetown, the Bank of the Metropolis, the Patriotic Bank of Washington, the Real Estate Bank of the United States, and the Union Bank of Alexandria.

(Section 14 provided, among other things, that the banks should in no case buy and sell the funded debt of the United States, and section 29 prohibited unchartered banking companies within the District of Columbia issuing notes, etc. May 4, 1820 (chap. 62, 3 Stat. L., 570), charters of the banks in the District of Columbia pay-

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ing specie, and as long as they pay specie continued until June 1, 1822; charter of Bank of Columbia limited to June 1, 1822. March 2, 1821 (chap. 18, 3 Stat. L., 618), extended the charters of the Bank of Alexandria, the Farmers Bank of Alexandria, the Bank of Washington, the Bank of the Metropolis, the Patriotic Bank of Washington, the Union Bank of Georgetown, the Farmers and Mechanics Bank of Georgetown, and the Bank of Columbia.

(Section 7 prescribed that no note under five dollars should be issued by any of said banks; other sections provide for the liquidation of the Central Bank of Georgetown and Washington; for the continuance of the Bank of Potomac; for the consolidation of the Union Bank of Alexandria and Bank of Potomac; for the consolidation of any two of the banks whose charters are extended, etc. February 21, 1823 (3 Stat. L., 727), extended charter of Mechanics Bank of Alexandria. February 9, 1836 (chap. 5, 5 Stat. L., 1), extended the charters of the Bank of Potomac, the Farmers Bank of Alexandria, the Union Bank of Georgetown, the Farmers and Mechanics Bank of Georgetown, the Bank of the Metropolis, the Patriotic Bank of Washington, and the Bank of Washington. February 25, 1836 (chap. 40, 5 Stat. L., 4), extended the charters of the Bank of Columbia, and the Bank of Alexandria. July 2, 1836 (chap. 260, 5 Stat. L., 69), extended charters of banks mentioned in act of February 9, 1836 (*supra*). March 3, 1837 (chap. 75, 5 Stat. L., 198), the acts of the legislative assembly of the Territory of Wisconsin incorporating the following banks approved: The Bank of Milwaukee, the Miners Bank of Dubuque, and the Bank of Mineral Point, with the condition that none of said banks should issue bills or notes for circulation until one-half of their capital should be actually paid in. May 25, 1838 (chap. 88, 5 Stat. L., 229), extended charter of the Union Bank of Georgetown, and provided for closing its affairs. Charter further extended by act of August 28, 1841 (5 Stat. L., 451). May 31, 1838 (chap. 91, 5 Stat. L., 232), continued the corporate existence of the following banks: The Farmers and Mechanics Bank of Georgetown, the Bank of the Metropolis, the Patriotic Bank of Washington, the Bank of Washington, the Farmers Bank of Alexandria, and the

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Bank of Potomac; provided, said banks cease receiving or paying out all paper currency of less denomination than five dollars, redeem all their notes of five dollars in gold or silver, and resume specie payments in 1839 or sooner if the principal banks of Baltimore and Richmond should sooner resume specie payments in full. July 5, 1838 (chap. 154, 5 Stat. L., 254), extended charter of Bank of Alexandria. July 7, 1838 (chap. 212, 5 Stat. L., 309), made it unlawful for any individual, company, or corporation to issue, pass, or offer to pass within the District of Columbia, any note, check, draft, bank bill, or any other paper currency, of a less denomination than five dollars. July 3, 1840 (chap. 40, 6 Stat. L., 802), continued the corporate existence of certain banks in the District of Columbia and extended the provisions, etc., of the act of May 25, 1838 (5 Stat. L., 229), to them. August 28, 1841 (chap. 12, 5 Stat. L., 449), extended the charters of the banks mentioned in act of May 31, 1838 (*supra*), provided, said banks resume and continue the payments of all their notes and specie liabilities, in specie, on demand, and prohibited the issuing of notes of less than five dollars, etc. June 17, 1844 (chap. 98, 5 Stat. L., 677), extended charters of certain banks in the District of Columbia in order to wind up their affairs. March 2, 1847 (chap. 38, 9 Stat. L., 153), extended charter of the Union Bank of Georgetown in order to close its affairs. December 27, 1854 (chap. 15, 10 Stat. L., 599), provided for suppressing the circulation of notes, etc., of less than five dollars in the District of Columbia. March 8, 1864 (chap 21, 13 Stat. L., 17), incorporated the Washington City Savings Bank. May 5, 1870 (chap. 80, 16 Stat L., 102), section 4, provided for the organization of manufacturing; business, and other corporations in the District of Columbia, and the act of June 17, 1870 (chap. 131, 16 Stat. L., 153), provided that savings banks might be organized thereunder. May 24, 1870 (chap. 110, 16 Stat. L., 137), incorporated the National Union Savings Bank of the District of Columbia. January 20, 1873 (chap. 43, 17 Stat. L., 412), authorized the Comptroller of the Currency to examine national banks in the District of Columbia. June 30, 1876 (chap. 156, 19 Stat. L., 64), provided that all savings banks or savings and trust companies organized under any act of Congress shall

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make to the Comptroller of the Currency the same reports as national banks, and be subject to the banking laws so far as applicable. October 1, 1890 (chap. 1246, 26 Stat. L., 625), provided for the incorporation of safe deposit, trust, loan, mortgage, and other companies within the District of Columbia, and the provisions of which act were reenacted in the District of Columbia Code March 3, 1891, sections 713 to 748 (31 Stat. L., 1303–1310), as set out in the next following reference. March 3, 1901 (chap. 854 (Code), 31 Stat. L., 1284), sections 605 to 640 provide for the incorporation of savings bank corporations in the District of Columbia and prescribe the powers and duties thereof; sections 687 to 700 apply in the same manner to building associations; sections 713 and 714 to savings banks, and sections 715 to 748 to trust, loan, mortgage, and certain other corporations; section 713 provides that all savings banks or savings companies or institutions organized to do business in the District of Columbia shall make reports to the Comptroller of the Currency, and be subject to all the provisions of the Revised Statutes, etc., applicable to national banks; section 714 provides that the Comptroller of the Currency may cause examination to be made of any bank in the District of Columbia; section 720 provides that trust, loan, mortgage, and certain other corporations shall report to the Comptroller of the Currency as in the case of national banks, and that the Comptroller shall have the same visitorial powers, etc.; section 713 was amended by act of June 30, 1902 (32 Stat. L., 534), by omitting the paragraph making such banks subject to the provisions of law applicable to national banks, etc.; section 713 was further amended June 25, 1906 (34 Stat. L., 458) to include other banking institutions; to give the Comptroller of the Currency power to take possession of any such bank or company as he would a national bank; and to require the making and publication of reports; section 714 was amended by the same act to apply to any bank mentioned in section 713 amended, and to provide for the payment of the expenses of an examination as in the case of a national bank.)

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ACT OF MARCH 14, 1812.

2 Stat. L., 694. CHAP. XLI.—*An act authorizing a loan for a sum not exceeding eleven millions of dollars.*

* * * * *

Lawful for the banks in the District of Columbia to make the loan or any part thereof.

SEC. 4. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia to lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters of incoporation to the contrary notwithstanding.

Approved, March 14, 1812.

ACT OF MARCH 19, 1812.

2 Stat. L., 695. [Obsolete.] CHAP. XLIII.—*An act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tenth section of the act, entituled "An act to incorporate the subscribers to the Bank of the United States," shall be, and the same is hereby repealed.

The tenth section of the act incorporating the bank repealed.

Approved, March 19, 1812.

ACT OF FEBRUARY 8, 1813.

2 Stat. L., 798. CHAP. XXI.—*An act authorizing a loan for a sum not exceeding sixteen millions of dollars.*

* * * * *

Banks in the District of Columbia authorized to lend money under this act.

SEC. 5. *And be it further enacted*, That it shall be lawful for any of the banks in the district of Columbia, to lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters of incorporation to the contrary notwithstanding.

Approved, February 8, 1813.

ACT OF AUGUST 2, 1813.

3 Stat. L., 75. CHAP. LI.—*An act authorizing a loan for a sum not exceeding seven millions five hundred thousand dollars.*

* * * * *

SEC. 5. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia, to

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lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters of incorporation to the contrary notwithstanding.

Banks in District of Columbia may lend the money, or any part of it.

Approved, August 2, 1813.

ACT OF AUGUST 2, 1813.

CHAP. LIII.—*An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations discounted by banks, bankers, and certain companies; and on bills of exchange of certain description.*

3 Stat. L., 77.

(This act of 14 sections levies stamp duties, as its title indicates, to be collected, from December 31, 1813, and to continue until the termination of the existing war with Great Britain, and for one year thereafter, and no longer.)

ACT OF NOVEMBER 15, 1814.

CHAP. IV.—*An act to authorize a loan for a sum not exceeding three millions of dollars.*

3 Stat. L., 144.

* * * * *

SEC. 8. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia, to lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters to the contrary notwithstanding.

Banks in District of Columbia authorized to contribute to the loan.

Approved, November 15, 1814.

ACT OF DECEMBER 10, 1814.

CHAP. XI.—*An act supplementary to an act, laying duties on notes of banks, bankers, and certain companies, on notes, bonds, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions.*

3 Stat. L., 148.

(This act authorizes the Secretary of the Treasury to make a composition with private bankers, in lieu of the stamp duties levied by the act of August 2, 1813.)

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ACT OF DECEMBER 21, 1814.

3 Stat. L., 152. CHAP. XV.—*An act to provide additional revenues for defraying the expenses of government and maintaining the public credit, by laying duties on spirits distilled within the United States, and Territories thereof, and by amending the act laying duties on licenses to distillers of spirituous liquors.*

* * * * *

(Section 25 authorizes the anticipation of the duties laid by this act, by a loan upon the pledge of the said duties for its reimbursement, for an amount not exceeding six millions of dollars and at a rate not above six per cent, the money so obtained to be applied only to the purposes to which the duties pledged are applicable by law. The same provision is embodied in the act of January 9, 1815, laying a direct tax. See 3 Statutes at Large, 179.)

Approved, December 21, 1814.

ACT OF JANUARY 9, 1815.

3 Stat. L., 179. CHAP. XXI.—*An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same.*

[Repealed.]

* * * * *

Loans authorized in anticipation of the taxes.

SEC. 42. *And be it further enacted*, That it shall be lawful for the President of the United States to authorize the Secretary of the Treasury to anticipate the collection and receipt of the direct tax laid and imposed by this act, and by the said act of Congress, entitled "An act to lay and collect a direct tax within the United States," by obtaining a loan upon the pledge of the said direct taxes, or either of them, for the reimbursement thereof, to an amount not exceeding six millions of dollars; and at a rate of interest not exceeding six per centum per annum. And any bank or banks now incorporated, or which may hereafter be incorporated, under the authority of the United States, is, and are hereby authorized to make such loan: *Provided always, and it is expressly declared*, That the money so obtained upon loan, shall be applied to the purposes aforesaid, to which the said direct taxes so to be pledged are by this act applied and appropriated, and to no other purposes whatsoever.

Act of Aug. 2, 1813, ch. 37.

Proviso.

Repealed by act of Dec. 23, 1817, ch. 1.

Approved, January 9, 1815.

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ACT OF APRIL 10, 1816.

CHAP. XLIV.—*An act to incorporate the subscribers to the Bank of the United States.* 3 Stat. L., 266.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a Bank of the United States of America shall be established, with a capital of thirty-five millions of dollars, divided into three hundred and fifty thousand shares, of one hundred dollars each share. Seventy thousand shares, amounting to the sum of seven millions of dollars, part of the capital of the said bank, shall be subscribed and paid for by the United States, in the manner hereinafter specified; and two hundred and eighty thousand shares, amounting to the sum of twenty-eight millions of dollars, shall be subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified.

Act of Mar. 3, 1819, ch. 73. A Bank of the United States, with a capital of $35,000,000, etc.

SEC. 2. *And be it further enacted*, That subscriptions for the sum of twenty-eight millions of dollars, towards constituting the capital of the said bank, shall be opened on the first Monday in July next, at the following places: that is to say, at Portland, in the district of Maine; at Portsmouth, in the State of New Hampshire; at Boston, in the State of Massachusetts; at Providence, in the State of Rhode Island; at Middletown, in the State of Connecticut; at Burlington, in the State of Vermont; at New York, in the State of New York; at New Brunswick, in the State of New Jersey; at Philadelphia, in the State of Pennsylvania; at Wilmington, in the State of Delaware; at Baltimore, in the State of Maryland; at Richmond, in the State of Virginia; at Lexington, in the State of Kentucky; at Cincinnati, in the State of Ohio; at Raleigh, in the State of North Carolina; at Nashville, in the State of Tennessee; at Charleston, in the State of South Carolina; at Augusta, in the State of Georgia; at New Orleans, in the State of Louisiana; and at Washington, in the District of Columbia. And the said subscriptions shall be opened under the superintendence of five commissioners at Philadelphia, and of three commissioners at each of the other places aforesaid, to be appointed by the President of the United States, who is hereby authorized to make such appointments, and shall continue open every day, from the time of

Places, etc., for receiving subscriptions.

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opening the same, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for the term of twenty days, exclusive of Sundays, when the same shall be closed, and immediately thereafter the commissioners, or any two of them, at the respective places aforesaid, shall cause two transcripts or copies of such subscriptions to be made, one of which they shall send to the Secretary of the Treasury, one they shall retain, and the original they shall transmit, within seven days from the closing of the subscriptions as aforesaid, to the commissioners at Philadelphia aforesaid. And on the receipt of the said original subscriptions, or of either of the said copies thereof, if the original be lost, mislaid, or detained, the commissioners at Philadelphia aforesaid, or a majority of them, shall immediately thereafter convene, and proceed to take an account of the said subscriptions. And if more than the amount of twenty-eight millions of dollars shall have been subscribed, then the said last mentioned commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner as that no subscription shall be reduced in amount, while any one remains larger: *Provided*, That if the subscriptions taken at either of the places aforesaid shall not exceed three thousand shares, there shall be no reduction of such subscriptions, nor shall, in any case, the subscriptions taken at either of the places aforesaid be reduced below that amount. And in case the aggregate amount of the said subscriptions shall exceed twenty-eight millions of dollars, the said last mentioned commissioners, after having apportioned the same as aforesaid, shall cause lists of the said apportioned subscriptions, to be made out, including in each list the apportioned subscription for the place where the original subscription was made, one of which lists they shall transmit to the commissioners or one of them, under whose superintendence such subscriptions were originally made, that the subscribers may thereby ascertain the number of shares to them respectively apportioned as aforesaid. And in case the aggregate amount of the said subscriptions made during the period aforesaid, at all the places aforesaid, shall not amount to twenty-eight millions of dollars, the subscriptions to complete the said sum shall be and remain open at Philadelphia aforesaid, under the superintendence of the commissioners appointed for that place; and the subscriptions may be then made by any individual, company,

Places, etc., for receiving subscriptions, etc.

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or corporation, for any number of shares, not exceeding, in the whole, the amount required to complete the said sum of twenty-eight millions of dollars.

Regulations concerning subscriptions and payments on them, &c.

SEC. 3. *And be it further enacted*, That it shall be lawful for any individual, company, corporation, or State, when the subscriptions shall be opened as herein before directed, to subscribe for any number of shares of the capital of the said bank, not exceeding three thousand shares, and the sums so subscribed shall be payable, and paid, in the manner following; that is to say, seven millions of dollars thereof in gold or silver coin of the United States, or in gold coin of Spain, or the dominions of Spain, at the rate of one hundred cents for every twenty-eight grains and sixty hundredths of a grain of the actual weight thereof, or in other foreign gold or silver coin at the several rates prescribed by the first section of an act regulating the currency of foreign coins in the United States, passed tenth day of April, one thousand eight hundred and six, and twenty-one millions of dollars thereof in like gold or silver coin, or in the funded debt of the United States contracted at the time of the subscriptions respectively. And the payments made in the funded debt of the United States, shall be paid and received at the following rates: that is to say, the funded debt bearing an interest of six per centum per annum, at the nominal or par value thereof; the funded debt bearing an interest of three per centum per annum, at the rate of sixty-five dollars for every sum of one hundred dollars of the nominal amount thereof; and the funded debt bearing an interest of seven per centum per annum, at the rate of one hundred and six dollars and fifty-one cents, for every sum of one hundred dollars of the nominal amount thereof; together with the amount of the interest accrued on the said several denominations of funded debt, to be computed and allowed to the time of subscribing the same to the capital of the said bank as aforesaid. And the payments of the said subscriptions shall be made and completed by the subscribers, respectively, at the times and in the manner following; that is to say, at the time of subscribing there shall be paid five dollars on each share, in gold or silver coin as aforesaid, and twenty-five dollars more in coin as aforesaid, or in funded debt as aforesaid; at the expiration of six calendar months after the time of subscribing, there shall be paid the further sum of ten dollars on each share, in gold or silver coin as

Apr. 10, 1806, ch. 22.

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aforesaid, and twenty-five dollars more in coin as aforesaid, or in funded debt as aforesaid; at the expiration of twelve calendar months from the time of subscribing, there shall be paid the further sum of ten dollars on each share, in gold or silver coin as aforesaid, and twenty-five dollars more, in coin as aforesaid, or in funded debt as aforesaid.

(Section 4 provides for the payment in coin, to be made to the commissioners by subscribers at the time of subscription, for the transfer of certificates of funded debt subscribed by them, and for the delivery of coin and certificates by the commissioners to the president and directors, after the organization of the bank.)

The United States may redeem the funded debt, etc., and the bank may sell for gold and silver, etc.

SEC. 5. *And be it further enacted*, That it shall be lawful for the United States to pay and redeem the funded debt subscribed to the capital of the said bank at the rates aforesaid, in such sums, and at such times, as shall be deemed expedient, any thing in any act or acts of Congress to the contrary thereof notwithstanding. And it shall also be lawful for the president, directors, and company, of the said bank, to sell and transfer for gold and silver coin, or bullion, the funded debt subscribed to the capital of the said bank as aforesaid: *Provided always*, That they shall not sell more thereof than the sum of two millions of dollars in any one year; nor sell any part thereof at any time within the United States, without previously giving notice of their intention to the Secretary of the Treasury, and offering the same to the United States for the period of fifteen days, at least, at the current price, not exceeding the rates aforesaid.

The Secretary of the Treasury to subscribe on behalf of the United States, &c.

SEC. 6. *And be it further enacted*, That at the opening of subscription to the capital stock of the said bank, the Secretary of the Treasury shall subscribe, or cause to be subscribed, on behalf of the United States, the said number of seventy thousand shares, amounting to seven millions of dollars as aforesaid, to be paid in gold or silver coin, or in stock of the United States, bearing interest at the rate of five per centum per annum; and if payment thereof, or of any part thereof, be made in public stock, bearing interest as aforesaid, the said interest shall be payable quarterly, to commence from the time of making such payment on account of the said subscription, and the principal of the said stock shall be redeemable in any sums, and at any periods, which the Government shall deem fit. And the Secretary of the Treasury shall cause the certificates

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of such public stock to be prepared, and made in the usual form, and shall pay and deliver the same to the president, directors, and company, of the said bank on the first day of January, one thousand eight hundred and seventeen, which said stock it shall be lawful for the said president, directors, and company, to sell and transfer for gold and silver coin or bullion at their discretion: *Provided*, They shall not sell more than two millions of dollars thereof in any one year.

The subscribers to the bank incorporated, &c.

SEC. 7. *And be it further enacted*, That the subscribers to the said Bank of the United States of America, their successors and assigns, shall be, and are hereby, created a corporation and body politic, by the name and style of "The President, Directors, and Company, of the Bank of the United States," and shall so continue until the third day of March, in the year one thousand eight hundred and thirty-six, and by that name shall be, and are hereby, made able and capable, in law, to have, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature, and quality, to an amount not exceeding, in the whole, fifty-five millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all State courts having competent jurisdiction, and in any circuit court of the United States: and also to make, have, and use, a common seal, and the same to break, alter, and renew, at their pleasure: and also to ordain, establish, and put in execution, such by-laws, and ordinances, and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or to the laws of the United States; and generally to do and execute all and singular the acts, matters, and things, which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed and declared.

Twenty-five directors; five to be appointed by the President, etc.

SEC. 8. *And be it further enacted*, That for the management of the affairs of the said corporation, there shall be twenty-five directors, five of whom, being stockholders, shall be annually appointed by the President of the United States, by and with the advice and consent of the Senate, not more than three of whom shall be residents

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of any one State; and twenty of whom shall be annually elected at the banking house in the city of Philadelphia, on the first Monday of January, in each year, by the qualified stockholders of the capital of the said bank, other than the United States, and by a plurality of votes then and there actually given, according to the scale of voting hereinafter prescribed: *Provided always*, That no person, being a director in the Bank of the United States, or any of its branches, shall be a director of any other bank; and should any such director act as a director in any other bank, it shall forthwith vacate his appointment in the direction of the Bank of the United States. And the directors, so duly appointed and elected, shall be capable of serving, by virtue of such appointment and choice, from the first Monday in the month of January of each year, until the end and expiration of the first Monday in the month of January of the year next ensuing the time of each annual election to be held by the stockholders as aforesaid. And the board of directors, annually, at the first meeting after their election in each and every year, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are appointed and elected as aforesaid: *Provided also*, That the first appointment and election of the directors and president of the said bank shall be at the time and for the period hereinafter declared: *And provided also*, That in case it should at any time happen that an appointment or election of directors, or an election of the president of the said bank, should not be so made as to take effect on any day when, in pursuance of this act, they ought to take effect, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful at any other time to make such appointments, and to hold such elections, (as the case may be,) and the manner of holding the elections shall be regulated by the by-laws and ordinances of the said corporation: and until such appointments or elections be made, the directors and president of the said bank, for the time being, shall continue in office: *And provided also*, That in case of the death, resignation, or removal of the president of the said corporation, the directors shall proceed to elect another president from the directors as aforesaid: and in case of the death, resignation, or absence, from the United States, or removal of a director from office, the vacancy shall be

Regulations concerning the direction of the bank, etc.

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supplied by the President of the United States, or by the stockholders, as the case may be. But the President of the United States alone shall have power to remove any of the directors appointed by him as aforesaid.

Manner and time of the bank's going into operation, etc.

SEC. 9. *And be it further enacted*, That as soon as the sum of eight millions four hundred thousand dollars in gold and silver coin, and in the public debt, shall have been actually received on account of the subscriptions to the capital of the said bank (exclusively of the subscription aforesaid, on the part of the United States) notice thereof shall be given by the persons under whose superintendence the subscriptions shall have been made at the city of Philadelphia, in at least two newspapers printed in each of the places, (if so many be printed in such places respectively,) where subscriptions shall have been made, and the said persons shall, at the same time, and in like manner, notify a time and place within the said city of Philadelphia, at the distance of at least thirty days from the time of such notification, for proceeding to the election of twenty directors as aforesaid, and it shall be lawful for such election to be then and there made. And the President of the United States is hereby authorized, during the present session of Congress, to nominate, and, by and with the advice and consent of the Senate, to appoint, five directors of the said bank, though not stockholders, anything in the provisions of this act to the contrary notwithstanding; and the persons who shall be elected and appointed as aforesaid, shall be the first directors of the said bank, and shall proceed to elect one of the directors to be president of the said bank; and the directors and president of the said bank so appointed and elected as aforesaid, shall be capable of serving in their respective office, by virtue thereof, until the end and expiration of the first Monday of the month of January next ensuing the said appointments and elections; and they shall then and thenceforth commence, and continue the operations of the said bank, at the city of Philadelphia.

(Section 10 authorizes the directors to appoint and govern such officers, clerks, and servants as may be necessary for executing their business.)

Fundamental articles, etc.

SEC. 11. *And be it further enacted*, That the following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of the said corporation, to wit:

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Rules concerning voting for directors.

First. The number of votes to which the stockholders shall be entitled, in voting for directors, shall be according to the number of shares he, she, or they, respectively, shall hold, in the proportions following, that is to say; for one share and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership, or body politic, shall be entitled to a greater number than thirty votes; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of election. And stockholders actually resident within the United States, and none other, may vote in elections by proxy.

A part of the directors appointed by the stockholders and president, alone eligible a second year, successively. President always eligible.

Second. Not more than three-fourths of the directors elected by the stockholders, and not more than four-fifths of the directors appointed by the President of the United States, who shall be in office at the time of an annual election, shall be elected or appointed for the next succeeding year; and no director shall hold his office more than three years out of four in succession: but the director who shall be the president at the time of an election may always be re-appointed, or re-elected, as the case may be.

Stockholders, citizens, may be only appointed directors. Directors to have no compensation, other than the president.

Third. None but a stockholder, resident citizen of the United States, shall be a director; nor shall a director be entitled to any emoluments; but the directors may make such compensation to the president for his extraordinary attendance at the bank, as shall appear to them reasonable.

Seven directors, including the president, may constitute a board.

How his place is supplied in case of absence or sickness.

Fourth. Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence: in which case his place may be supplied by any other director whom he, by writing, under his hand, shall depute for that purpose. And the director so deputed may do and transact all the necessary business, belonging to the office of the president of the said corporation, during the continuance of the sickness or necessary absence of the president.

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Fifth. A number of stockholders, not less than sixty, who, together, shall be proprietors of one thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least ten weeks' notice in two public newspapers of the place where the bank is seated, and specifying in such notice the object or objects of such meeting.

General meeting of the stockholders, how to be called.

Sixth. Each cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with a condition for his good behaviour, and the faithful performance of his duties to the corporation.

Cashier to give bonds and security.

Seventh. The lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon judgments which shall have been obtained for such debts.

Limitation concerning, and a description of the real estate which may be held by the corporation.

Eighth. The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the debt or debts due for money deposited in the bank, shall not exceed the sum of thirty-five millions of dollars, unless the contracting of any greater debt shall have been previously authorized by law of the United States. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities: and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors, or administrators, in any court of record of the United States, or either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this provision shall not be construed to exempt the said corporation or the lands, tenements, goods, or chattels of the same from being also liable for, and chargeable with, the said excess.

Maximum of debts which the corporation may at one time contract.

Remedy against the directors under whose administration an excess of debt shall be created.

Such of the said directors, who may have been absent when the said excess was contracted or created, or who

Directors absent or dissenting exempted.

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may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

In what the corporation may transact business and trade.

Ninth. The said corporation shall not, directly or indirectly, deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which shall be the proceeds of its lands. It shall not be at liberty to purchase any public debt whatsoever, nor shall it take more than at the rate of six per centum per annum for or upon its loans or discounts.

Loans exceeding certain sums not to be made the United States, or particular States, or foreign states, but by acts of Congress.

Tenth. No loan shall be made by the said corporation, for the use or on account of the Government of the United States, to an amount exceeding five hundred thousand dollars, or of any particular State, to an amount exceeding fifty thousand dollars, or of any foreign prince or state, unless previously authorized by a law of the United States.

Rules to be prescribed for making the stock assignable.

Eleventh. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

The bills, obligatory and of credit, under the seal of the corporation; how assignable.

Twelfth. The bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her, or their executors or administrators, and his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees, and his, her or their executors or administrators, to maintain an action thereupon in his, her, or their own name or names: *Provided*, That said corporation shall not make any bill obligatory, or of credit, or other obligation under its seal for the payment of a sum less than five thousand dollars. And the bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of the said

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corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner, and with the like effect as foreign bills of exchange now are; and those which are payable to bearer shall be assignable and negotiable by delivery only: *Provided*, That all bills or notes, so to be issued by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than one hundred dollars each, and payable to the order of some person or persons, which bills or notes it shall be lawful for said corporation to make payable at any time not exceeding sixty days from the date thereof.

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Thirteenth. Half yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable; and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of the profits, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum subscribed to the capital of the said bank, by any person, co-partnership or body politic, the party failing shall lose the benefit of any dividends which may have accrued prior to the time for making such payment, and during the delay of the same.

Half yearly dividends to be made.

A statement of the affairs of the company to be laid before the stockholders.

Delinquent subscribers to lose the benefit of dividends.

Fourteenth. The directors of the said corporation shall establish a competent office of discount and deposit in the District of Columbia, whenever any law of the United States shall require such an establishment; also one such office of discount and deposit in any State in which two thousand shares shall have been subscribed or may be held, whenever, upon application of the legislature of such State, Congress may, by law, require the same: *Provided*, The directors aforesaid shall not be bound to establish such office before the whole of the capital of the

Offices to be established in the District of Columbia and the several States when authorized and required by law.

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bank shall have been paid up. And it shall be lawful for the directors of the said corporation to establish offices of discount and deposit, wheresoever they shall think fit, within the United States or the Territories thereof, and to commit the management of the said offices, and the business thereof, respectively to such persons, and under such regulations as they shall deem proper, not being contrary to law or the constitution of the bank. Or instead of establishing such offices, it shall be lawful for the directors of the said corporation, from time to time, to employ any other bank or banks, to be first approved by the Secretary of the Treasury, at any place or places that they may deem safe and proper, to manage and transact the business proposed as aforesaid, other than for the purposes of discount, to be managed and transacted by such offices, under such agreements, and subject to such regulations, as they shall deem just and proper.

Not more than thirteen nor less than seven managers or directors, of every office established as aforesaid, shall be annually appointed by the directors of the bank, to serve one year; they shall choose a president from their own number; each of them shall be a citizen of the United States, and a resident of the State, Territory or District, wherein such office is established; and not more than three-fourths of the said managers or directors, in office at the time of an annual appointment, shall be re-appointed for the next succeeding year; and no director shall hold his office more than three years out of four, in succession; but the president may be always re-appointed.

Secretary of the Treasury authorized to call upon the bank for a statement, not exceeding a weekly one, of its concerns.

Fifteenth. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation and of the debts due to the same; of the moneys deposited therein; of the notes in circulation, and of the specie in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statement: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

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No stockholder but a citizen of the United States may vote in choice of directors.

Sixteenth. No stockholder, unless he be a citizen of the United States, shall vote in the choice of directors.

No smaller notes than $5 to be issued.

Seventeenth. No note shall be issued of less amount than five dollars.

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(Sections 12 and 13 prescribe the penalties to be imposed in case the corporation, or any person to its use, shall deal in goods, wares, or merchandise contrary to the provisions of this act, or shall lend any sum of money for the use of the Government of the United States, or of any particular State, or any foreign prince or State, except as allowed above, and without being previously authorized thereto by law.)

Notes of the bank receivable in payments of all dues to United States, until, etc. Repealed, 1836, ch. 97.

SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress.

The bank to give the necessary facilities without any charge, for transferring the funds of the United States to different quarters.

SEC. 15. *And be it further enacted*, That during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States, or the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange, and shall also do and perform the several and respective duties of the commissioners of loans for the several States, or of any one or more of them, whenever required by law.

Deposits of the public moneys to be made in the bank or its branches, or the reasons to be laid before Congress by the Secretary of the Treasury for its not being done.

SEC. 16. *And be it further enatced*, That the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction.

Corporation prohibited from suspending payments in specie, by being made chargeable with the payment of interest at the rate of 12 per cent per annum.

SEC. 17. *And be it further enacted*, That the said corporation shall not at any time suspend or refuse payment in gold and silver, of any of its notes, bills or obligations; nor of any moneys received upon deposit in said bank, or in any of its offices of discount and deposit. And if the said corporation shall at any time refuse or neglect to pay on demand any bill, note or obligation issued by the corporation, according to the contract, promise or undertaking therein expressed; or shall neglect or refuse to pay on demand any moneys received in said bank, or in any of its offices aforesaid, on deposit, to the person or persons en-

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titled to receive the same, then, and in every such case, the holder of any such note, bill, or obligation, or the person or persons entitled to demand and receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations or moneys, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum from the time of such demand as aforesaid; *Provided*, That Congress may at any time hereafter enact laws enforcing and regulating the recovery of the amount of the notes, bills, obligations or other debts, of which payment shall have been refused as aforesaid, with the rate of interest above mentioned, vesting jurisdiction for that purpose in any courts, either of law or equity, of the courts of the United States, or Territories thereof, or of the several States, as they may deem expedient.

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(Sections 18 and 19 prescribe the penalties for forging, counterfeiting, or altering bills or notes of the bank or checks drawn upon it, and for passing any forged, counterfeited, or altered bill, note, or check, and also for engraving any plate to be used in forging or counterfeiting, or having in possession any such plate or blank notes in the similitude of those issued by the corporation, or any paper for use in counterfeiting.)

Bonus to be paid to the United States for this charter.

SEC. 20. *And be it further enacted*, That in consideration of the exclusive privileges and benefits conferred by this act, upon the said bank, the president, directors, and company thereof, shall pay to the United States, out of the corporate funds thereof, the sum of one million and five hundred thousand dollars, in three equal payments; that is to say: five hundred thousand dollars at the expiration of two years; five hundred thousand dollars at the expiration of three years; and five hundred thousand dollars at the expiration of four years after the said bank shall be organized, and commence its operations in the manner herein before provided.

Congress to establish no other bank except in the District of Columbia.

SEC. 21. *And be it further enacted*, That no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged. *Provided*, Congress may renew existing charters for banks in the District of Columbia, not increasing the capital thereof, and may also establish any other bank or banks in said district, with capitals not exceeding, in the whole, six millions of dollars, if they shall deem it expedient.

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And, notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style, and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed: but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation.

Authority to use the name of the corporation, etc., for two years after the charter shall expire.

SEC. 22. *And be it further enacted*, That if the subscriptions and payments to said bank shall not be made and completed so as to enable the same to commence its operations, or if the said bank shall not commence its operations on or before the first Monday in April next, then, and, in that case, Congress may, at any time, within twelve months thereafter, declare, by law, this act null and void.

Limitation of time prescribed for the bank's going into operation.

SEC. 23. *And be it further enacted*, That it shall, at all times, be lawful, for a committee of either house of Congress, appointed for that purpose, to inspect the books, and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not; and whenever any committee, as aforesaid, shall find and report, or the President of the United States shall have reason to believe that the charter has been violated, it may be lawful for Congress to direct, or the President to order a scire facias to be sued out of the circuit court of the district of Pennsylvania, in the name of the United States, (which shall be executed upon the president of the corporation for the time being, at least fifteen days before the commencement of the term of said court,) calling on the said corporation to show cause wherefore the charter hereby granted, shall not be declared forfeited; and it shall be lawful for the said court, upon the return of the said scire facias, to examine into the truth of the alleged violation, and if such violation be made appear, then to pronounce and adjudge that the said charter is forfeited and annulled. *Provided, however*, Every issue of fact which may be joined between the United States and the corporation aforesaid, shall be tried by a jury. And it shall be lawful for the court aforesaid to require the production of such of the books of the corporation as it may deem necessary for the ascertainment of the controverted facts: and the final judgment of the court aforesaid, shall be examinable in the Supreme Court of the United States,

Committees of either house of Congress may inspect the books, etc., of the bank.

For what purpose.

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by writ of error, and may be there reversed or affirmed, according to the usages of law.

Approved, April 10, 1816.

(Paragraph X of section 11 of this act provides that no loans shall be made by the bank for the use of the Government of the United States to an amount exceeding five hundred thousand dollars, but subsequent acts giving authority for the borrowing of money authorize the bank to loan the amounts notwithstanding the said prohibition. See act of May 15, 1820, chap. 103, sec. 2, vol. 3, Stat. L., p. 583; act of March 3, 1821, chap. 38, sec. 2, vol. 3, Stat. L., p. 636; act of May 24, 1824, chap. 140, sec. 1, vol. 4, Stat. L., p. 33; act of May 26, 1824, chap. 192, sec. 2, vol. 4, Stat. L., p. 74; act of March 3, 1825, chap. 100, sec. 2, vol. 4, Stat. L., p. 129.)

NOTE.—By the act of March 3, 1819 (3 Stat. L., 508), the provisions of the above act which relate to the right of voting for directors are enforced, by prescribing, in every case where more than thirty votes are offered by any one person, oaths as to the actual ownership of the shares, to be taken by the person offering the votes and by the signer of any proxy. And the same act provides against the bribery by gift or promise of the president or either of the directors of the bank, or of either of its branches, in any matter coming before the said president and directors for decision, by making the briber and the person bribed punishable on conviction by fine and imprisonment at the discretion of the court, and further disqualifies them from holding any office of trust or profit under the corporation, or any office of honor, trust, or profit under the United States.

3 Stat. L., 266. NOTE.—The act of April 20, 1836 (5 Stat. L., 16), repealed all laws authorizing or requiring the Bank of the United States to pay pensions.

(The act of June 23, 1836 (5 Stat. L., 56, see page 322), authorized the Secretary of the Treasury to act as the agent of the United States in all matters relating to their stock in the Bank of the United States.)

(The resolution of March 3, 1837 (5 Stat. L., 200), authorized the Secretary of the Treasury to accept the proposed settlement of the Bank of the United States, under the Pennsylvania charter, for the stock of the United States in the Bank of the United States.)

(The act of March 2, 1838 (5 Stat. L., 211), provided for the prevention of the abatement of suits, etc., in which the late Bank of the United States was a party.)

(The act of July 7, 1838 (5 Stat. L., 296), authorized the Secretary of the Treasury to sell the two bonds held by the United States against the Bank of the United States chartered by Pennsylvania.)

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ACT OF MARCH 3, 1817.

CHAP. XXXVIII.—*An act transferring the duties of commissioner of loans to the Bank of the United States, and abolishing the office of commissioner of loans.* 3 Stat. L., 360.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Bank of the United States, and its several branches, shall be, and they are hereby, required to do and perform the several duties of commissioners of loans for the several States; and the Bank of the United States and its several branches, and such State banks as the Bank of the United States may employ in those States where no branch bank shall be established, shall observe and conform to the directions which have been or may hereafter be prescribed by the Secretary of the Treasury, with the approbation of the President of the United States, touching the execution of the duties aforesaid.

The Bank of the United States, etc., to perform the duties of commissioners of loans. 1836, ch. 50.

SEC. 2. *And be it further enacted*, That all such duties and acts as are now done and performed by the commissioners of loans, in transferring stock from the books of one loan office to another, or to the books of the Treasury, or from the books of the Treasury to the books of the loan offices, shall be done and performed by the president of the Bank of the United States, the president of the several branches of the said bank, and by the president of such State banks as the Bank of the United States may employ, (in States where no branch of the United States Bank shall be established:) and the acts of the presidents aforesaid shall be countersigned by the cashiers of those banks respectively.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to notify the president of the Bank of the United States, that the duties now performed by the commissioners of loans will be transferred to the Bank of the United States, and he shall direct the commissioners of loans and the agents for military pensions, where there is no commissioner, respectively, in the several States, to deliver to the president of the Bank of the United States, or to the president of a branch thereof, or to the president of such State bank as the Bank of the United States may employ, on such day or days as he may designate, the register, and all the records and papers of their respective offices; and it shall be

The Secretary of the Treasury to notify the president of the Bank of the United States, etc.

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the duty of the said commissioners of loans and agents for pensioners to comply with the said direction, and also to take duplicate receipts for the delivery of the records and papers herein described, one of which shall be transmitted, without delay, to the Secretary of the Treasury: *Provided, however*, That the Secretary of the Treasury may designate such time before the first day of January, one thousand eight hundred and eighteen, for the performance of the duties aforesaid, as the public convenience will permit; *And provided also*, That this act shall not be construed to extend to any agent for military pensions in any State where there is no bank established by law.

Proviso; as to the time, etc.

Proviso; as to States where no banks are established by law.

Office of commissioner of loans abolished, etc.

SEC. 4. *And be it further enacted*, That the office of commissioner of loans, upon the delivery of the records and papers, as herein required, to the Bank of the United States, or its branches, or to the State banks employed by the Bank of the United States in those States where there may be no branch, shall be, and hereby is, abolished; and the pay and emoluments of the said commissioners of loans, and the clerks and persons employed by them, after such delivery, shall respectively cease and determine.

An act for the prompt settlement of public accounts in force from the 3d of Mar., 1817.

Act of Mar. 3, 1817, ch. 45.

SEC. 5. *And be it further enacted*, That the act, entitled "An act for the prompt settlement of public accounts," shall commence, and be in force, on and after the third day of this instant, March, any thing in the aforesaid act to the contrary notwithstanding.

Approved, March 3, 1817.

ACT OF MARCH 3, 1817.

3 Stat. L., 383.

CHAP. XCIII.—*An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said district.*

(Sections 1 to 13 provide for the incorporation of the Farmers' and Mechanics' Bank of Georgetown and prescribes rules, etc.

(Section 14 provides, among other things, that the bank shall, in no case, buy and sell the funded debt of the United States.

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(Sections 23, 24, 25, 26, and 27 apply said rules, etc., to other banks in Washington, Georgetown, and Alexandria.)

ACT OF MARCH 3, 1825.

CHAP. LXV.—*An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.* 4 Stat. L., 115.

* * * * *

SEC. 17. *And be it further enacted*, That, if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any paper, writing, or instrument, in imitation of, or purporting to be, an indent, certificate of the public stock, or debt, treasury note, or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by, or on the treasurer of the United States, or by, or on, any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay the same, on behalf and for account of the United States, (*a*) or if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, or counterfeited paper, writing, or instrument, knowing the same to be false, forged, or counterfeited, with intent to defraud the United States, or any body politic or corporate, or any other person or persons whatsoever; or if any person or persons shall falsely alter any indent, certificate of the public stock, or debt, treasury note, or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by or on the treasurer of the United States, or any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay such bill, check, or draft, or if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true and unaltered, any such falsely altered indent, certificate, treasury note, or other public security, letters patent, or bill, check, or draft, knowing the same to be falsely altered, with intent to defraud the United States, or any body politic or corporate, or any person or persons whatsoever, (*b*) every

Forgery of Treasury notes, or other public security of the United States. Act of Apr. 30, 1790, ch. 9, sec. 14.

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such person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence.

(Section 18 makes it an offense and punishable to forge Treasury notes or other public securities of the United States, certificates of stock of the United States, or certificates of stock of the Bank of the United States.)

* * * * *

Approved, March 3, 1825.

ACT OF APRIL 11, 1836.

5 Stat. L., 8. CHAP. L.—*An act to repeal so much of the act entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," as requires the Bank of the United States to perform the duties of Commissioner of Loans for the several States.*

(Section 1 repeals the provisions of the act of March 3, 1817, which transfer the duties of commissioner of loans to the United States Bank, its branches and state banks employed by it, and requires the immediate transfer of all papers and records relating to said duties to the Secretary of the Treasury.)

Banks to pay all money into the Treasury within three months.

SEC. 2. *And be it further enacted*, That the Bank of the United States and its several branches, and the State Banks employed by the Bank of the United States, performing the duties of Commissioners of Loans, shall be, and they are hereby required to pay into the Treasury of the United States, within three months after the passing of this act, all the money in their possession for the redemption of the public debt of the United States, and the interest thereon remaining in their hands, which has not been applied for by the person or persons entitled to receive the same.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to pay over to the person or persons entitled to receive the same, the amount so received into the Treasury, by virtue of the second section of this act, out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That nothing contained in this act shall be construed to authorize the

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appointment of a Commissioner or Commissioners of Loans in any State, District, or Territory of the United States.

Approved, April 11, 1836.

NOTE.—By the act of April 20, 1836 (5 Stat. L., 16), it is also provided that all acts and parts of acts enabling the Bank of the United States or its branches to pay pensions granted under the authority of the United States are repealed, and that payments of pensions shall be made by such persons and corporations as the Secretary of War may direct.

ACT OF JUNE 15, 1836.

CHAP. XCVII.—*An act repealing the fourteenth section of the "Act to incorporate the subscribers to the Bank of the United States," approved, April tenth, eighteen hundred and sixteen.* 5 Stat. L., 48.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourteenth section of the act entitled "An act to incorporate the subscribers to the Bank of the United States," approved April tenth, eighteen hundred and sixteen, shall be, and the same is hereby, repealed. Fourteenth section repealed.

Approved, June 15, 1836.

ACT OF JUNE 23, 1836.

CHAP. CXV.—*An act to regulate the deposites of the public money.* 5 Stat. L., 52. [Repealed.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury to select as soon as may be practicable and employ as the depositories of the money of the United States, such of the banks incorporated by the several States, by Congress for the District of Columbia, or by the Legislative Councils of the respective Territories for those Territories, as may be located at, adjacent or convenient to the points or places at which the revenues may be collected, or disbursed, and in those States, Territories or Districts in which there are no banks, or in which no bank can be employed as a deposite bank, and within which the public collections or disbursements require a depository, the said Secretary may make arrangements with a bank or banks, in some other State, Territory or

Act of July 4, 1836, ch. 354.

Secretary of the Treasury to select banks.

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District, to establish an agency, or agencies, in the States, Territories or Districts so destitute of banks, as banks of deposite; and to receive through such agencies such deposites of the public money, as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points; the duties and liabilities of every bank thus establishing any such agency to be the same in respect to its agency, as are the duties and liabilities of deposite banks generally under the provisions of this act: *Provided*, That at least one such bank shall be selected in each State and Territory, if any can be found in each State and Territory willing to be employed as depositories of the public money, upon the terms and conditions hereinafter prescribed, and continue to conform thereto; and that the Secretary of the Treasury shall not suffer to remain in any deposite bank, an amount of the public moneys more than equal to three-fourths of the amount of its capital stock actually paid in, for a longer time than may be necessary to enable him to make the transfers required by the twelfth section of this act; and that the banks so selected, shall be, in his opinion, safe depositories of the public money, and shall be willing to undertake to do and perform the several duties and services, and to conform to the several conditions prescribed by this act.

Proviso.

Where there is no bank which the Secretary approves, or where banks refuse, a selection may be made at some place adjacent.

SEC. 2. *And be it further enacted*, That if, at any point or place at which the public revenue may be collected, there shall be no bank located, which, in the opinion of the Secretary of the Treasury, is in a safe condition, or where all the banks at such point or place shall fail or refuse to be employed as depositories of the public money of the United States, or to comply with the conditions prescribed by this act, or where such banks shall not have sufficient capital to become depositories of the whole amount of moneys collected at such point or place, he shall and may order and direct the public money collected at such point or place to be deposited in a bank or banks in the same State, or in some one or more of the adjacent States upon the terms and conditions hereinafter prescribed: *Provided*, That nothing in this act contained shall be so construed as to prevent Congress at any time from passing any law for the removal of the public money from any of the said banks, or from changing the terms of deposite, or to prevent the said banks at any time from

Proviso.

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declining any longer to be the depositories of the public money upon paying over, or tendering to pay, the whole amount of public moneys on hand, according to the terms of its agreement with the said Secretary.

Banks to furnish certain statements; copy of charter, etc.

SEC. 3. *And be it further enacted*, That no bank shall hereafter be selected and employed by the Secretary of the Treasury as a depository of the public money, until such bank shall have first furnished to the said Secretary a statement of its condition and business, a list of its directors, the current price of its stock; and also a copy of its charter; and likewise, such other information as may be necessary to enable him to judge of the safety of its condition.

SEC. 4. *And be it further enacted*, That the said banks, before they shall be employed as the depositories of the public money, shall agree to receive the same, upon the following terms and conditions, to wit:

Terms to be agreed to by the banks.

First. Each bank shall furnish to the Secretary of the Treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and business, as prescribed in the foregoing section of this act, except that such statements need not, unless requested by said Secretary, contain a list of the directors, or a copy of the charter. And the said banks shall furnish to the Secretary of the Treasury, and to the Treasurer of the United States, a weekly statement of the condition of his account upon their books. And the Secretary of the Treasury shall have the right, by himself, or an agent appointed for that purpose, to inspect such general accounts in the books of the bank, as shall relate to the said statements: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Proviso.

Secondly. To credit as specie, all sums deposited therein to the credit of the Treasurer of the United States, and to pay all checks, warrants, or drafts, drawn on such deposites, in specie if required by the holder thereof.

Thirdly. To give, whenever required by the Secretary of the Treasury, the necessary facilities for transferring the public funds from place to place, within the United States, and the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange.

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Fourthly. To render to the Government of the United States all the duties and services heretofore required by law to be performed by the late Bank of the United States and its several branches or offices.

Banks issuing notes less than $5 not to be selected.

SEC. 5. *And be it further enacted*, That no bank shall be selected or continued as a place of deposite of the public money which shall not redeem its notes and bills on demand in specie; nor shall any bank be selected or continued as aforesaid, which shall after the fourth of July, in the year one thousand eight hundred and thirty-six, issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars.

Secretary may require security.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized, and it shall be his duty, whenever in his judgment the same shall be necessary or proper, to require of any bank so selected and employed as aforesaid, collateral or additional securities for the safe keeping of the public moneys deposited therein, and the faithful performance of the duties required by this act.

Secretary authorized to enter into contracts.

SEC. 7. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury, to enter into contracts in the name and for and on behalf of the United States, with the said banks so selected or employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act.

No bank selected to be discontinued but for certain causes.

SEC. 8. *And be it further enacted*, That no bank which shall be selected or employed as the place of deposite of the public money, shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned, that is to say: If at any time, any one of said banks shall fail or refuse to perform any of said duties as prescribed by this act, and stipulated to be performed by its contract; or, if any of said banks shall at any time refuse to pay its own notes in specie if demanded; or shall fail to keep in its vaults such an amount of specie as shall be required by the Secretary of the Treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having due regard to the nature of the

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business transacted by the bank; in any and every such case it shall be the duty of the Secretary of the Treasury to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposite at the time of such discontinuance. And in case of the discontinuance of any of said banks, it shall be the duty of the Secretary of the Treasury to report to Congress immediately if in session, and if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance. And in case of the discontinuance of any of said banks as a place of deposite of the public money for any of the causes herein before provided, it shall be lawful for the Secretary of the Treasury to deposite the money thus withdrawn in some other banks of deposite already selected, or to select some other bank as a place of deposite, upon the terms and conditions prescribed by this act. And in default of any bank to receive such deposite, the money thus withdrawn shall be kept by the Treasurer of the United States, according to the laws now in force; and shall be subject to be disbursed according to law.

Banks now employed to be continued until, etc.

SEC. 9. *And be it further enacted*, That until the Secretary of the Treasury shall have selected and employed the said banks as places of deposite of the public money, in conformity to the provisions of this act, the several State and District banks at present employed as depositories of the money of the United States, shall continue to be the depositories aforesaid upon the terms and conditions upon which they have been so employed.

Secretary to lay a statement before Congress.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to lay before Congress, at the commencement of each annual session, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of public money deposited in each, as shown by their returns at the Treasury; and if the selection of any bank as a depository of the public money be made by the Secretary of the Treasury, while Congress is in session, he shall immediately report the name and condition of such bank to Congress; and if any such selection shall be made during the recess of Congress, he shall report the same to Congress during the first week of its next session.

Bank to pay interest under certain circumstances.

SEC. 11. *And be it further enacted*, That whenever the amount of public deposites to the credit of the Treasurer

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of the United States, in any bank shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the bank shall allow and pay to the United States, for the use of the excess of the deposites over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated for each quarter, upon the average excesses of the quarter; and it shall be the duty of the Secretary of the Treasury, at the close of each quarter, to cause the amounts on deposite in each deposite bank for the quarter, to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section, are, by the banks respectively passed to the credit of the Treasurer of the United States in his accounts with the respective banks.

Transfers under certain cases declared illegal.

SEC. 12. *And be it further enacted*, That all warrants or orders for the purpose of transferring the public funds from the banks in which they now are, or may hereafter be deposited, to other banks, whether of deposite or not, for the purpose of accommodating the banks to which the transfer may be made, or to sustain their credit, or for any other purpose whatever, except it be to facilitate the public disbursements, and to comply with the provisions of this act, be, and the same are hereby, prohibited and declared to be illegal; and in cases where transfers shall be required for purposes of equalization under the provisions of this act, in consequence of too great an accumulation of deposites in any bank, such transfers shall be made to the nearest deposite banks which are considered safe and secure, and which can receive the moneys to be transferred under the limitations in this act imposed: *Provided*, That it may be lawful for the President of the United States to direct transfers of public money to be made from time to time to the mint and branch mints of the United States, for supplying metal for coining.

The surplus in the Treasury above $5,000,000 to be deposited with the several States.

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their Treasurers, or other competent authorities to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver

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the same to such Treasurers, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations, and pledge the faith of the State, for the safe keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required, by the Secretary of the Treasury, for the purpose of defraying any wants of the public treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States, agreeing to accept the same on deposite in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in rateable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding ten thousand dollars, from any one State, in any one month, without previous notice of thirty days, for every additional sum of twenty thousand dollars, which may at any time be required.

Act of Oct. 2, 1837, ch. 1.

SEC. 14. *And be it further enacted*, That the said deposites shall be made with the said States in the following proportions, and at the following times, to wit: one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April, one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year.

Proportions in which the deposits shall be made.

(Section 15 makes provision for additional clerks on account of this act.)

Approved, June 23, 1836.

NOTE.—By the act of July 5, 1838, the operation of the last clause of section 5, prohibiting the receipt in payments to the United States of the notes of any bank which shall issue notes of less than five dollars after July 4, 1836, is suspended until October 1, 1838; but from said last-mentioned dates the notes of no bank shall be so received, which shall after that date issue, reissue, or pay out any note of less than five dollars. (5 Stat. L., 255.)

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ACT OF JUNE 23, 1836.

5 Stat. L., 56. CHAP. CXVI.—*An act authorizing the Secretary of the Treasury to act as the agent of the United States in all matters relating to their stock in the Bank of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be the duty of the Secretary of the Treasury, to assume and exercise the agency and direction in behalf of the United States, over property in the Bank of the United States, whether the same be standing on the books of the bank in the name of the United States, or of the Treasurer of the United States, for the use of the Secretary of the Navy, for the payment of navy pensions; and the Secretary of the Treasury is hereby invested with the authority necessary for carrying into effect the duties of said agency, by voting in behalf of the United States at any meetings of the stockholders, and performing any other act in relation to the same which any stockholder would be authorized to do.

Secretary of the Treasury to assume and exercise the agency.

SEC. 2. *And be it further enacted*, That, as agent of the United States, as aforesaid, the Secretary of the Treasury, shall be furnished, from time to time, as often as he may require—by the directors of the Bank of the United States, or by the trustees who shall have been, or may be, appointed, either by said directors or the stockholders of said bank, or in their behalf, or by such individuals as may have the custody, control, or possession of the books and effects of the same—with statements of the amount of the capital stock of the said corporation undivided, of the debts due beyond the same on account of said bank, of the moneys remaining on deposite, of the notes of said bank outstanding, and of the specie on hand on account of the same, and said Secretary shall have the same right as any stockholder to inspect and examine, or cause to be inspected and examined, all such accounts in the books of said bank, or of any trust arising out of or holding the effects of said corporation, as shall relate to the statements hereby required to be made.

Directors of the bank to furnish statements to him.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be authorized and directed to receive and deposite in the Treasury of the United States, any divi-

To receive money from the bank, and deposite the same in the Treasury.

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dends which may be made of the capital stock or of the surplus profits of said bank.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to receive the capital stock belonging to the United States, in the late Bank of the United States, in such instalments, and payable at such times, and with such rates of interest, as he shall see fit to agree to; and also, to settle and adjust the claim for surplus profits, accruing on said capital stock, on such terms as he may think proper, and in like manner to receive the amount thereof in such instalments, and payable at such times, and with such rates of interest, as he may agree to.

To receive capital stock, etc.

Approved, June 23, 1836.

ACT OF JULY 4, 1836.

CHAP. CCCLIV.—*An act supplementary to an act entitled "An act to regulate the deposites of the public money," passed twenty-third (of) June eighteen hundred and thirty-six.*

5 Stat. L., 115. [Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act to which this is a supplement, shall be so construed as to prevent the Secretary of the Treasury from making transfers from banks in one State or Territory, to banks in another State or Territory, whenever such transfers may be required, in order to prevent large and inconvenient accummulations in particular places, or in order to produce a due equality, and just proportion, according to the provisions of said act.

Act of June 23, 1836, ch. 115.

Secretary of the Treasury may make transfers from banks in one State or Territory to those in another.

Approved, July 4, 1836.

ACT OF OCTOBER 2, 1837.

CHAP. I.—*An act to postpone the fourth instalment of deposite with the States.*

5 Stat. L., 201.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the transfer of the fourth instalment of deposites directed to be made with the States, under the thirteenth section of the act of June twenty-third,

Act of June 23, 1836, ch. 115, sec. 13.

Postponed till Jan. 1, 1839.

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eighteen hundred and thirty-six, be and the same is hereby postponed till the first day of January, one thousand eight hundred and thirty-nine: *Provided*, That the three first instalments under the said act shall remain on deposite with the States, until otherwise directed by Congress.

Proviso.

Approved, October 2, 1837.

ACT OF OCTOBER 16, 1837.

5 Stat. L., 206.

CHAP. IX.—*An act for adjusting the remaining claims upon the late deposite banks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to continue to withdraw the public moneys now remaining in any of the former deposite banks, in a manner as gradual and convenient to the institutions as shall be consistent with the pecuniary wants of the Government, and the safety of the funds thus to be drawn; and that no further interest than that required by the deposite act of the twenty-third of June, one thousand eight hundred and thirty-six, under which those deposites were made, shall be demanded of any bank which has met, and shall hereafter meet, the requisitions of the Department. This provision shall also extend to such public moneys as may remain in any of the said banks, whether standing to the credit of the Treasurer of the United States, or of any disbursing or other public officer of the Government.

The Secretary of the Treasury authorized to continue to withdraw the public moneys in the former deposite banks, in a manner as convenient to them as shall be consistent with the wants of the Government, etc.

Act of June 23, 1836, ch. 115.

This provision to extend to moneys whether standing to the credit of the United States Treasurer, or any other officer of the Government.

SEC. 2. *And be it further enacted*, That in case of neglect or refusal by any of the said banks to comply with the requisitions of the Secretary of the Treasury, as he shall make them, in conformity with the first section of this act, suits shall be instituted, where that has not already been done, to recover the amounts due to the United States, unless the defaulting bank shall forthwith cause to be executed and delivered to the Secretary of the Treasury a bond, with security to be approved by the Solicitor of the Treasury, to pay to the United States the whole moneys due from it, in three instalments: the first to be paid on the first day of July next, the second on the first day of January, eighteen hundred and thirty-nine, and the remaining instalment on the first day of July, eighteen hundred and thirty-nine; and the default

In case of any of said banks not complying with the requisitions of the Secretary of the Treasury, suits shall be instituted, unless, etc.

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mentioned in this act, on which interest is to commence at the rate of six per (centum per annum,) shall be understood to be the neglect or omission of said banks, or any of them, to answer the drafts or requisitions of the Secretary of the Treasury made on them according to the provisions of the first section of this act; and interest thereon at the rate of six per centum per annum, from the time of default, together with any damages which may have accrued to the United States from protests of drafts drawn upon it, or from any other consequence of its failure to fulfil its obligations to the public treasury.

Approved, October 16, 1837.

ACT OF JULY 5, 1838.

CHAP. CLVIII.—*An act to modify the last clause of the fifth section of the deposite act of the twenty-third of June, eighteen hundred and thirty-six.* 5 Stat. L., 255.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last clause of the fifth section of the act entitled "An act to regulate the deposites of the public money," approved on the twenty-third day of June, eighteen hundred and thirty-six, declaring that the notes or bills of no bank shall be received in payment of any debt due to the United States, which shall, after the fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars, shall be, and the same is hereby, so far modified as that the interdiction as to the reception of the bills and notes shall not continue against any bank which has, since the said fourth day of July, in the year one thousand eight hundred and thirty-six, issued bills or notes of a less denomination than five dollars, or which shall issue any such bills or notes prior to the first day of October, in the year eighteen hundred and thirty-eight, but that from and after the said last mentioned day, the bills or notes of no bank shall be received in payment of any debt due to the United States, which bank shall, after that date, issue, reissue, or pay out any bill or note of a denomination less than five dollars.

Act of June 23, 1836, ch. 115, last clause, modified as to issues of notes under $5.

Approved, July 5, 1838.

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ACT OF JULY 7, 1838.

5 Stat. L., 297. CHAP. CLXXXV.—*An act to prevent the issuing and circulation of the bills, notes and other securities of corporations created by acts of Congress which have expired.*

(Section 1 makes it a high misdemeanor for any director, agent, or trustee of any corporation created by act of Congress, the charter whereof has expired, to reissue or knowingly put in circulation any bill, note, check, draft, or other security of such expired corporation; and section 2 gives to the circuit courts of the United States jurisdiction, on bill or petition, to restrain the issue or transfer of such bills, notes, and other securities when in the possession or control of any director, agent, or trustee of such expired corporation, and to cause such of said bills, notes, and securities as have been redeemed to be delivered up and canceled.)

Approved, July 7, 1838.

ACT OF JULY 7, 1838.

5 Stat. L., 309. CHAP. CCXII.—*An act to restrain the circulation of small notes, as a currency, in the District of Columbia, and for other purposes.*

(This act made it unlawful after the 10th of April, 1839, to issue, etc., in the District of Columbia, any note, etc., less than five dollars, and after the passage of this act to issue, de novo, or knowingly to pass, etc., within the District, any note, etc., of less than five dollars. The act of December 27, 1854 (10 Stat. L., 599), contains similar provisions.)

ACT OF AUGUST 13, 1841.

5 Stat. L., 439. CHAP. VII.—*An act to repeal the act entitled "An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue," and to provide for the punishment of embezzlers of public money, and for other purposes.*

* * * * *

Act of June 23, 1836, ch. 115, excepting thirteenth and fourteenth sections, repealed.

SEC. 3. *And be it further enacted*, That the act entitled, "An act to regulate the deposits of the public money," approved on the twenty-third day of June, eighteen hun-

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dred and thirty-six, excepting the thirteenth and fourteenth sections thereof, be and the same hereby is repealed.

* * * * *

Approved August 13, 1841.

ACT OF AUGUST 5, 1861.

CHAP. XLVI.—*An act supplementary to an act entitled "An act to authorize a national loan, and for other purposes."* 12 Stat. L., 313.

* * * * *

SEC. 6. *And be it further enacted*, That the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safekeeping, transfer, and disbursements of the public revenue," passed August six, eighteen hundred and forty-six, be and the same are hereby suspended, so far as to allow the Secretary of the Treasury to deposit any of the moneys obtained on any of the loans now authorized by law, to the credit of the Treasurer of the United States, in such solvent specie-paying banks as he may select; and the said moneys, so deposited, may be withdrawn from such deposit for deposit with the regular authorized depositaries, or for the payment of public dues, or paid in redemption of the notes authorized to be issued under this act, or the act to which this is supplementary, payable on demand, as may seem expedient to, or be directed by, the Secretary of the Treasury.

Portions of subtreasury act suspended.

1846, ch. 90. Vol. IX, p. 59.

Deposits in solvent specie-paying banks.

* * * * *

Approved, August 5, 1861.

ACT OF FEBRUARY 25, 1863.

CHAP. LVIII.—*An act to provide a National Currency, secured by a Pledge of United States Stocks, and to provide for the Circulation and Redemption thereof.* 12 Stat. L., 665.

(This act was repealed and superseded by the act of similar title approved June 3, 1864, but with so little change in its leading features as to make it sufficient in this place to refer to the note appended to the act of 1864, where the principal points of difference are recited, and to extract here only the sections providing for the

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apportionment of the bank circulation and for the issue of secured notes by State banks.)

* * * * *

SEC. 17. *And be it further enacted*, That the entire amount of circulating notes to be issued under this act shall not exceed three hundred millions of dollars. One hundred and fifty millions of which sum shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business, of such States, District, and Territories.

* * * * *

SEC. 61. *And be it further enacted*, That any banking association or corporation lawfully in existence as a bank of circulation on the first day of January, Anno Domini eighteen hundred and sixty-three, organized in any state, either under a special act of incorporation or a general banking law, may, at any time within —— years after the passage of this act become an association under the provisions of this act; that in such case the certificate of association provided for by this act shall be signed by the directors of such banking association or corporation, and in addition to the specifications required by this act, shall specify that such directors are authorized by the owners of two-thirds of the capital stock of such banking association or corporation, to make such certificate of association, and such certificate of association shall thereafter have the same effect, and the same proceedings shall be had thereon, as is provided for as to other associations organized under this act. And such association or corporation thereafter shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as is (are) prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act.

SEC. 62. *And be it further enacted*, That any bank or banking association, authorized by any State law to engage in the business of banking, and duly organized under such State law at the time of the passage of this act, and which shall be the holder and owner of United States

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bonds to the amount of fifty per centum of its capital stock, may transfer and deliver to the Treasurer of the United States such bonds, or any part thereof, in the manner provided by this act; and upon making such transfer and delivery, such bank or banking association shall be entitled to receive from the comptroller of the currency, circulating notes, as herein provided, equal in amount to eighty per centum of the amount of the bonds so transferred and delivered.

SEC. 63. *And be it further enacted*, That upon the failure of any such State bank or banking association, to redeem any of its circulating notes issued under the provisions of the preceding section, the comptroller of the currency shall, when satisfied that such default has been made, and within thirty days after notice of such default, proceed to declare the bonds transferred and delivered to the treasurer, forfeited to the United States, and the same shall thereupon be forfeited accordingly. And thereupon the circulating notes which have been issued by such bank or banking association shall be redeemed and paid at the Treasury of the United States, in the same manner as other circulating notes issued under the provisions of this act are redeemed and paid.

SEC. 64. *And be it further enacted*, That the bonds forfeited, as provided in the last preceding section, may be cancelled to an amount equal to the circulating notes redeemed and paid, or such bonds may be sold, under the direction of the Secretary of the Treasury, and after retaining out of the proceeds a sum sufficient to pay the whole amount of circulating notes, for the redemption of which such bonds are held, the surplus, if any remains, shall be paid to the bank, or banking association from which such bonds were received.

SEC. 65. *And be it further enacted*, That Congress reserves the right, at any time, to amend, alter, or repeal this act.

Approved, February 25, 1863.

ACT OF MARCH 3, 1863.

CHAP. LXXIII.—*An act to provide ways and means for the support of the Government.*

* * * * *

(Section 7, after providing for taxes to be laid upon the circulation of all banks and corporations, whether es-

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tablished under state laws or under the act of February 25, 1863, directs that all banks, corporations, or individuals issuing notes for any fractional part of a dollar after April 1, 1863, shall be taxed ten per cent per annum upon the amount of such fractional notes.)

* * * * *

Approved, March 3, 1863.

ACT OF JUNE 3, 1864.

13 Stat. L., 99.

CHAP. CVI.—*An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Treasury Department a separate Bureau, which shall be charged with the execution of this and all other laws that may be passed by Congress respecting the issue and regulation of a national currency secured by United States bonds. The chief officer of the said Bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; he shall receive an annual salary of five thousand dollars; he shall have a competent deputy, appointed by the Secretary, whose salary shall be two thousand five hundred dollars, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in such office and during his absence or inability; he shall employ, from time to time, the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law. Within fifteen days from the time of notice of his appointment the Comptroller shall take and subscribe the oath of office prescribed by the Constitution and laws of the United States; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties,

Currency Bureau established.

Comptroller of the Currency.

Appointment.

Term of office.

Salary.

Deputy comptroller.

Clerks.

Comptroller to take oath within what time.

Bond.

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to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. The deputy comptroller so appointed shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars. The Comptroller and deputy-comptroller shall not, either directly or indirectly, be interested in any association issuing national currency under the provisions of this act.

Oath and bond of deputy comptroller.

Not to be interested in any banking association.

SEC. 2. *And be it further enacted*, That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State with an impression thereof, which shall thereupon become the seal of office of the Comptroller of the Currency, and the same may be renewed when necessary. Every certificate, assignment, and conveyance executed by the Comptroller, in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever; and all copies of papers in the office of the Comptroller, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Seal of Currency Bureau, and where to be kept.

Certain papers under such seal to be evidence.

Impression may be upon paper.

SEC. 3. *And be it further enacted*, That there shall be assigned to the Comptroller of the Currency by the Secretary of the Treasury suitable rooms in the Treasury building for conducting the business of the Currency Bureau, in which shall be safe and secure fire-proof vaults, in which it shall be the duty of the Comptroller to deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business.

Rooms for Currency Bureau.

Fire-proof vaults.

Furniture, etc.

SEC. 4. *And be it further enacted*, That the term "United States bonds," as used in this act, shall be construed to mean all registered bonds now issued, or that may hereafter be issued, on the faith of the United States by the Secretary of the Treasury in pursuance of law.

Term "United States bonds" to include what. Revised Statutes, 5158.

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Banking associations, how may be formed.

SEC. 5. *And be it further enacted*, That associations for carrying on the business of banking may be formed by any number of persons, not less in any case than five, who shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with the provisions of this act, which the association may see fit to adopt for the regulation of the business of the association and the conduct of its affairs, which said articles shall be signed by the persons uniting to form the association, and a copy of them forwarded to the Comptroller of the Currency, to be filed and preserved in his office.

Organization certificate to specify

SEC. 6. *And be it further enacted*, That the persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify—

name,

First. The name assumed by such association, which name shall be subject to the approval of the Comptroller.

place of business,

Second. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or District, and also the particular county and city, town, or village.

capital and shares,

Third. The amount of its capital stock, and the number of shares into which the same shall be divided.

names, etc., of shareholders,

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.

purpose of certificate.

Fifth. A declaration that said certificate is made to enable such persons to avail themselves of the advantages of this act.

Certificate to be acknowledged.

The said certificate shall be acknowledged before a judge of some court of record or a notary public, and such certificate, with the acknowledgment thereof authenticated by the seal of such court or notary, shall be transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. Copies of such certificate, duly certified by the Comptroller, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts and places within the United States, or the jurisdiction of the Government thereof, of the existence of such association, and of every other matter or thing which could be proved by the production of the original certificate.

Copies under seal to be evidence.

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SEC. 7. *And be it further enacted*, That no association shall be organized under this act, with a less capital than one hundred thousand dollars, nor in a city whose population exceeds fifty thousand persons, with a less capital than two hundred thousand dollars: *Provided*, That banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

Amount of capital to be not less than, etc.

Proviso.

SEC. 8. *And be it further enacted*, That every association formed pursuant to the provisions of this act shall, from the date of the execution of its organization certificate, be a body corporate, but shall transact no business except such as may be incidental to its organization and necessarily preliminary, until authorized by the Comptroller of the Currency to commence the business of banking. Such association shall have power to adopt a corporate seal, and shall have succession by the name designated in its organization certificate, for the period of twenty years from its organization, unless sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two thirds of its stock, or unless the franchise shall be forfeited by a violation of this act; by such name it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by by-laws, not inconsistent with the provisions of this act, the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and all the privileges granted by this act to associations organized under

Associations, when to be corporations and when to commence business.

Seal.

May continue twenty years, unless, etc.

General powers.

Directors and officers.

By-laws.

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Revised Statutes, 5190.

it shall be exercised and enjoyed; and its usual business shall be transacted at an office or banking house located in the place specified in its organization certificate.

Directors; qualifications;

one to be president.

SEC. 9. *And be it further enacted*, That the affairs of every association shall be managed by not less than five directors, one of whom shall be the president. Every director shall, during his whole term of service, be a citizen of the United States; and at least three fourths of the directors shall have resided in the State, Territory, or District in which such association is located one year next preceding their election as directors, and be residents of the same during their continuance in office. Each director shall own, in his own right, at least ten shares of the capital stock of the association of which he is a director. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the bona fide owner, in his own right, of the number of shares of stock required by this act, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt; which oath, subscribed by himself, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and by him filed and preserved in his office.

Oath.

Term of office of directors.

Elections.

SEC. 10. *And be it further enacted*, That the directors of any association first elected or appointed shall hold their places until their successors shall be elected and qualified. All subsequent elections shall be held annually on such day in the month of January as may be specified in the articles of association; and the directors so elected shall hold their places for one year, and until their successors are elected and qualified. But any director ceasing to be the owner of the requisite amount of stock, or having in any other manner become disqualified, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. If from any cause an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days'

Vacancies, how filled.

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notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if the election should not be held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise: *Provided*, That if the directors fail to fix the day, as aforesaid, shareholders representing two thirds of the shares may.

Voting and proxies.

SEC. 11. *And be it further enacted*, That in all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or book-keeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

Capital stock to be divided into shares.

SEC. 12. *And be it further enacted*, That the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association; and every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares, and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. The shareholders of each association formed under the provisions of this act, and of each existing bank or banking association that may accept the provisions of this act, shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under State laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their

Transfer.

Rights of existing creditors not to be impaired.

Individual liability.

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shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this act; and if at any time there shall be a deficiency in said surplus of twenty per centum, the said banking association shall not pay any dividends to its shareholders until such deficiency shall be made good; and in case of such deficiency, the Comptroller of the Currency may compel said banking association to close its business and wind up its affairs under the provisions of this act. And the Comptroller shall have authority to withhold from an association his certificate authorizing the commencement of business, whenever he shall have reason to suppose that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

When comptroller may withhold certificate.

Increase of capital stock.

SEC. 13. *And be it further enacted*, That it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act: *Provided*, That the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association. And every association shall have power, by the vote of shareholders owning two thirds of its capital stock, to reduce the capital of such association to any sum not below the amount required by this act, in the formation of associations: *Provided*, That by no such reduction shall its capital be brought below the amount required by this act for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained.

Maximum.

Minimum.

Amount to be paid in before commencing business.

SEC. 14. *And be it further enacted*, That at least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in instalments of at least ten per centum each on the whole amount of the capital as

Remainder, when to be paid.

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frequently as one instalment at the end of each succeeding month from the time it shall be authorized by the Comptroller to commence business; and the payment of each instalment shall be certified to the Comptroller, under oath, by the president or cashier of the association.

Proceedings, if shareholder fails to pay installments.

SEC. 15. *And be it further enacted*, That if any shareholder, or his assignee, shall fail to pay any instalment on the stock when the same is required by the foregoing section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, and if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, and not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be cancelled and deducted from the capital stock of the association; and if such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by this act, the capital stock shall, within thirty days from the date of such cancellation, be increased to the requirements of the act; in default of which a receiver may be appointed to close up the business of the association according to the provisions of the fiftieth section of this act.

Stock of delinquent shareholders to be sold.

United States registered bonds to be deposited with Treasurer to an amount equal to one-third of the capital stock.

Revised Statutes, 5159.

SEC. 16. *And be it further enacted*, That every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the Treasurer of the United States any United States registered bonds bearing interest to an amount not less than thirty thousand dollars nor less than one third of the capital stock paid in, which bonds shall be deposited with the Treasurer of the United States and by him safely kept in his office until the same shall be otherwise dis-

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posed of, in pursuance of the provisions of this act; and the Secretary of the Treasury is hereby authorized to receive and cancel any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run; and the deposit of bonds shall be, by every association, increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the Treasurer registered United States bonds to the amount of at least one third of its capital stock actually paid in: *Provided*, That nothing in this section shall prevent an association that may desire to reduce its capital or to close up its business and dissolve its organization from taking up its bonds upon returning to the Comptroller its circulating notes in the proportion hereinafter named in this act, nor from taking up any excess of bonds beyond one third of its capital stock and upon which no circulating notes have been delivered.

Deposit to be increased;

may be diminished.

Comptroller to examine and determine if association can commence business.

SEC. 17. *And be it further enacted*, That whenever a certificate shall have been transmitted to the Comptroller of the Currency, as provided in this act, and the association transmitting the same shall notify the Comptroller that at least fifty per centum of its capital stock has been paid in as aforesaid, and that such association has complied with all the provisions of this act as required to be complied with before such association shall be authorized to commence the business of banking, the Comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of the directors of such association, and the amount of the capital stock of which each is the bona fide owner, and generally whether such association has complied with all the requirements of this act to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors and by the president or cashier of such association, a statement of all the facts necessary to enable the Comptroller to determine whether such association is lawfully entitled to commence the business of banking under this act.

When association is found entitled to commence business, Comptroller to give certificate.

SEC. 18. *And be it further enacted*, That if, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the

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condition of such association, or otherwise, it shall appear that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions of this act required to be complied with before being entitled to commence the business of banking under it, and that such association is authorized to commence said business accordingly; and it shall be the duty of the association to cause said certificate to be published in some newspaper published in the city or county where the association is located for at least sixty days next after the issuing thereof: *Provided*, That if no newspaper is published in such city or county the certificate shall be published in a newspaper published nearest thereto.

Certificate to be published.

SEC. 19. *And be it further enacted*, That all transfers of United States bonds which shall be made by any association under the provisions of this act shall be made to the Treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier or some other officer of the association making the deposit, a receipt therefor to be given to said association, or by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that it is held in trust for the association on whose behalf such transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bonds by the Treasurer shall be deemed valid or of binding force and effect unless countersigned by the Comptroller of the Currency. It shall be the duty of the Comptroller of the Currency to keep in his office a book in which shall be entered the name of every association from whose accounts such transfer of bonds is made by the Treasurer, and the name of the party to whom such transfer is made; and the par value of the bonds so transferred shall be entered therein; and it shall be the duty of the Comptroller, immediately upon countersigning and entering the same, to advise by mail the association from whose account such transfer was made of the kind and numerical designation of the bonds and the amount thereof so transferred.

Transfers of bonds by association, to be made to the Treasurer in trust.

How executed. Revised Statutes, 5162.

Comptroller to keep transfer book, etc.

SEC. 20. *And be it further enacted*, That it shall be the duty of the Comptroller of the Currency to countersign and enter in the book, in the manner aforesaid, every

Transfers to be countersigned and entered.

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transfer or assignment of any bonds held by the Treasurer presented for his signature; and the Comptroller shall have at all times during office hours access to the books of the Treasurer, for the purpose of ascertaining the correctness of the transfer or assignment presented to him to countersign; and the Treasurer shall have the like access to the book above mentioned, kept by the Comptroller, during office hours, to ascertain the correctness of the entries in the same; and the Comptroller shall also at all times have access to the bonds on deposit with the Treasurer, to ascertain their amount and condition.

Books to be accessible.

Associations, after transfer, may receive circulating notes. See act of Mar. 3, 1865.

SEC. 21, *And be it further enacted*, That upon the transfer and delivery of bonds to the Treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum; and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

Limit of amount.

Entire circulation not to exceed $300,000,000. Comptroller to prepare the notes. Revised Statutes, 5172, 5175.

SEC. 22. *And be it further enacted*, That the entire amount of notes for circulation to be issued under this act shall not exceed three hundred millions of dollars. In order to furnish suitable notes for circulation, the Comptroller of the Currency is hereby authorized and required, under the direction of the Secretary of the Treasury, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and to have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply, under this act, the associations entitled to receive the same; which notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the

Denominations.

Notes to express what.

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association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier. And the said notes shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct: *Provided*, That not more than one sixth part of the notes furnished to an association shall be of a less denomination than five dollars, and that after specie payments shall be resumed no association shall be furnished with notes of a less denomination than five dollars.

Devices.

Notes under $5.

SEC. 23. *And be it further enacted*, That after any such association shall have caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association is hereby authorized to issue and circulate the same as money; and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except for duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. And no such association shall issue post notes or any other notes to circulate as money than such as are authorized by the foregoing provisions of this act.

When notes may be circulated as money; Revised Statutes, 5182. Revised Statutes, 3473, 3475.

to be received for all dues, except, etc.

Post notes, etc., not to be issued. Revised Statutes, 5183.

SEC. 24. *And be it further enacted*, That it shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any such banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to such association other blank circulating notes to an equal amount. And such worn-out or mutilated notes, after a memorandum shall have been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulating notes which shall have been paid or surrendered to be cancelled, shall be burned to ashes in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, one by the Treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. And a certificate of such burning, signed by the parties so appointed, shall be made in the books of

Worn-out and mutilated notes. See act of June 23, 1874. Revised Statutes, 5184.

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the Comptroller, and a duplicate thereof forwarded to the association whose notes are thus cancelled.

Associations to examine annually its bonds deposited, and make certificate. Revised Statutes, 5166.

SEC. 25. *And be it further enacted*, That it shall be the duty of every banking association having bonds deposited in the office of the Treasurer of the United States, once or oftener in each fiscal year, and at such time or times during the ordinary business hours as said officer or officers may select, to examine and compare the bonds so pledged with the books of the Comptroller and the accounts of the association, and, if found correct, to execute to the said Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of such certificate. Such examination may be made by an officer or agent of such association, duly appointed in writing for that purpose, whose certificate before mentioned shall be of like force and validity as if executed by such president or cashier; and a duplicate signed by the Treasurer shall be retained by the association.

Examination of associations.

Deposited bonds to be held exclusively to secure circulation. Revised Statutes, 5167.

SEC. 26. *And be it further enacted*, That the bonds transferred to and deposited with the Treasurer of the United States, as hereinbefore provided, by any banking association for the security of its circulating notes, shall be held exclusively for that purpose, until such notes shall be redeemed, except as provided in this act; but the Comptroller of the Currency shall give to any such banking association powers of attorney to receive and appropriate to its own use the interest on the bonds which it shall have so transferred to the Treasurer; but such powers shall become inoperative whenever such banking association shall fail to redeem its circulating notes as aforesaid. Whenever the market or cash value of any bonds deposited with the Treasurer of the United States, as aforesaid, shall be reduced below the amount of the circulation issued for the same, the Comptroller of the Currency is hereby authorized to demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association receiving said bills, to be deposited with the Treasurer of the United States as long as such depreciation continues. And said Comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the Treasurer by an association for other bonds of the United States authorized by this act to be received as security for circu-

Provision as to interest.

If bonds depreciate, security to be made good.

Bonds may be exchanged, if, etc.

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lating notes, if he shall be of opinion that such an exchange can be made without prejudice to the United States, and he may direct the return of any of said bonds to the banking association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the banking association offering to surrender circulating notes shall be equal to the amount required for the circulating notes not surrendered by such banking association, and that the amount of bonds in the hands of the Treasurer shall not be diminished below the amount required to be kept on deposit with him by this act: *And provided*, That there shall have been no failure by such association to redeem its circulating notes, and no other violation by such association of the provisions of this act, and that the market or cash value of the remaining bonds shall not be below the amount required for the circulation issued for the same.

May be returned upon cancellation of circulating notes.

Proviso.

SEC. 27. *And be it further enacted*, That it shall be unlawful for any officer acting under the provisions of this act to countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this act, except as hereinbefore provided, and in accordance with the true intent and meaning of this act. And any officer who shall violate the provisions of this section shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not exceeding double the amount so countersigned and delivered, and imprisonment not less than one year and not exceeding fifteen years, at the discretion of the court in which he shall be tried.

Penalty for countersigning and delivery of circulating notes, except as permitted by this act. Revised Statutes, 5187.

SEC. 28. *And be it further enacted*, That it shall be lawful for any such association to purchase, hold, and convey real estate as follows:

Associations may hold, etc., certain real estate.

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

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Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association, or shall purchase to secure debts due to said association.

Real estate.

Such associations shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section. Nor shall it hold the possession of any real estate under mortgage, or hold the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years.

No person, etc., to be liable to association for more than, etc.

SEC. 29. *And be it further enacted*, That the total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one tenth part of the amount of the capital stock of such association actually paid in: *Provided*, That the discount of bona fide bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation, or firm negotiating the same shall not be considered as money borrowed.

Certain discounts not to be included.

Rate of interest.

SEC. 30. *And be it further enacted*, That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State or Territory where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized in any such State under this act. And when no rate is fixed by the laws of the State or Territory, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives may recover back, in any action of debt, twice the amount of the interest thus paid from the association taking or re-

Penalty for taking greater interest.

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ceiving the same: *Provided*, That such action is commenced within two years from the time the usurious transaction occurred. But the purchase, discount, or sale of a bona fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Action to be commenced in two years.

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such associations shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States shall be restored: *Provided*, That three fifths of said fifteen per centum may consist of balances due to an association available for the redemption of its circulating notes from associations approved by the Comptroller of the Currency, organized under this act, in the cities of Saint Louis, Louisville, Chicago, Detroit, Milwaukee, New Orleans, Cincinnati, Cleveland, Pittsburg, Baltimore, Philadelphia, Boston, New York, Albany, Leavenworth, San Francisco, and Washington City: *Provided, also*, That clearing-house certificates, representing specie or lawful money specially deposited for the purpose of any clearing-house association, shall be deemed to be lawful money in the possession of any association belonging to such clearing-house holding and owning such certificate, and shall be considered to be a part of the lawful money which such association is required to have under the foregoing provisions

Amount of money to be kept on hand. Revised Statutes, 5191, 5192. See act of June 20, 1874, sec. 2.

Liabilities not to be increased until reserve is made good.

Money deposited for redemption or circulation in certain cities to be included.

Clearing-house certificates to be deemed lawful money for this purpose.

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Charleston and Richmond.

of this section: *Provided*, That the cities of Charleston and Richmond may be added to the list of cities in the national associations of which other associations may keep three fifths of their lawful money, whenever, in the opinion of the Comptroller of the Currency, the condition of the Southern States will warrant it. And it shall be competent for the Comptroller of the Currency to notify any association, whose lawful money reserve as aforesaid shall be below the amount to be kept on hand as aforesaid, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money of the United States, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of such association, as provided in this act.

If association fails, after notice, to make good its reserve.

Circulation to be redeemed in New York at par.

Revised Statutes, 5195.

SEC. 32. *And be it further enacted*, That each association organized in any of the cities named in the foregoing section shall select, subject to the approval of the Comptroller of the Currency, an association in the city of New York, at which it will redeem its circulating notes at par. And each of such associations may keep one half of its lawful money reserve in cash deposits in the city of New York. And each association not organized within the cities named in the preceding section shall select, subject to the approval of the Comptroller of the Currency, an association in either of the cities named in the preceding section at which it will redeem its circulating notes at par, and the Comptroller shall give public notice of the names of the associations so selected at which redemptions are to be made by the respective associations, and of any change that may be made of the association at which the notes of any association are redeemed. If any association shall fail either to make the selection or to redeem its notes as aforesaid, the Comptroller of the Currency may, upon receiving satisfactory evidence thereof, appoint a receiver, in the manner provided for in this act, to wind up its affairs: *Provided*, That nothing in this section shall relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money, on demand: *And provided, further*, That every association formed or existing under the provisions of this act shall take and receive at par, for any debt or liability to said association, any and all notes or bills issued by any association existing under and by virtue of this act.

Certain associations to select place for redemption of circulation.

See sec. 3, act of June 20, 1874.

Proceedings in case of failure.

Each association to take notes of other associations.

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Dividends.

SEC. 33. *And be it further enacted*, That the directors of any association may, semi-annually, each year, declare a dividend of so much of the nett profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one tenth part of its nett profits of the preceding half year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

Surplus funds.

Associations to report to Comptroller quarterly.

SEC. 34. *And be it further enacted*, That every association shall make to the Comptroller of the Currency a report, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association; which report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the association before the commencement of business on the morning of the first Monday of the months of January, April, July, and October of each year, and shall transmit the same to the Comptroller within five days thereafter. And any bank failing to make and transmit such report shall be subject to a penalty of one hundred dollars for each day after five days that such report is delayed beyond that time. And the Comptroller shall publish abstracts of said reports in a newspaper to be designated by him for that purpose in the city of Washington, and the separate report of each association shall be published in a newspaper in the place where such association is established, or if there be no newspaper at such place, then in a newspaper published at the nearest place thereto, at the expense of the association making such report. In addition to the quarterly reports required by this section, every association shall, on the first Tuesday of each month, make to the Comptroller of the Currency a statement, under the oath of the president or cashier, showing the condition of the association making such statement, on the morning of the day next preceding the date of such statement, in respect to the following items and particulars, to wit: average amount of loans and discounts, specie, and other lawful money belonging to the association, deposits, and circulation. And associations in other places than those cities named in the thirty-first section of this act shall also return the amount due them available for the redemption of their circulation.

Contents of report.

Penalty for failing to report.

Comptroller to publish abstracts.

Monthly statements.

Associations not to make loans, etc., on the security of their own stock.

SEC. 35. *And be it further enacted*, That no association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or

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holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, in default of which a receiver may be appointed to close up the business of the association, according to the provisions of this act.

Indebtedness not to exceed capital stock, except, etc.

SEC. 36. *And be it further enacted*, That no association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on the following accounts, that is to say:—

First. On account of its notes of circulation.

Second. On account of moneys deposited with, or collected by, such association.

Third. On account of bills of exchange or drafts drawn against money actually on deposit to the credit of such association, or due thereto.

Fourth. On account of liabilities to its stockholders for dividends and reserved profits.

Associations not to hypothecate circulating notes, for, etc.

Revised Statutes, 5203.

SEC. 37. *And be it further enacted*, That no association shall, either directly or indirectly, pledge or hypothecate any of its notes of circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

not to withdraw any portion of their capital.

SEC. 38. *And be it further enacted*, That no association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in form of dividends or otherwise, any portion of its capital. And if losses shall at any time have been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it shall continue its banking operations, to an amount greater than its nett profits then on hand, deducting therefrom its losses and bad debts.

What to be deemed bad debts.

And all debts due to any association, on which interest is past due and unpaid for a period of six months, unless the same shall be well secured, and shall be in process of collection, shall be considered bad debts within the mean-

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ing of this act: *Provided*, That nothing in this section shall prevent the reduction of the capital stock of the association under the thirteenth section of this act.

Associations not to pay out certain notes. Revised Statutes, 5206.

SEC. 39. *And be it further enacted*, That no association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation the notes of any bank or banking association which shall not, at any such time, be receivable, at par, on deposit and in payment of debts by the association so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

List of names and residences of shareholders to be kept; to be subject to inspection; to be sent to Comptroller.

SEC. 40. *And be it further enacted*, That the president and cashier of every such association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted; and such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business hours of each day in which business may be legally transacted; and a copy of such list, on the first Monday of July in each year, verified by the oath of such president or cashier, shall be transmitted to the Comptroller of the Currency.

Comptroller to keep control of plates and special dies. Revised Statutes, 5173, 5214.

SEC. 41. *And be it further enacted*, That the plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, and all other expenses of the Bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act. And in lieu of all existing taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one half of one per centum each half year from and after the first day of January, eighteen hundred and sixty-four, upon the average amount of its notes in circulation, and a duty of one quarter of one per centum each half year

Expenses to be borne by associations.

Duty upon circulation, deposits, and capital stock to be paid semi-annually.

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upon the average amount of its deposits, and a duty of one quarter of one per centum each half year, as aforesaid, on the average amount of its capital stock beyond the amount invested in United States bonds; and in case of default in the payment thereof of any association, the duties aforesaid may be collected in the manner provided for the collection of United States duties of other corporations, or the Treasurer may reserve the amount of said duties out of the interest, as it may become due, on the bonds deposited with him by such defaulting association. And it shall be the duty of each association, within ten days from the first days of January and July of each year, to make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as he may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preceding said first days of January and July as aforesaid, and in default of such return, and for each default thereof, each defaulting association shall forfeit and pay to the United States the sum of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States; and in case of such default the amount of the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such other manner as the Treasurer may deem best: *Provided*, That nothing in this act shall be construed to prevent all the shares in any of the said associations, held by any person or body corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of taxes imposed by or under State authority at the place where such bank is located, and not elsewhere, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State: *Provided, further*, That the tax so imposed under the laws of any State upon the shares of any of the associations authorized by this act shall not exceed the rate imposed upon the shares in any of the banks

How collected if not paid in time.

Return of circulation, etc., to be made.

Penalty for default.

Shares not hereby exempted from taxation by State authority.

Limit of State tax.

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organized under authority of the State where such association is located: *Provided, also*, That nothing in this act shall exempt the real estate of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

Real estate to be taxed.

SEC. 42. *And be it further enacted*, That any association may go into liquidation and be closed by the vote of its shareholders owning two thirds of its stock. And whenever such vote shall be taken it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in a city or town in which the association is located, and if no newspaper be there published, then in the newspaper published nearest thereto, that said association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment. And at any time after the expiration of one year from the time of the publication of such notice as aforesaid, the said association may pay over to the Treasurer of the United States the amount of its outstanding notes in the lawful money of the United States, and take up the bonds which said association has on deposit with the Treasurer for the security of its circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of this act, and from that time the outstanding notes of said association shall be redeemed at the Treasury of the United States, and the said association and the shareholders thereof shall be discharged from all liabilities therefor.

How associations may be closed.

Proceedings. Revised Statutes, 5220, 5222, 5224.

SEC. 43. *And be it further enacted*, That the Treasurer, on receiving from an association lawful money for the payment and redemption of its outstanding notes, as provided for in the preceding section of this act, shall execute duplicate receipts therefor, one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received, which amount shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account. And it shall be the duty of the Treasurer, whenever he shall re-

Treasurer to execute duplicate receipts. Revised Statutes, 5222, 5225.

Redeemed notes to be mutilated, etc. See act of June 23, 1874.

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deem any of the notes of said association, to cause the same to be mutilated, and charged to the redemption account of said association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and burned in the manner prescribed in the twenty-fourth section of this act.

State banks may become national associations.

SEC. 44. *And be it further enacted*, That any bank incorporated by special law, or any banking institution organized under a general law of any State, may, by authority of this act, become a national association under its provisions, by the name prescribed in its organization certificate; and in such case the articles of association and the organization certificate required by this act may be executed by a majority of the directors of the bank or banking institution; and said certificate shall declare that the owners of two-thirds of the capital stock have authorized the directors to make such certificate and to change and convert the said bank or banking institution into a national association under this act. And a majority of the directors, after executing said articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before said conversion, and the directors aforesaid may be the directors of the association until others are elected or appointed in accordance with the provisions of this act; and any State bank which is a stockholder in any other bank, by authority of State laws, may continue to hold its stock, although either bank, or both, may be organized under and have accepted the provisions of this act. When the Comptroller shall give to such association a certificate, under his hand and official seal, that the provisions of this act have been complied with, and that it is authorized to commence the business of banking under it, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects as are prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act: *Provided, however*, That no such association shall have a less capital than the amount prescribed for banking associations under this act.

Mode of procedure.

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Associations, when so designated, may be depositaries of public moneys, except, etc.;

SEC. 45. *And be it further enacted*, That all associations under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the Government, as may be required of them. And the Secretary of the Treasury shall require of the associations thus designated satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That every association which shall be selected and designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid in to the Government for internal revenue, or for loans or stocks.

may be financial agents.

Revised Statutes, 5153.

Designated depositaries to pay promptly;

to receive national currency bills at par.

If associations fail to redeem their circulation, the notes may be protested, unless, etc.

Revised Statutes, 5226, 5228.

SEC. 46. *And be it further enacted*, That if any such association shall at any time fail to redeem, in the lawful money of the United States, any of its circulating notes, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such association, or at its place of redemption aforesaid, the holder may cause the same to be protested, in one package, by a notary-public, unless the president or cashier of the association whose notes are presented for payment, or the president or cashier of the association at the place at which they are redeemable, shall offer to waive demand and notice of the protest, and shall, in pursuance of such offer, make, sign, and deliver to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof; and such notary-public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency, retaining a copy thereof. And after such default, on examination of the facts by the Comptroller, and notice by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills,

Notice of protest, etc., to be forwarded to Comptroller.

Association not to do business further, except, etc.

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or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposites: *Provided*, That if satisfactory proof be produced to such notary-public that the payment of any such notes is restrained by order of any court of competent jurisdiction, such notary-public shall not protest the same; and when the holder of such notes shall cause more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

Notes not to be protested in certain cases.

Fees of notary.

Upon notice of failure to redeem circulation, Comptroller to send special agent to ascertain facts;

Revised Statutes, 5227, 5229, 5230, 5234.

SEC. 47. *And be it further enacted*, That on receiving notice that any such association has failed to redeem any of its circulating notes, as specified in the next preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent (of whose appointment immediate notice shall be given to such association) who shall immediately proceed to ascertain whether such association has refused to pay its circulating notes in the lawful money of the United States, when demanded as aforesaid, and report to the Comptroller the fact so ascertained; and if, from such protest or the report so made, the Comptroller shall be satisfied that such association has refused to pay its circulating notes as aforesaid and is in default, he shall, within thirty days after he shall have received notice of such failure, declare the United States bonds and securities pledged by such association forfeited to the United States, and the same shall thereupon be forfeited accordingly. And thereupon the Comptroller shall immediately give notice in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association to present them for payment at the Treasury of the United States, and the same shall be paid as presented in lawful money of the United States; whereupon said Comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid. And it shall be lawful for the Secretary of the Treasury, from time to time, to make such regulations respecting the disposition to be made of such circulating notes after presentation thereof for payment as aforesaid, and respecting the perpetuation of the evidence of the payment thereof as may seem to him proper; but all such notes, on being paid, shall be

When to declare securities forfeited.

To notify holders of notes to present them for payment;

to pay notes and cancel bonds.

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cancelled. And for any deficiency in the proceeds of the bonds pledged by such association, when disposed of as hereinafter specified, to reimburse to the United States the amount so expended in paying the circulating notes of such association, the United States shall have a first and paramount lien upon all the assets of such association; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

The United States to have priority of lien upon assets for any deficiency in redemption of circulation.

SEC. 48. *And be it further enacted*, That whenever the Comptroller shall become satisfied, as in the last preceding section specified, that any association has refused to pay its circulating notes as therein mentioned, he may, instead of cancelling the United States bonds pledged by such association, as provided in the next preceding section, cause so much of them as may be necessary to redeem the outstanding circulating notes of such association to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to such association.

Bonds pledged as security may be sold at auction; Revised Statutes, 5230.

SEC. 49. *And be it further enacted*, That the Comptroller of the Currency may, if he shall be of opinion that the interests of the United States will be best promoted thereby, sell at private sale any of the bonds pledged by such association, and receive therefor either money or the circulating notes of such failing association: *Provided*, That no such bonds shall be sold by private sale for less than par, nor less than the market value thereof at the time of sale: *And provided, further*, That no sales of any such bonds, either public or private, shall be complete until the transfer thereof shall have been made with the formalities prescribed in this act.

or at private sale. Revised Statutes, 5231.

Proviso.

SEC. 50. *And be it further enacted*, That on becoming satisfied, as specified in this act, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to such association, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, sell all the real and personal property of such association, on such

Comptroller may appoint a receiver to close affairs of defaulting association.

Bond and duties of receiver, etc.

Revised Statutes, 5234, 5236, 5237.

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terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders provided for by the twelfth section of this act; and such receiver shall pay over all moneys so made to the Treasurer of the United States, subject to the order of the Comptroller of the Currency, and also make report to the Comptroller of the Currency of all his acts and proceedings. The Comptroller shall thereupon cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof. And from time to time the Comptroller, after full provision shall have been first made for refunding to the United States any such deficiency in redeeming the notes of such association as is mentioned in this act, shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction; and from time to time, as the proceeds of the assets of such association shall be paid over to him, he shall make further dividends, as aforesaid, on all claims previously proved or adjudicated; and the remainder of such proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held: *Provided, however*, That if such association against which proceedings have been so instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, shall deny having failed to do so, such association may, at any time within ten days after such association shall have been notified of the appointment of an agent, as provided in this act, apply to the nearest circuit, or district, or Territorial court of the United States, to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the Comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

If association denies that it has failed to redeem its notes, it may apply to the courts for an injunction.

Proceedings.

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SEC. 51. *And be it further enacted*, That all fees for protesting the notes issued by any such banking association shall be paid by the person procuring the protest to be made, and such banking association shall be liable therefor; but no part of the bonds pledged by such banking association, as aforesaid, shall be applied to the payment of such fees. And all expenses of any preliminary or other examinations into the condition of any association shall be paid by such association; and all expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

Fees for protest and other expenses, how to be paid.
Revised Statutes, 5238.

SEC. 52. *And be it further enacted*, That all transfer of the notes, bonds, bills of exchange, and other evidences of debt owing to any association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use; or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void.

Transfers, assignments, etc., in contemplation of insolvency, etc., to be void.
Revised Statutes, 5242.

SEC. 53. *And be it further enacted*, That if the directors of any association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this act, all the rights, privileges, and franchises of the association derived from this act shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

Penalty upon directors for violations of this act.
Violation, how to be determined.
Personal liability.

SEC. 54. *And be it further enacted*, That the Comptroller of the Currency, with the approbation of the Secretary of the Treasury, as often as shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every bank-

Comptroller may appoint person to examine the affairs of any association.

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ing association, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the Comptroller. And the association shall not be subject to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of law and chancery. And every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

Duty of such examiner.

Pay.

Penalty upon officers, etc., of association for embezzlement, etc., of funds.

SEC. 55. *And be it further enacted*, That every president, director, cashier, teller, clerk, or agent of any association, who shall embezzle, abstract, or willfully misapply any of the moneys, funds, or credits of the association, or shall, without authority from the directors, issue or put in circulation any of the notes of the association, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or shall make any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not less than five nor more than ten years.

District attorneys to conduct certain suits.

SEC. 56. *And be it further enacted*, That all suits and proceedings arising out of the provisions of this act, in which the United States or its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts, under the direction and supervision of the Solicitor of the Treasury.

In what courts suits, etc., under this act may be prosecuted.

SEC. 57. *And be it further enacted*, That suits, actions, and proceedings, against any association under this act, may be had in any circuit, district, or Territorial court

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of the United States held within the district in which such association may be established; or in any State, county, or municipal court in the county or city in which said association is located, having jurisdiction in similar cases: *Provided, however*, That all proceedings to enjoin the Comptroller under this act shall be had in a circuit, district, or Territorial court of the United States, held in the district in which the association is located.

See sec. 2, act of Mar. 3, 1873.

Proceedings for injunctions to be in what courts.

SEC. 58. *And be it further enacted*, That every person who shall mutilate, cut, deface, disfigure, or perforate with holes, or shall unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any such association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall, upon conviction, forfeit fifty dollars to the association who shall be injured thereby, to be recovered by action in any court having jurisdiction.

Penalty for mutilating notes to make them unfit for reissue.

Revised Statutes, 5188.

(Sections 59 and 60 prescribe penalties for counterfeiting, etc., knowingly uttering, etc., for engraving, etc., plates for forging notes, etc., for having blank notes and for having paper, etc.)

SEC. 61. *And be it further enacted*, That it shall be the duty of the Comptroller of the Currency to report annually to Congress at the commencement of its session—

Comptroller to report annually to Congress.

Revised Statutes, 333.

First. A summary of the state and condition of every association from whom reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to said associations as, in his judgment, may be useful.

Contents of report.

Contents of Comptroller's report to Congress.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

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Fourth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year. And such report shall be made by or before the first day of December in each year, and the usual number of copies for the use of the Senate and House, and one thousand copies for the use of the department, shall be printed by the Public Printer and in readiness for distribution at the first meeting of Congress.

Repeal of act of 1863, ch. 58, vol. 12.

SEC. 62. *And be it further enacted*, That the act entitled "An act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February twenty-fifth, eighteen hundred and sixty-three, is hereby repealed: *Provided*, That such repeal shall not affect any appointments made, acts done, or proceedings had, or the organization, acts, or proceedings of any association organized or in the process of organization under the act aforesaid: *And provided, also*, That all such associations so organized or in process of organization shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this act, and with the approval of the Comptroller of the Currency, in lieu of the name specified in their respective organization certificates, may take any other name preferred by them and duly certified to the Comptroller, without prejudice to any right acquired under this act, or under the act hereby repealed; but no such change shall be made after six months from the passage of this act: *Provided, also*, That the circulation issued or to be issued by such associations shall be considered as a part of the circulation provided for in this act.

Saving clauses.

Executors, trustees, etc., holding stock, not to be personally liable.

SEC. 63. *And be it further enacted*, That persons holding stock as executors, administrators, guardians, and trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in said trust-funds would be if they were respectively living and competent to act and hold the stock in their own names.

Act may be altered or repealed.

SEC. 64. *And be it further enacted*, That Congress may at any time amend, alter, or repeal this act.

Approved, June 3, 1864.

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(By the act of March 1, 1872, Leavenworth is struck out from the list of redemption cities in section 31 above. (17 Stat. L., 32.)

(The use of the word "national," as a part of the name of any bank not organized under the national currency act above, is forbidden by the act of March 3, 1873. (17 Stat. L., 603.)

NOTE.—The above act is in substance a revision of that of February 25, 1863, with only such changes as experience had shown to be necessary for the trial of the system. Some of the principal points of difference between the two acts are the following:

The act of 1863 made no provision for the redemption of the circulation by the banks of the principal cities, such as is contained in sections 31 and 32 of the act of 1864; but simply required that every bank should redeem its circulation at its own counter, and that it should have for that and other purposes a reserve equal to twenty-five per cent of its circulation and deposits, of which reserve three-fifths might be deposited with associations in nine principal cities named in the act.

The prohibition of the issue of circulating notes of a less denomination than five dollars, took effect at once in the act of 1863.

Under the act of 1863, coupon bonds might be deposited to secure the circulation, but by the act of 1864 only registered bonds.

The act of 1863 required a smaller minimum of capital for a new bank than the act of 1864, required a smaller proportion to be paid in before beginning business, and allowed a longer time for the payment of the remainder.

The act of 1864 makes more complete provision than that of 1863 for the conversion of state banks into national associations, permitting the retention of the former name of a bank after conversion, and in section 12 exempting the stockholders of such banks from personal liability under certain conditions, which were intended to meet the case of the Bank of Commerce in the city of New York.

The act of 1863 failed to provide as to the taxation of shares by state authority, and permitted loans on real, as well as personal, security.

The act of 1863 required the apportionment of the total circulation among the States and Territories, one half according to representative population and one half having due regard to the existing banking capital and resources.

For changes in the provision made in section 22, as to the total amount of bank notes and for the apportionment thereof, see below, pages 364, 369–371, 418–421.

For changes in the limit of circulation allowed to any bank in section 21, and the amount of bonds to be held, see below, pages 364, 369–371, 418, 419, 423, 432, 433.

Note to section 55, chapter 106, June 3, 1864 (13 Stat. L. 99): "The act of April 6, 1869 (16 Stat. L., 7), prescribed a penalty for aiding and abetting officers, etc., of national banks in embezzling, etc., funds of bank."

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"The act of April 22, 1870 (16 Stat. L., 91) amending the usury laws of the District of Columbia, provided that nothing therein should affect national banking associations."

"The act of July 8, 1870 (16 Stat. L., 195), provided that section 55, above, and all acts amendatory thereof should be construed to apply to every president, director, cashier, teller, clerk, or agent of any banking association organized, etc."

ACT OF JUNE 30, 1864.

13 Stat. L., 223. CHAP. CLXXIII.—*An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.*

* * * * *

(Section 110 levies a duty on deposits, capital, and circulation of banks and bankers.) (Amended 17 Stat. L., 256.)

* * * * *

Approved, June 30, 1864.

ACT OF MARCH 3, 1865.

13 Stat. L., 469. CHAP. LXXVIII.—*An act to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four.*

* * * * *

Tax on bank circulation after, etc.

SEC. 6. *And be it further enacted*, That every national banking association, state bank, or state banking association, shall pay a tax of ten per centum on the amount of notes of any state bank or state banking association, paid out by them after the first day of July, eighteen hundred and sixty-six.

Existing state banks to be preferred until, etc.; in applying to become national banks.

SEC. 7. *And be it further enacted*, That any existing bank organized under the laws of any state, having a paid-up capital of not less than seventy-five thousand dollars, which shall apply before the first day of July next for authority to become a national bank under the act entitled "An act to provide a national currency secured by a pledge of the United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, and shall comply with all the requirements of said act, shall, if such bank be found by the comptroller of the currency

1864, ch. 106.

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to be in good standing and credit, receive such authority in preference to new associations applying for the same: *Provided*, That it shall be lawful for any bank or banking association organized under state laws, and having branches, the capital being joint and assigned to and used by the mother bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother bank and each branch to be regulated by the amount of capital assigned to and used by each.

Proviso.

* * * * *

SEC. 14. *And be it further enacted*, That the capital of any state bank or banking association which has ceased, or shall cease to exist, or which has been or shall be converted into a national bank, for all the purposes of the act to which this is an amendment, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid. And whenever the outstanding circulation of any bank, association, corporation, company, or person shall be reduced to an amount not exceeding five per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation. And whenever any state bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such state bank or banking association, including the redemption of its bills, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such state bank or banking association.

What to be deemed the capital of a state bank, for purposes of this act.

Circulation when free of tax.

* * * * *

Approved, March 3, 1865.

(Section 6 was amended by section 9, act of July 13, 1866 (14 Stat. L., 146), to provide that persons, etc., using notes of state banks as circulation after August 1, 1866, to pay a tax of ten per cent thereon.

(Section 14 was amended by the same act and section to define the capital of certain banks, and providing that circulation not over five per cent, and banks ceasing to issue circulation should not be taxed, and that converted banks should pay tax.)

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ACT OF MARCH 3, 1865.

13 Stat. L., 498.

CHAP. LXXXII.—*An act to amend an act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one of said act be so amended that said section shall read as follows:

Banking associations after transfer, etc., of bonds, may receive circulating notes.

SEC. 21. *And be it further enacted*, That upon the transfer and delivery of bonds to the Treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum; and the amount of said circulating notes to be furnished to each association shall be in proportion to its paid-up capital as follows, and no more: To each association whose capital shall not exceed five hundred thousand dollars, ninety per centum of such capital; to each association whose capital exceeds five hundred thousand dollars, but does not exceed one million dollars, eighty per centum of such capital; to each association whose capital exceeds one million of dollars, but does not exceed three millions of dollars, seventy-five per centum of such capital; to each association whose capital exceeds three millions of dollars, sixty per cent. of such capital. And that one hundred and fifty millions of dollars of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories.

Limit of amount of notes to be received.

See Revised Statutes, 5171.

Apportionment of authorized circulation.

Approved, March 3, 1865.

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ACT OF MARCH 2, 1867.

CHAP. CXCIV.—*An act to provide ways and means for the payment of compound-interest notes.* 14 Stat. L., 558.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of redeeming and retiring any compound interest notes outstanding, the Secretary of the Treasury is hereby authorized and directed to issue temporary loan certificates in the manner prescribed by section four of the act entitled "An act to authorize the issue of United States notes and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February twenty-fifth, eighteen hundred and sixty-two, bearing interest at a rate not exceeding three per centum per annum, principal and interest payable in lawful money on demand; and said certificates of temporary loan may constitute and be held, by any national bank holding or owning the same, as a part of the reserve provided for in sections thirty-one and thirty-two of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June three, eighteen hundred and sixty-four: *Provided*, That not less than two-fifths of the entire reserve of such bank shall consist of lawful money of the United States: *And provided further*, That the amount of such temporary certificates at any time outstanding shall not exceed fifty millions of dollars.

Temporary loan certificates may be issued to redeem compound-interest notes.

Rate of interest.

Principal and interest payable in lawful money.

Certificates may be held by banks as reserve.

Proviso.

Approved, March 2, 1867.

NOTE.—A further issue of certificates of indebtedness amounting to twenty-five millions of dollars was authorized by the act of July 25, 1868, with like privileges as to reserve.

ACT OF FEBRUARY 10, 1868.

CHAP. VII.—*An act in relation to taxing shares in national banks.* 15 Stat. L., 34.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "place where the bank is located, and not elsewhere," in section forty-one of the "act to provide a national currency," approved June third, eighteen hundred and sixty-four, shall be construed and

Shares in national banks to be taxed where. 1864, ch. 106, sec. 41. Vol. XIII, p. 111.

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held to mean the State within which the bank is located; and the legislature of each State may determine and direct the manner and place of taxing all the shares of national banks located within said State, subject to the restriction that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State: *And provided always*, That the shares of any national bank owned by non-residents of any State shall be taxed in the city or town where said bank is located, and not elsewhere.

How to be taxed.

Shares of non-residents.

Approved, February 10, 1868.

ACT OF FEBRUARY 19, 1869.

15 Stat. L., 270.

CHAP. XXXII.—*An act to prevent loaning money upon United States notes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no national banking association shall hereafter offer or receive United States notes or national bank notes as security or as collateral security for any loan of money, or for a consideration shall agree to withhold the same from use, or shall offer or receive the custody or promise of custody of such notes as security, or as collateral security, or consideration for any loan of money; and any national banking association offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in any United States court having jurisdiction shall be punished by a fine not exceeding one thousand dollars, and by a further sum equal to one-third of the money so loaned; and the officer or officers of said bank who shall make such loan or loans shall be liable for a further sum equal to one quarter of the money so loaned; and the prosecution of such offenders shall be commenced and conducted as provided for the punishment of offences in an act to provide a national currency, approved June third, eighteen hundred and sixty-four, and the fine or penalty so recovered shall be for the benefit of the party bringing such suit.

Banking association not to loan money upon United States notes, nor withhold them from use, etc.

See Revised Statutes, 5207.

Penalty.

Approved, February 19, 1869.

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ACT OF MARCH 3, 1869.

CHAP. CXXX.—*An act regulating the reports of national banking associations.* 15 Stat. L., 326.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of all reports required by section thirty-four of the national currency act, every association shall make to the Comptroller of the Currency not less than five reports during each and every year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors; which report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day to be by him specified, and shall transmit such report to the Comptroller within five days after the receipt of a request or requisition therefor from him; and the report of each association above required, in the same form in which it is made to the Comptroller, shall be published in a newspaper published in the place where such association is established, or if there be no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the Comptroller. And the Comptroller shall have power to call for special reports from any particular association whenever in his judgment the same shall be necessary in order to a full and complete knowledge of its condition. Any association failing to make and transmit any such report shall be subject to a penalty of one hundred dollars for each day after five days that such bank shall delay to make and transmit any report as aforesaid; and in case any association shall delay or refuse to pay the penalty herein imposed when the same shall be assessed by the Comptroller of the Currency, the amount of such penalty may be retained by the Treasurer of the United States, upon the order of the Comptroller of the Currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation; and all sums of money collected for penalties under this section shall be paid into the Treasury of the United States.

Banking associations to make not less than five reports each year to Comptroller of Currency. 1864, ch. 106, sec. 34, vol. 13, p. 109.

Reports, how verified, and to exhibit what.

To be sent to Comptroller within five days after receipt of request therefor; to be published in a newspaper.

Proof of publication.

Special reports.

Penalty for not making and transmitting reports.

how may be collected;

to be paid into the Treasury.

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Additional report to Comptroller of the amount of dividends and of net earnings;

where to be made and how verified.

Penalties.

SEC. 2. *And be it further enacted*, That, in addition to said reports, each national banking association shall report to the Comptroller of the Currency the amount of each dividend declared by said association, and the amount of net earnings in excess of said dividends, which report shall be made within ten days after the declaration of each dividend, and attested by the oath of the president or cashier of said association, and a failure to comply with the provisions of this section shall subject such association to the penalties provided in the foregoing section.

Approved, March 3, 1869.

ACT OF MARCH 3, 1869.

15 Stat. L., 335.

CHAP. CXXXV.—*An act in reference to certifying checks by national banks.*

Officers, etc., of national banks not to certify checks on such banks, unless, etc.

Certain certified checks to be good.

Penalty for unlawfully certifying checks.

1864, ch. 106, sec. 50, Vol. XIII, p. 114.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any officer, clerk, or agent of any national bank to certify any check drawn upon said bank unless the person or company drawing said check shall have on deposit in said bank at the time such check is certified an amount of money equal to the amount specified in such check; and any check so certified by duly authorized officers shall be a good and valid obligation against such bank; and any officer, clerk, or agent of any national bank violating the provisions of this act shall subject such bank to the liabilities and proceedings on the part of the comptroller as provided for in section fifty of the national banking law, approved June third, eighteen hundred and sixty-four.

Approved, March 3, 1869.

ACT OF MARCH 3, 1869.

15 Stat. L., 339.

1863, ch. 58, sec. 52, Vol. XII, p. 680.

CHAP. CXLV.—*An act to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," by extending certain penalties to accessories.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-

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bled, That every person who shall aid or abet any officer or agent of any association in doing any of the acts enumerated in section fifty-two of an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved February twenty-fifth, eighteen hundred and sixty-three, with intent to defraud or deceive, shall be liable to the same punishment therein provided for the principal.

Aiding or abetting an officer, etc., of a national bank in the embezzlement, etc., of its funds, how punished.

Approved, March 3, 1869.

ACT OF JULY 12, 1870.

CHAP. CCLII.—*An act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes.*

16 Stat. L., 251.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That fifty-four millions of dollars in notes for circulation may be issued to national banking associations, in addition to the three hundred millions of dollars authorized by the twenty-second section of the "Act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June three, eighteen hundred and sixty-four; and the amount of notes so provided shall be furnished to banking associations organized or to be organized in those States and Territories having less than their proportion under the apportionment contemplated by the provisions of the "Act to amend an act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved March three, eighteen hundred and sixty-five, and the bonds deposited with the Treasurer of the United States, to secure the additional circulating notes herein authorized, shall be of any description of bonds of the United States bearing interest in coin, but a new apportionment of the increased circulation herein provided for shall be made as soon as practicable, based upon the census of eighteen hundred and seventy: *Provided*, That if applications for the circulation herein authorized shall not be made within one year after the passage of this act by banking associations organized or to be organized in States having less than their proportion, it shall be lawful for the Comptroller

Additional notes for circulation to national banking associations.

Notes to be given to what associations.

What bonds to be deposited to secure such circulation.

New apportionment on basis of census of 1870.

If applications for such circulation are not made in one year, it may be issued to, etc.

Revised Statutes, 5176.

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of the Currency to issue such circulation to banking associations applying for the same in other States or Territories having less than their proportion, giving the preference to such as have the greatest deficiency: *And provided further*, That no banking association hereafter organized shall have a circulation in excess of five hundred thousand dollars.

No bank hereafter organized to have over $500,000 circulation.

(Section 2 provides that at the end of every month the Secretary of the Treasury shall call in and redeeem an amount of the three per cent temporary loan certificates issued under the acts of March 2, 1867, and July 25, 1868, not less than the amount of circulating notes issued to national banking associations under the preceding section during the previous month.)

Circulating notes payable in gold coin may be issued to associations depositing United States bonds paying interest in gold.

SEC. 3. *And be it further enacted*, That upon the deposit of any United States bonds, bearing interest payable in gold, with the treasurer of the United States, in the manner prescribed in the nineteenth and twentieth sections of the national currency act, it shall be lawful for the comptroller of the currency to issue to the association making the same, circulating notes of different denominations, not less than five dollars, not exceeding in amount eighty per centum of the par value of the bonds deposited, which notes shall bear upon their face the promise of the association to which they are issued to pay them, upon presentation at the office of the association, in gold coin of the United States, and shall be redeemable upon such presentation in such coin: *Provided*, That no banking association organized under this section shall have a circulation in excess of one million of dollars.

Denominations and amount of such notes.

Circulation of any such bank not to exceed $1,000,000.

Such associations to keep on hand not less than 25 per cent of circulation in gold and silver;

to receive at par gold notes of other such banks.

SEC. 4. *And be it further enacted*, That every national banking association formed under the provisions of the preceding section of this act shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation in gold or silver coin of the United States, and shall receive at par in the payment of debts the gold notes of every other such banking association which at the time of such payments shall be redeeming its circulating notes in gold coin of the United States.

Such associations subject to national currency act, except, etc.

SEC. 5. *And be it further enacted*, That every association organized for the purpose of issuing gold notes as provided in this act shall be subject to all the requirements and provisions of the national currency act, except the first clause of section twenty-two, which limits the circulation of national banking associations to three

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hundred millions of dollars; the first clause of section thirty-two, which, taken in connection with the preceding section, would require national banking associations organized in the city of San Francisco to redeem their circulating notes at par in the city of New York; and the last clause of section thirty-two, which requires every national banking association to receive in payment of debts the notes of every other national banking association at par: *Provided*, That in applying the provisions and requirements of said act to the banking associations herein provided for, the terms "lawful money," and "lawful money of the United States," shall be held and construed to mean gold or silver coin of the United States.

Terms "lawful money" and "lawful money of the United States" how construed in connection herewith.

SEC. 6. *And be it further enacted*, That to secure a more equitable distribution of the national banking currency there may be issued circulating notes to banking associations organized in States and Territories having less than their proportion as herein set forth. And the amount of circulation in this section authorized shall, under the direction of the Secretary of the Treasury, as it may be required for this purpose, be withdrawn, as herein provided, from banking associations organized in States having a circulation exceeding that provided for by the act entitled "An act to amend an act entitled 'An act to provide for a national banking currency, secured by pledge of United States bonds, and to provide for the circulation and redemption thereof,'" approved March three, eighteen hundred and sixty-five, but the amount so withdrawn shall not exceed twenty-five million dollars. The comptroller of the currency shall, under the direction of the Secretary of the Treasury, make a statement showing the amount of circulation in each State and Territory, and the amount to be retired by each banking association in accordance with this section, and shall, when such redistribution of circulation is required, make a requisition for such amount upon such banks, commencing with the banks having a circulation exceeding one million of dollars in States having an excess of circulation, and withdrawing their circulation in excess of one million of dollars, and then proceeding pro rata with other banks having a circulation exceeding three hundred thousand dollars in States having the largest excess of circulation, and reducing the circulation of such banks in States hav-

Equitable distribution of currency how to be secured.

Excess of circulation not exceeding $25,000,000 to be withdrawn from banks.

Statement of circulation in each State and Territory to be made, and of amount to be retired, etc.

Process of redistribution.

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ing the greatest proportion in excess, leaving undisturbed the banks in States having a smaller proportion, until those in greater excess have been reduced to the same grade, and continuing thus to make the reduction provided for by this act until the full amount of twenty-five millions, herein provided for, shall be withdrawn; and the circulation so withdrawn shall be distributed among the States and Territories having less than their proportion, so as to equalize the same. And it shall be the duty of the comptroller of the currency, under the direction of the Secretary of the Treasury, forthwith to make a requisition for the amount thereof upon the banks above indicated as herein prescribed. And upon failure of such associations, or any of them, to return the amount so required within one year, it shall be the duty of the comptroller of the currency to sell at public auction, having given twenty days' notice thereof in one daily newspaper printed in Washington and one in New York city, an amount of bonds deposited by said association, as security for said circulation, equal to the circulation to be withdrawn from said association and not returned in compliance with such requisition; and the comptroller of the currency shall with the proceeds redeem so many of the notes of said banking association, as they come into the treasury, as will equal the amount required and not so returned, and shall pay the balance, if any, to such banking association: *Provided*, That no circulation shall be withdrawn under the provisions of this section until after the fifty-four millions granted in the first section shall have been taken up.

Comptroller to make requisition forthwith for amount, etc.

If banking associations fail, within a year, to return the amount of circulation required, comptroller to sell equal amount of their bonds, etc.

No circulation to be withdrawn until, etc.

(Section 7 provides that after six months from the passage of this act any association may be removed from any State having more than its proportion of circulation to any State having less than its proportion; but the amount of the issue of said association shall not be deducted from the new issue herein provided for.)

Approved, July 12, 1870.

ACT OF JULY 14, 1870.

16 Stat. L., 274. CHAP. CCLVII.—*An act to require national banks going into liquidation to retire their circulating notes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress as-

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sembled, That every bank that has heretofore gone into liquidation under the provisions of section forty-two of the national currency act, shall be required to deposit lawful money of the United States for its outstanding circulation within sixty days from the date of the passage of this act. And every bank that may hereafter go into liquidation shall be required to deposit lawful money of the United States for its outstanding circulation within six months from the date of the vote to go into liquidation; whereupon the bonds pledged as security for such circulation shall be surrendered to the association making such deposit. And if any bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank at public auction in New York City, and after providing for the redemption and cancellation of said circulation, and the necessary expenses of the sale, to pay over any balance remaining from the proceeds to the bank, or its legal representative: *Provided*, That banks which are winding up in good faith for the purpose of consolidating with other banks shall be exempt from the provisions of this act: *And provided further*, That the assets and liabilities of banks so in liquidation shall be reported by the banks with which they are in process of consolidation.

National banks that have gone, or shall go, into liquidation, to deposit lawful money for outstanding circulation.

See Revised Statutes, 5222, 5223.

If bank fails to make deposit, etc., Comptroller may sell bonds at auction in New York.

Certain banks exempt from this act.

Assets to be reported.

Approved, July 14, 1870.

ACT OF JUNE 8, 1872.

CHAP. CCCXLVI.—*An act for the better security of bank reserves, and to facilitate bank clearing-house exchanges.*

17 Stat. L., 336.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to receive United States notes on deposit, without interest, from national banking associations, in sums not less than ten thousand dollars, and to issue certificates therefor in such form as the Secretary may prescribe, in denominations of not less than five thousand dollars; which certificate shall be payable on demand in United States notes, at the place where the deposits were made,

The Secretary of the Treasury may receive United States notes on deposit, without interest, from whom and in what sums.

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Certificates therefor and how payable. See Revised Statutes, 5193.

SEC. 2. That the United States notes so deposited in the Treasury of the United States shall not be counted as part of the legal reserve; but the certificates issued therefor may be held and counted by national banks as part of their legal reserve, and may be accepted in the settlement of clearing-house balances at the places where the deposits therefor were made.

Currency not to be expanded or contracted hereby.

Notes to be special deposits, and how applied.

SEC. 3. That nothing contained in this act shall be construed to authorize any expansion or contraction of the currency; and the United States notes for which such certificates are issued, or other United States notes of like amount, shall be held as special deposits in the Treasury, and used only for the redemption of such certificates.

Approved, June 8, 1872.

ACT OF JANUARY 20, 1873.

17 Stat. L., 412.

CHAP. XLIII.—*An act to authorize the examination of certain banks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comptroller of the currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The comptroller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in the execution of this act shall be paid out of any appropriation made by Congress for special bank examinations.

National banks in the District of Columbia to be examined.

Report.

Expense.

Approved, January 20, 1873.

ACT OF FEBRUARY 19, 1873.

17 Stat. L., 466.

CHAP. CLXVI.—*An act to provide for obtaining Information of the Condition of Banks organized under State Laws.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the comptroller of the currency to report annually to Congress, under appropriate heads, the resources and liabilities, exhibiting the condition of the banks, banking companies, and sav-

Comptroller of the Currency to report annually to Congress the condition of State banks, etc.;

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ings-banks organized under the laws of the several States and Territories, such information to be obtained by the comptroller from the reports made by such banks, banking companies, and savings-banks to the legislatures or officers of the different States and Territories. And where such reports can not be obtained, the deficiency shall be supplied from such other authentic sources as may be available.

may employ an additional clerk if necessary.

SEC. 2. That, in order to carry the provisions of the first section of this act into effect, the comptroller of the currency is hereby authorized, if it should be necessary, to employ one clerk of class four, who shall be appointed by the Secretary of the Treasury in the manner now provided by law.

Approved, February 19, 1873.

ACT OF MARCH 3, 1873.

17 Stat. L., 603.

CHAP. CCLXIX.—*An act to require national banks to restore their capital when impaired, and to amend the national-currency act.*

Deficiencies in the capital stock of national banks to be made up by assessment pro rata upon stockholders, within, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all national banks which shall have failed to pay up their capital stock, as required by law, and all national banks whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, be required to pay the deficiency in the capital stock by assessment upon the shareholders, pro rata, for the amount of capital stock held by each and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for such association, upon notification from the Comptroller of the Currency, until otherwise notified by him; and if such banks shall fail to pay up their capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the Comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of the fiftieth section of the national-currency act.

Interest to be withheld until, etc.

Receiver to be appointed if, etc.

1864, ch. 106, sec. 50, vol. 13, p. 114.

No attachment, injunction, etc., to issue before final judgment in state court.

Ibid.

SEC. 2. That section fifty-seven of said act be amended by adding thereto the following: "*And provided further*, That no attachment, injunction, or execution shall be issued against such association, or its property, before final

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judgment in any such suit, action, or proceeding in any State, county, or municipal court."

The word "national" not to be used by certain companies or corporations. See Revised Statutes, 5243.

SEC. 3. That all banks not organized, and transacting business under the national-currency act, and all persons, companies or corporations doing the business of bankers, brokers, or savings institutions, except saving-banks, authorized by Congress to use the word "national" as a part of their corporate name are prohibited from using the word "national" as a portion of the name or title of such bank, corporation, firm, or partnership; and every such bank, corporation, or firm, which shall use word "national" as a portion of their corporate title or partnership name six months after the passage of this act, shall be subject to a penalty of fifty dollars for each day thereafter in which such word shall be employed as aforesaid as part of such corporate name or title, such penalty to be recovered by action in any court having jurisdiction.

Penalty for using such word.

Comptroller of the Currency to examine yearly the plates, etc., from which the bank circulation is printed.

SEC. 4. That it shall be the duty of the Comptroller of the Currency to cause to be examined each year the plates, dies, but-pieces, and other material from which the national-bank circulation is printed in whole or in part, and file in his office annually a correct list of the same; and such material as shall have been used in the printing of the notes of national banks which are in liquidation, or have closed business, shall be destroyed under such regulations as shall be prescribed by the Comptroller of the Currency, and approved by the Secretary of the Treasury; and the expense of such examination and destruction shall be paid out of any appropriation made by Congress for the special examination of national banks and bank plates.

Certain material to be destroyed.

Expenses.

Approved, March 3, 1873

REVISED STATUTES APPLICABLE TO THE SUBJECT OF BANKING.

Banks in District of Columbia. Jan. 20, 1873, c. 43, v. 17, p. 412.

SEC. 332. The Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Comptroller, at his discretion, may report to Congress the

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results of such examination. The expense necessarily incurred in any such examination shall be paid out of any appropriation made by Congress for special bank examinations.

SEC. 333. The Comptroller of the Currency shall make an annual report to Congress [at the commencement of its session,] exhibiting—

First. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to such associations as, in his judgment, may be useful.

* * * * *

(The words in brackets were added by amendment of February 18, 1875.)

Conduct of suits involving national banks. Feb. 25, 1863, c. 58, s. 55, v. 12, p. 680. June 3, 1864, c. 106, s. 56, v. 13, p. 116. Kennedy v. Gibson (8 Wall., 498).

SEC. 380. All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts under the direction and supervision of the Solicitor of the Treasury.

Jurisdiction. Suits against national banks. June 3, 1864, c. 106, s. 57, v. 13, p. 116. Kennedy v. Gibson (8 Wall., 506); Cadle v. Tracy (11 Blatch., 101).

SEC. 563. The district courts shall have jurisdiction as follows:

* * * * *

Fifteenth. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held.

* * * * *

Jurisdiction. Suits against national banks. June 3, 1864, c. 106, s. 57, v. 13, p. 116. Kennedy v. Gibson (8 Wall., 506).

SEC. 629. The circuit courts shall have original jurisdiction as follows:

* * * * *

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations.

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Suits to enjoin the Comptroller of the Currency. June 3, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116. Feb. 18, 1875, c. 80, v. 18, p. 318.

Eleventh. Of all suits brought by [*or against*] any banking association established in the district for which the court is held, under the provisions of Title "The national banks," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title.

(See sec. 5237.)

(The words in brackets were stricken out by amendment of February 18, 1875.)

* * * * *

Instruments and papers of the Comptroller of the Currency. June 3, 1864, c. 106, s. 2, v. 13, p. 100.

SEC. 884. Every certificate, assignment, and conveyance executed by the Comptroller of the Currency, in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Organization certificates of national banks. June 3, 1864, c. 106, s. 6, v. 13, p. 101.

SEC. 885. Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate.

(See section 5135.)

Definition of words "bank," "banker." June 30, 1864, c. 173, s. 79, v. 13, p. 251. July 13, 1866, c. 184, s. 9, v. 14, p. 115. Selden v. Equitable Trust Co. 94 U. S. 419); Northup *v.* Shook (10 Blatch., 243); Clark *v.* Bailey (11 Blatch., 156).

SEC. 3407. Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or as a banker.

Capital of banks expired or converted into national banks. Mar. 3, 1865, c. 78, s. 14, v. 13, p. 486. July 13, 1866, c. 184, s. 9, *bis*, v. 14, p. 146.

SEC. 3410. The capital of any State bank or banking association which has ceased or shall cease to exist, or which has been or shall be converted into a national bank, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid.

Circulation, when exempted from tax.

SEC. 3411. Whenever the outstanding circulation of any bank, association, corporation, company, or person is reduced to an amount not exceeding five per centum of

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the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation.

Tax on notes of persons or State banks used for circulation. See act of Feb. 8, 1875.

SEC. 3412. Every national banking association, State bank, or State banking association, shall pay a tax of ten per centum on the amount of notes of any person, or of any State bank or State banking association, used for circulation and paid out by them.

Tax on notes of towns, cities, etc., used for circulation. *Ibid.*

SEC. 3413. Every national banking association, State bank, or banker, or association, shall pay a tax of ten per centum on the amount of notes of any town, city, or municipal corporation, paid out by them.

Monthly returns of notes of persons, cities, State banks, ect., paid out. *Ibid.*

SEC. 3414. A true and complete return of the monthly amount of circulation, of deposits, and of capital, as aforesaid, and of the monthly amount of notes of persons, town, city, or municipal corporation, State banks, or State banking associations paid out as aforesaid for the previous six months, shall be made and rendered in duplicate on the first day of December and the first day of June, by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto, under the oath of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax, as aforesaid; and one copy shall be transmitted to the collector of the district in which any such bank, association, corporation, or company is situated, or in which such person has his place of business, and one copy to the Commissioner of Internal Revenue.

In default of returns, Commissioner to estimate.

SEC. 3415. In default of the returns provided in the preceding section, the amount of circulation, deposit, capital, and notes of persons, town, city, and municipal corporations, State banks, and State banking associations paid out, as aforesaid, shall be estimated by the Commissioner of Internal Revenue, upon the best information he can obtain. And for any refusal or neglect

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to make return and payment, any such bank, association, corporation, company, or person so in default shall pay a penalty of two hundred dollars, besides the additional penalty and forfeitures provided in other cases.

National bank to make return and payment of tax of converted State bank.

SEC. 3416. Whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, by any agreement or understanding whatever with the representatives of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such State bank or banking association.

Provisions for tax on deposits, capital, and circulation, not to apply to national banks.

SEC. 3417. The provisions of this chapter, relating to the tax on the deposits, capital, and circulation of banks, and to their returns, except as contained in sections thirty-four hundred and ten, thirty-four hundred and eleven, thirty-four hundred and twelve, thirty-four hundred and thirteen, and thirty-four hundred and sixteen, and such parts of sections thirty-four hundred and fourteen and thirty-four hundred and fifteen as relate to the tax of ten per centum on certain notes, shall not apply to associations which are taxed under and by virtue of Title "NATIONAL BANKS."

National-bank notes receivable for debts of United States, except. June 3, 1864, ch. 106, sec. 23, vol. 13, p. 106.

SEC. 3475. The notes of national banks shall be received at par for all debts and demands owing by the United States to any person within the United States, except interest on the public debt, or in redemption of the national currency.

(See sec. 5182.)

Interest bearing notes. Mar. 3, 1863, ch. 73, sec. 2, vol. 12, p. 710. June 30, 1864, ch. 172, sec. 2, vol. 13, p. 218.

SEC. 3590. Treasury notes issued under the authority of the acts of March three, eighteen hundred and sixty-three, chapter seventy-three, and June thirty, eighteen hundred and sixty-four, chapter one hundred and seventy-two, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: *Provided*, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money.

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Formation of national banking associations. June 3, 1864, c. 106, s. 5, v. 13, p. 100. June 20, 1874, c. 343, v. 18, p. 123.

SEC. 5133. Associations for carrying on the business of banking under this Title may be formed by any number of natural persons, not less in any case than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the Comptroller of the Currency, to be filed and preserved in his office.

(See section 324.)

(The act of June 20, 1874 (c. 343, v. 18, p. 123), declares "that the act entitled 'An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof,' approved June third, eighteen hundred and sixty-four, shall hereafter be known as 'the national-bank act.'")

Requisites of organization certificate. June 3, 1864, c. 106, s. 6, v. 13, p. 101.

SEC. 5134. The persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specifically state:

First. The name assumed by such association; which name shall be subject to the approval of the Comptroller of the Currency.

Second. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or district, and the particular county and city, town, or village.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders and the number of shares held by each of them.

Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this Title.

How certificate shall be acknowledged and filed.

SEC. 5135. The organization certificate shall be acknowledged before a judge of some court of record, or notary public; and shall be, together with the acknowledgement thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. (See sec. 885.)

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Corporate powers of associations.
2 Abb. U. S., 416; Casey v. Galli (94 U. S., 673); Main v. Second National Bank, Chicago (6 Biss., 26).

SEC. 5136. Upon duly making and filing articles of association and an organization certificate, the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for the period of twenty years from its organization, unless it is sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this Title.

But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking.

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Power to hold real property. June 3, 1864, ch. 106, sec. 28, vol. 13, p. 107. Kansas Valley Bank v. Rowell (2 Dill., 371).

SEC. 5137. A national banking association may purchase, hold, and convey real estate for the following purposes, and for no others:

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgements, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Requisite amount of capital.

SEC. 5138. No association shall be organized under this Title with a less capital than one hundred thousand dollars; except that banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a less capital than two hundred thousand dollars.

Shares of stock and transfers. Van Allen v. The Assessors (3 Wall., 573).

SEC. 5139. The capital stock of each association shall be divided into shares of one hundred dollars each, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles or association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

How payment of the capital stock must be made and proved.

SEC. 5140. At least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in installments of at least ten per centum each, on the whole amount of the capital, as frequently as one installment at the end of each succeeding month from the time it shall be authorized by the Comptroller of the Currency to commence business; and the payment of each installment

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shall be certified to the Comptroller, under oath, by the president or cashier of the association.

Proceedings if shareholder fails to pay installments.

SEC. 5141. Whenever any shareholder, or his assignee, fails to pay any installment on the stock when the same is required by the preceding section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, or if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be cancelled and deducted from the capital stock of the association. If any such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by law, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount; in default of which a receiver may be appointed, according to the provisions of section fifty-two hundred and thirty-four, to close up the business of the association.

Increase of capital stock.

SEC. 5142. Any association formed under this Title may, by its articles of association, provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this Title. But the maximum of such increase to be provided in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase is paid in, and notice thereof has been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association.

Reduction of capital stock.

SEC. 5143. Any association formed under this Title may, by the vote of shareholders owning two-thirds of its

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capital stock, reduce its capital to any sum not below the amount required by this Title to authorize the formation of asociations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained.

Right of shareholders to vote.

SEC. 5144. In all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or bookkeeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

Election of directors. June 3, 1864, c. 106, ss. 9, 10, v. 13, p. 102.

SEC. 5145. The affairs of each association shall be managed by not less than five directors, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence the business of banking; and afterward at meetings to be held on such day in January of each year as is specified therefor in the articles of association. The directors shall hold office for one year, and until their successors are elected and have qualified.

Requisite qualifications of directors.

SEC. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, for at least one year immediately preceding their election, and must be residents therein during their continuance in office. Every director must own, in his own right, at least ten shares of the capital stock of the association of which he is a director. Any director who ceases to be the owner of ten shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

Oath required from directors.

SEC. 5147. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this Title, and that he is the owner in good

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faith, and in his own right, of the number of shares of stock required by this Title, subscribed my him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and shall be filed and preserved in his Office.

Filling vacancies.

SEC. 5148. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

Proceedings where no election is held on the proper day.

SEC. 5149. If, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so.

Election of president of board. June 30, 1876, c. 156, s. 2, v. 19, p. 63.

SEC. 5150. One of the directors, to be chosen by the board, shall be the president of the board.

Individual liability of shareholders. June 3, 1864, c. 106, s. 12, v. 13, p. 102.

SEC. 5151. The shareholders of every national-banking association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under State laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this Title; and if at any time there is a deficiency in such surplus of twenty per centum, such association shall not pay any dividends

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to its shareholders until the deficiency is made good; and in case of such deficiency, the Comptroller of the Currency may compel the association to close its business and wind up its affairs under the provisions of Chapter four of this Title.

Executors, trustees, etc., not personally liable.

SEC. 5152. Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust-funds would be, if living and competent to act and hold the stock in his own name.

Duties and liabilities of associations when designated as depositaries of public moneys. 3 June, 1864, sec. 45, v. 13, ch. 106, p. 113.

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks. (See Secs. 3639–3649, 5489.)

Organization of State banks as national banking associations. *Ibid.*, s. 44, p. 112.

SEC. 5154. Any bank incorporated by special law, or any banking institution organized under a general law of any State, may become a national association under this Title by the name prescribed in its organization certificate; and in such case the articles of association and the organization certificate may be executed by a majority of the directors of the bank or banking institution; and the certificate shall declare that the owners of two thirds of the capital stock have authorized the directors to make such certificate, and to change and convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and organization certificate, shall have power

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to execute all other papers, and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be the directors of the association until others are elected or appointed in accordance with the provisions of this chapter; and any State bank which is a stockholder in any other bank, by authority of State laws, may continue to hold its stock, although either bank, or both, may be organized under and have accepted the provisions of this Title. When the Comptroller of the Currency has given to such association a certificate, under his hand and official seal, that the provisions of this Title have been complied with, and that it is authorized to commence the business of banking, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are prescribed for other associations originally organized as national banking associations, and shall be held and regarded as such an association. But no such association shall have a less capital than the amount prescribed for associations organized under this Title.

State banks having branches.
Mar. 3, 1865, c. 78, s. 7, v. 13, p. 484.

SEC. 5155. It shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother-bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother-bank, and each branch, to be regulated by the amount of capital assigned to and used by each.

Reservation of rights of associations organized under act of 1863.
June 3, 1864, c. 106, s. 62, v. 13, p. 118.

SEC. 5156. Nothing in this Title shall affect any appointments made, acts done, or proceedings had or commenced prior to the third day of June, eighteen hundred and sixty-four, in or toward the organization of any national banking association under the act of February twenty-five, eighteen hundred and sixty-three; but all associations which, on the third day of June, eighteen hundred and sixty-four, were organized or commenced to be organized under that act, shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this Title, notwith-

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standing all the steps prescribed by this Title for the organization of associations were not pursued, if such associations were duly organized under that act.

What associations are governed by chapters 2, 3 and 4 of this Title.

SEC. 5157. The provisions of chapters two, three, and four of this Title, which are expressed without restrictive words, as applying to "national banking associations," or to "associations," apply to all associations organized to carry on the business of banking under any act of Congress.

United States bonds defined.

SEC. 5158. The term "United States bonds," as used throughout this chapter, shall be construed to mean registered bonds of the United States.

United States bonds to be deposited before commencing business.

SEC. 5159. Every association, after having complied with the provisions of this Title, preliminary to the commencement of the banking business, and before it shall be authorized to commence banking business under this Title, shall transfer and deliver to the Treasurer of the United States any United States registered bonds, bearing interest, to an amount not less than thirty thousand dollars and not less than one-third of the capital stock paid in. Such bonds shall be received by the Treasurer upon deposit, and shall be by him safely kept in his office, until they shall be otherwise disposed of, in pursuance of the provisions of this Title.

Bonds to be increased upon increase of capital.

SEC. 5160. The deposits of bonds made by each association shall be increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the Treasurer registered United States bonds to the amount of at least one-third of its capital stock actually paid in. And any association that may desire to reduce its capital or to close up its business and dissolve its organization, may take up its bonds upon returning to the Comptroller its circulating notes in the proportion hereinafter required, or may take up any excess of bonds beyond one-third of its capital stock, and upon which no circulating notes have been delivered.

May be diminished upon reduction of capital.

Exchange of coupon for registered bonds.

SEC. 5161. To facilitate a compliance with the two preceding sections, the Secretary of the Treasury is authorized to receive from any association, and cancel, any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run.

Manner of making transfers of bonds. Act June 3, 1864, sec. 19.

SEC. 5162. All transfers of United States bonds, made by any association under the provisions of this Title, shall be made to the Treasurer of the United States in trust for

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the association with a memorandum written or printed on each bond, and signed by the cashier, or some other officer of the association making the deposit. A receipt shall be given to the association, by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that the bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency.

Registry of transfers.

SEC. 5163. The Comptroller of the Currency shall keep in his Office a book in which he shall cause to be entered, immediately upon countersigning it, every transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, presented for his signature. He shall state in such entry the name of the association from whose accounts the transfer is made, the name of the party to whom it is made, and the par value of the bonds transferred.

Notice of transfer to be given to association interested.

SEC. 5164. The Comptroller of the Currency shall, immediately upon countersigning and entering any transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, advise by mail the association from whose accounts the transfer is made, of the kind and numerical designation of the bonds, and the amount thereof so transferred.

Examination of registry and bonds.

SEC. 5165. The Comptroller of the Currency shall have at all times, during office-hours, access to the books of the Treasurer of the United States for the purpose of ascertaining the correctness of any transfer or assignment of the bonds deposited by an association, presented to the Comptroller to countersign; and the Treasurer shall have the like access to the book mentioned in section fifty-one hundred and sixty-three, during office-hours, to ascertain the correctness of the entries in the same; and the Comptroller shall also at all times have access to the bonds on deposit with the Treasurer to ascertain their amount and condition.

Annual examination of bonds by associations.

SEC. 5166. Every association having bonds deposited in the office of the Treasurer of the United States shall, once or oftener in each fiscal year, examine and compare the bonds pledged by the association with the books of the Comptroller of the Currency and with the accounts of

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the association, and, if they are found correct, to execute to the Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of the certificate.

Such examination shall be made at such time or times, during the ordinary business hours, as the Treasurer and the Comptroller, respectively, may select, and may be made by an officer or agent of such association, duly appointed in writing for that purpose; and his certificate before mentioned shall be of like force and validity as if executed by the president or cashier. A duplicate of such certificate, signed by the Treasurer, shall be retained by the association.

Bonds to be held to secure circulation.

SEC. 5167. The bonds transferred to and deposited with the Treasurer of the United States, by any association, for the security of its circulating notes, shall be held exclusively for that purpose, until such notes are redeemed, except as provided in this Title. The Comptroller of the Currency shall give to any such association powers of attorney to receive and appropriate to its own use the interest on the bonds which it has so transferred to the Treasurer; but such powers shall become inoperative whenever such association fails to redeem its circulating notes. Whenever the market or cash value of any bonds thus deposited with the Treasurer is reduced below the amount of the circulation issued for the same, the Comptroller may demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association, to be deposited with the Treasurer as long as such depreciation continues. And the Comptroller, upon the terms prescribed by the Secretary of the Treasurer, may permit an exchange to be made of any of the bonds deposited with the Treasurer by any association, for other bonds of the United States authorized to be received as security for circulating notes, if he is of opinion that such an exchange can be made without prejudice to the United States; and he may direct the return of any bonds to the association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the association offering to surrender circulating notes are equal to the amount required for the

Interest on bonds, how collected.

If bonds depreciate, deposit to be increased.

Exchange or return of bonds.

Limitation on withdrawal of bonds. See act of June 20, 1874, sec. 4.

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circulating notes not surrendered by such association, and that the amount of bonds in the hands of the Treasurer is not diminished below the amount required to be kept on deposit with him, and that there has been no failure by the association to redeem its circulating notes, nor any other violation by it of the provisions of this Title, and that the market or cash value of the remaining bonds is not below the amount required for the circulation issued for the same.

Comptroller to determine if associations can commence business.

SEC. 5168. Whenever a certificate is transmitted to the Comptroller of the Currency, as provided in this Title, and the association transmitting the same notifies the Comptroller that at least fifty per centum of its capital stock has been duly paid in, and that such association has complied with all the provisions of this Title required to be complied with before an association shall be authorized to commence the business of banking, the Comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each is the owner in good faith, and generally whether such association has complied with all the provisions of this Title required to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors, and by the president or cashier of the association, a statement of all the facts necessary to enable the Comptroller to determine whether the association is lawfully entitled to commence the business of banking.

Certificate of authority to commence banking to be issued.

June 3, 1864, c. 106, ss. 12, 18, v. 13, pp. 102, 104.

SEC. 5169. If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it appears that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions required to be complied with before commencing the business of banking, and that such association is authorized to commence such business. But the Comptroller may withhold from an association his certificate authorizing the commencement of business,

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whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this Title.

Publication of certificate. June 3, 1864, c. 106, s. 18, v. 13, p. 104.

SEC. 5170. The association shall cause the certificate issued under the preceding section to be published in some newspaper printed in the city or county where the association is located, for at least sixty days next after the issuing thereof; or, if no newspaper is published in such city or county, then in the newspaper published nearest thereto.

Delivery of circulating notes to associations. See act of Mar. 3, 1865.

SEC. 5171. Upon a deposit of bonds as prescribed by sections fifty-one hundred and fifty-nine and fifty-one hundred and sixty, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market-value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of the bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum: *Provided*, That the amount of circulating notes to be furnished to each association shall be in proportion to its paid-up capital, as follows, and no more:

Ratio to capital of circulating notes issued.

First. To each association whose capital does not exceed five hundred thousand dollars, ninety per centum of such capital.

Second. To each association whose capital exceeds five hundred thousand dollars, but does not exceed one million of dollars, eighty per centum of such capital.

Third. To each association whose capital exceeds one million of dollars, but does not exceed three million[s] of dollars, seventy-five per centum of such capital.

Fourth. To each association whose capital exceeds three millions of dollars, sixty per centum of such capital.

Form, denominations, and printing of circulating notes. June 3, 1864, sec. 22.

SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars,

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five hundred dollars, and one thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier; and shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct. (See secs. 5415, 5434.)

Control of plates and dies and expenses of Bureau.

SEC. 5173. The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws respecting the procuring of such notes, and all other expenses of the Bureau of the Currency, shall be paid out of the proceeds of the taxes or duties assessed and collected on the circulation of national banking associations under this Title.

Annual examination of plates, dies, etc.

Mar. 3, 1873, c. 269, s. 4, v. 17, p. 603.

Feb. 27, 1877, c. 69, v. 19, p. 252.

SEC. 5174. The Comptroller of the Currency shall cause to be examined, each year, the plates, dies, (*but pieces*) (bed pieces), and other material from which the national bank circulation is printed, in whole or in part, and file in his Office annually a correct list of the same. Such material as shall have been used in the printing of the notes of associations which are in liquidation, or have closed business, shall be destroyed under such regulations as shall be prescribed by the Comptroller of the Currency and approved by the Secretary of the Treasury. The expenses of any such examination or destruction shall be paid out of any appropriation made by Congress for the special examination of national banks and bank-note plates.

(The act of February 27, 1877, inserts "bed pieces" for "but pieces.")

Issue of notes under $5, limited.

SEC. 5175. Not more than one-sixth part of the notes furnished to any association shall be of a less denomination than five dollars. After specie payments are resumed no association shall be furnished with notes of a less denomination than five dollars.

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SEC. 5176. No banking association organized subsequent to the twelfth day of July, eighteen hundred and seventy, shall have a circulation in excess of five hundred thousand dollars.

Circulation of certain banks limited to $500,000.

Sec. 5177. (The aggregate amount of circulating notes issued under the act of February twenty-five, eighteen hundred and sixty-three, and under the act of June three, eighteen hundred and sixty-four, and under section one of the act of July twelve, eighteen hundred and seventy, and under this Title, shall not exceed three hundred and fifty-four millions of dollars.)

Aggregate amount of circulating notes.

June 3, 1864, c. 106, s. 22, v. 13, p. 105.

Ibid., s. 62, p. 118.

July 12, 1870, c. 252, s. 1, v. 16, p. 251.

The limitation upon the circulation of national bank notes was removed by the statute of January 14, 1875, c. 15, s. 3, v. 18, p. 296.

June 20, 1874, c. 343, v. 18, p. 123. Repealed by Jan. 14, 1875, c. 15, s. 3, v. 18, p. 296.

SEC. 5178. One hundred and fifty millions of dollars of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the Territories, and in the District of Columbia, according to representative population. One hundred and fifty millions shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the Territories, and in the District of Columbia, having due regard to the existing banking capital, resources, and business of such States, Territories, and District. The remaining fifty-four millions shall be apportioned among associations in States and Territories having, under the apportionments above prescribed, less than their full proportion of the aggregate amount of notes authorized, which made due application for circulating notes prior to the twelfth day of July, eighteen hundred and seventy-one. Any remainder of such fifty-four millions shall be issued to banking associations applying for circulating notes in other States or Territories having less than their proportion.

Apportionment of circulating notes.

3 Mar., 1865.

12 July, 1870.

14 Jan., 1875.

SEC. 5179. In order to secure a more equitable distribution of the national banking currency, there may be issued circulating notes to banking associations organized in States and Territories having less than their proportion, and the amount of circulation herein authorized shall, under the direction of the Secretary of the Treasury, as it may be required for this purpose, be withdrawn, as herein provided, from banking associations organized in States having more than their proportion, but the

Equalizing the distribution of circulating notes.

See act of Jan. 14, 1875.

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amount so withdrawn shall not exceed twenty-five million dollars: *Provided*, That no circulation shall be withdrawn under the provisions of this section until after the fifty-four millions granted in the first section of the act of July twelfth, eighteen hundred and seventy, shall have been taken up.

See act of June 20, 1874.

Method of procedure in withdrawing excess of circulation.

See act of Jan. 14, 1875.

SEC. 5180. The Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, make a statement showing the amount of circulation in each State and Territory, and the amount necessary to be withdrawn from each association, and shall forthwith make a requisition for such amount upon such associations, commencing with those having a circulation exceeding one million of dollars, in States having an excess of circulation, and withdrawing their circulation in excess of one million of dollars, and then proceeding proportionately with other associations having a circulation exceeding three hundred thousand dollars, in States having the largest excess of circulation, and reducing the circulation of such associations in States having the greatest proportion in excess, leaving undisturbed the associations in States having a smaller proportion, until those in greater excess have been reduced to the same grade, and continuing thus to make such reductions until the full amount of twenty-five millions has been withdrawn; and the circulation so withdrawn shall be distributed among the States and Territories having less than their proportion, so as to equalize the same. Upon failure of any association to return the amount of circulating notes so required, within one year, the Comptroller shall sell at public auction, having given twenty days' notice thereof in one daily newspaper printed in Washington and one in New York City, an amount of the bonds deposited by that association as security for its circulation, equal to the circulation required to be withdrawn from the association and not returned in compliance with such requisition; and he shall, with the proceeds, redeem so many of the notes of such association, as they come into the Treasury, as will equal the amount required and not returned; and shall pay the balance, if any, to the association.

Sale of bonds upon failure of association to return notes.

Removal of associations from State having an excess of circulation to one having a deficiency.

SEC. 5181. Any association located in any State having more than its proportion of circulation may be removed to any State having less than its proportion of circulation, under such rules and regulations as the Comptroller of the Currency, with the approval of the Secretary of the

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Treasury, shall prescribe: *Provided*, That the amount of the issue of said banks shall not be deducted from the issue of fifty-four millions mentioned in section five thousand one hundred and seventy-eight.

Circulating notes, when may be issued by association. 3 June, 1864, sec. 23.

SEC. 5182. After any association receiving circulating notes under this title has caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association may issue and circulate the same as money. And the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

For what demands shall be received.

Issue of other notes prohibited.

SEC. 5183. No national banking association shall issue post-notes or any other notes to circulate as money than such as are authorized by the provisions of this Title.

Destroying and replacing worn-out and mutilated notes.

SEC. 5184. It shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to the association other blank circulating notes to an equal amount. Such worn-out or mutilated notes, after a memorandum has been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulating notes which shall have been paid or surrendered to be canceled, shall be burned to ashes in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, one by the Treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. A certificate of such burning, signed by the parties so appointed, shall be made in the books of the Comptroller, and a duplicate thereof forwarded to the association whose notes are thus canceled.

See act of June 23, 1874.

Organization of associations for issuing gold notes.

SEC. 5185. Associations may be organized in the manner prescribed by this Title for the purpose of issuing notes payable in gold; and upon the deposit of any United States bonds bearing interest payable in gold with

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the Treasurer of the United States, in the manner prescribed for other associations, it shall be lawful for the Comptroller of the Currency to issue to the association making the deposit circulating notes of different denominations, but none of them of less than five dollars, and not exceeding in amount eighty per centum of the par value of the bonds deposited, which shall express the promise of the association to pay them, upon presentation at the office at which they are issued, in gold coin of the United States, and shall be so redeemable. But no such association shall have a circulation of more than one million of dollars.

Denominations of circulating notes, and ratio of, to bonds deposited.

Maximum circulation. See act of Jan. 19, 1875.

Reserve required on circulation of gold banks.

SEC. 5186. Every association organized under the preceding section shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation, in gold or silver coin of the United States; and shall receive at par in the payment of debts the gold-notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this Title: *Provided*, That, in applying the same to associations organized for issuing gold-notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States; and the circulation of such associations shall not be within the limitation of circulation mentioned in this Title.

Gold-notes to be received at par by all gold-banks.

"Lawful money," how construed.

Penalty for unlawfully countersigning or delivering circulating notes.

SEC. 5187. No officer acting under the provisions of this Title shall countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this Title, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed guilty of a high misdemeanor, and shall be fined not more than double the amount so countersigned and delivered, and imprisoned not less than one year and not more than fifteen years.

June 3, 1864, sec. 27.

Imitating national bank notes with advertisements thereon.

Section 5188, as codified in section 175 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1122):

It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting

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under the laws of the United States which has been or may be issued under any Act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security, any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Punishment for.

Section 5189, as codified in section 176 of the Penal Code of the United States, March 4, 1909 (35 Stat. L., 1122):

Mutilating, etc., national bank notes.

Whoever shall mutilate, cut, deface, disfigure, or perforate with holes, or unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any national banking association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Punishment for.

SEC. 5190. The usual business of each national banking association shall be transacted at an office or banking-house located in the place specified in its organization certificate.

Place of business. June 3, 1864, sec. 8.

SEC. 5191. Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. Whenever the lawful money of any association in any of the cities named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such association shall not increase its liabilities by making any

Requirements as to lawful money reserve.

No loans or dividends to be made while reserve is below limit.

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new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion, between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States, has been restored. And the Comptroller of the Currency may notify any association, whose lawful-money reserve shall be below the amount above required to be kept on hand, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section fifty-two hundred and thirty-four.

Receiver may be appointed for failure to make good the reserve.

Redemption cities, and proportion of reserve which may be kept therein.

See act of June 20, 1874.

June 3, 1864, sec. 31.

Feb. 19, 1875.

SEC. 5192. Three-fifths of the reserve of fifteen per centum required by the preceding section to be kept, may consist of balances due to an association, available for the redemption of its circulating notes, from associations approved by the Comptroller of the Currency, organized under the act of June three, eighteen hundred and sixty-four, or under this Title, and doing business in the cities of Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Richmond, Saint Louis, San Francisco, and Washington. Clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association, shall also be deemed to be lawful money in the possession of any association belonging to such clearing-house, holding and owning such certificate within the preceding section.

Clearing house certificates deemed lawful money.

United States certificates of deposit may be issued, and may count as reserve.

See act of June 8, 1872.

SEC. 5193. The Secretary of the Treasury may receive United States notes on deposit, without interest, from any national banking associations, in sums of not less than ten thousand dollars, and issue certificates therefor in such form as he may prescribe, in denominations of not less than five thousand dollars, and payable on demand in United States notes at the place where the deposits were made. The notes so deposited shall not be counted as part of the lawful-money reserve of the association; but the certificates issued therefor may be counted as part of

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its lawful-money reserve, and may be accepted in the settlement of clearing-house balances at the places where the deposits therefor were made.

Limitation upon the issue of certificates of deposit.

SEC. 5194. The power conferred on the Secretary of the Treasury, by the preceding section, shall not be exercised so as to create any expansion or contraction of the currency. And United States notes for which certificates are issued under that section, or other United States notes of like amount, shall be held as special deposits in the Treasury, and used only for the redemption of such certificates.

Agents for redemption of circulating notes to be designated.

See act of June 20, 1874, sec. 3.

June 3, 1864, sec. 32.

SEC. 5195. Each association organized in any of the cities named in section fifty-one hundred and ninety-one shall select, subject to the approval of the Comptroller of the Currency, an association in the city of New York, at which it will redeem its circulating notes at par; and may keep one-half of its lawful-money reserve in cash deposits in the city of New York. But the forgoing provision shall not apply to associations organized and located in the city of San Francisco for the purpose of issuing notes payable in gold. Each association not organized within the cities named shall select, subject to the approval of the Comptroller, an association in either of the cities named, at which it will redeem its circulating notes at par. The Comptroller shall give public notice of the names of the associations selected, at which redemptions are to be made by the respective associations, and of any change that may be made of the association at which the notes of any association are redeemed. Whenever any association fails either to make the selection or to redeem its notes as aforesaid, the Comptroller of the Currency may, upon receiving satisfactory evidence thereof, appoint a receiver, in the manner provided for in section fifty-two hundred and thirty-four, to wind up its affairs. But this section shall not relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money on demand.

Receiver may be appointed for failure to redeem notes.

National banks to receive notes of all other national banks.

SEC. 5196. Every national banking association formed or existing under this title, shall take and receive at par, for any debt or liability to it, any and all notes or bills issued by any lawfully organized national banking association. But this provision shall not apply to any association organized for the purpose of issuing notes payable in gold.

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Limitation upon rate of interest which may be taken.
June 3, 1864, c. 106, s. 30, v. 13, p. 108.
Tiffany *v.* National Bank of Missouri (18 Wall., 409); In re Alfred Wild (11 Blatch., 243).

SEC. 5197. Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or district where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this Title. When no rate is fixed by the laws of the State, or Territory, or district, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the purchase, discount, or sale of a bona-fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight-drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Consequences of taking usurious interest.
June 3, 1864, c. 106, s. 30, v. 13, p. 108.
Feb. 18, 1875, c. 80, v. 18, p. 320.
Farmers', etc., Bank *v.* Dearing (91 U. S., 29).

SEC. 5198. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same; provided such action is commenced within two years from the time the usurious transaction occurred. [That suits, actions, and proceedings against any association under this Title may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases.]

(The words in brackets were added by the act of February 18, 1875.)

Dividends.
June 3, 1864, c. 166, s. 33, v. 13, p. 109.

SEC. 5199. The directors of any association may, semi-annually, declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a divi-

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dend, carry one-tenth part of its net profits of the preceding half-year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

Limit to liabilities which may be incurred by any one person, etc. *Ibid.*, s. 29, p. 108.

SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including, in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Associations not to loan or purchase their own stock. *Ibid.*, s. 35, p. 110. Bank *v.* Lanier (11 Wall., 369); Ballard *v.* Bank (18 Wall., 589).

SEC. 5201. No association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or, in default thereof, a receiver may be appointed to close up the business of the association, according to section fifty-two hundred and thirty-four.

Limit upon indebtedness to be incurred. June 3, 1864, c. 106, s. 36, v. 13, p. 110.

SEC. 5202. No association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

Fourth. Liabilties to the stockholders of the association for dividends and reserved profits.

Ibid., sec. 37. Circulating notes not to be hypothecated, nor used to increase capital.

SEC. 5203. No association shall, either directly or indirectly, pledge or hypothecate any of its notes of circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

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Prohibition upon withdrawal of capital. *Ibid.*, s. 38.

SEC. 5204. No association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it continues its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any associations, on which interest is past due and unpaid for a period of six months, unless the same are well secured, and in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock of the association under section fifty-one hundred and forty-three.

Enforcing payment of deficiency in capital stock. Mar. 3, 1873, c. 269, s. 1, v. 17, p. 603. June 30, 1876, c. 156, s. 4, v. 19, p. 64.

SEC. 5205. Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the Comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section fifty-two hundred and thirty-four. [*And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto,) to make good the deficiency, and the

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balance, if any, shall be returned to such delinquent shareholder or shareholders.]

[The words in brackets were added by the act of June 30, 1876, see p. 427.]

Associations not to pay out uncurrent notes. *Ibid.*, sec. 39.

SEC. 5206. No association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation, the notes of any bank or banking association which are not, at any such time, receivable, at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall any association knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

Penalty for offering or receiving United States or national-bank notes as security, etc. See act of Feb. 19, 1869.

SEC. 5207. No association shall hereafter offer or receive United States notes or national-bank notes as security or as collateral security for any loan of money, or for a consideration agree to withhold the same from use, or offer or receive the custody or promise of custody of such notes as security, or as collateral security, or consideration for any loan of money. Any association offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars and a further sum equal to one-third of the money so loaned. The officer or officers of any association who shall make any such loan shall be liable for a further sum equal to one quarter of the money loaned; and any fine or penalty incurred by a violation of this section shall be recoverable for the benefit of the party bringing such suit.

Penalty for falsely certifying checks. Mar. 3, 1869, c. 135, v. 15, p. 335.

SEC. 5208. It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section fifty-two hundred and thirty-four.

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Embezzlement; penalty. June 3, 1864, c. 106, s. 55, v. 13, p. 116. April 6, 1869, c. 11, v. 16, p. 7. July 8, 1870, c. 226, v. 16, p. 195.

U. S. v. Taintor (11 Blatch., 374).

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association; or who, without authority from the directors, issues or puts in circulation any of the notes of the association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

List of shareholders, etc., to be kept. June 3, 1864, c. 106, s. 40, v. 13, p. 111.

SEC. 5210. The president and cashier of every national banking association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business-hours of each day in which business may be legally transacted. A copy of such list, on the first Monday of July of each year, verified by the oath of such president or cashier, shall be transmitted to the Comptroller of the Currency.

Reports to Comptroller of the Currency. *Ibid.*, s. 34, p. 109. Mar. 3, 1869, c. 130, s. 1, v. 15, p. 326. June 30, 1876, c. 156, s. 6, v. 19, p. 64. Feb. 27, 1877, c. 69, v. 19, p. 252.

SEC. 5211. Every association shall make to the Comptroller of the Currency not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the (*associations*) (association) at the close of business on any past day by him specified; and shall be transmitted to the Comptroller within five days after the receipt of a request or requisition therefor from him, and in the same form in

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which it is made to the Comptroller shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the Comptroller. The Comptroller shall also have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition.

(The act of February 27, 1877, substitutes "association" for "associations.")

Report as to dividends. Mar. 3, 1869, c. 130, s. 2, v. 15, p. 327. June 30, 1876, c. 156, s. 3, v. 19, p. 64.

SEC. 5212. In addition to the reports required by the preceding section, each association shall report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend, and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the association.

Penalty for failure to make reports. Mar. 3, 1869, c. 130, ss. 1, 2, v. 15, p. 326. June 30, 1876, c. 156, s. 3, v. 19, p. 63.

SEC. 5213. Every association which fails to make and transmit any report required under either of the two preceding sections shall be subject to a penalty of one hundred dollars for each day after the periods, respectively, therein mentioned, that it delays to make and transmit its report. Whenever any association delays or refuses to pay the penalty herein imposed, after it has been assessed by the Comptroller of the Currency, the amount thereof may be retained by the Treasurer of the United States, upon the order of the Comptroller of the Currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation. All sums of money collected for penalties under this section shall be paid into the Treasury of the United States.

(Section 6, act of June 30, 1876 (ch. 156, v. 19, p. 64), extends the provisions of the three sections of the Revised Statutes above, to all savings banks or savings and trust companies organized under any act of Congress.)

Duty on circulation, deposits, and capital stock. June 3, 1864, sec. 41.

SEC. 5214. In lieu of all existing taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one-half of one per centum each half-year upon the average amount of its notes in circulation, and a duty of one-quarter of one per centum each half-year upon the average amount

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of its deposits, and a duty of one-quarter of one per centum each half-year on the average amount of its capital stock, beyond the amount invested in United States bonds.

Semi-annual return of circulation, deposits, and capital stock.

SEC. 5215. In order to enable the Treasurer to assess the duties imposed by the preceding section, each association shall, within ten days from the first days of January and July of each year, make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preceding the most recent first day of January or July.

Penalty for failure to make return.

Every association which fails so to make such return shall be liable to a penalty of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States.

Method of assessment if return is not made.

SEC. 5216. Whenever any association fails to make the half-yearly return required by the preceding section, the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such manner as the Treasurer may deem best.

How tax may be collected if association fails to pay.

SEC. 5217. Whenever an association fails to pay the duties imposed by the three preceding sections, the sums due may be collected in the manner provided for the collection of United States taxes from other corporations; or the Treasurer may reserve the amount out of the interest, as it may become due, on the bonds deposited with him by such defaulting association.

Refunding excess of duties paid.

SEC. 5218. In all cases where an association has paid or may pay in excess of what may be or has been found due from it, on account of the duty required to be paid to the Treasurer of the United States, the association may state an account therefor, which, on being certified by the Treasurer of the United States, and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

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State taxation.
June 3, 1864, c. 106, s. 41, v. 13, p. 111.
Feb. 10, 1868, c. 7, v. 15, p. 34.
Bank of Commerce *v.* New York City (2 Bl., 620); Van Allen *v.* The Assessors (3 Wall., 573); People *v.* The Commissioners (4 Wall., 244); Bradley *v.* The People (4 Wall., 459); National Bank *v.* The Commonwealth (9 Wall., 353); Lionberger *v.* Rouse (9 Wall., 468); Hepburn *v.* The School Directors (23 Wall., 480); People *v.* Commissioners of Taxes, etc. (94 U. S., 415); Bank of Omaha *v.* Douglas Co. (3 Dill., 299); First National Bank *v.* Douglas Co. (3 Dill., 330).

SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by non-residents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

Voluntary liquidation.
June 3, 1864, sec. 42.

SEC. 5220. Any association may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock.

Notice of intent to dissolve.
June 3, 1864, c. 106, s. 42, v. 13, p. 112.

SEC. 5221. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in the city or town in which the association is located, or if no newspaper is there published, then in the newspaper published nearest thereto, that the association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment.

Deposit of lawful money to redeem circulation.
Ibid., secs. 42, 43.
July 14, 1870.

SEC. 5222. Within six months from the date of the vote to go into liquidation, the association shall deposit with the Treasurer of the United States, lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for money thus deposited, and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received; and the money shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account.

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Consolidating banks need not deposit lawful money.
See act of July 14, 1870.

SEC. 5223. An association which is in good faith winding up its business for the purpose of consolidating with another association shall not be required to deposit lawful money for its outstanding circulation; but its assets and liabilities shall be reported by the association with which it is in process of consolidation.

Reassignment of bonds to closed banks.
June 3, 1864, sec. 42.

SEC. 5224. Whenever a sufficient deposit of lawful money to redeem the outstanding circulation of an association proposing to close its business has been made, the bonds deposited by the association to secure payment of its notes shall be reassigned to it, in the manner prescribed by section fifty-one hundred and sixty-two. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed at the Treasury of the United States. [And if any such bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction in New York City, and, after providing for the redemption and cancellation of said circulation and the necessary expenses of the sale, to pay over any balance remaining to the bank or its legal representative.]

Notes to be redeemed at Treasury.

Proceedings when association fails to deposit lawful money.
See act of Feb. 18, 1875, correcting Revised Statutes.

(The words in brackets were added by the act of February 18, 1875.)

Destruction of redeemed notes.
See act of June 23, 1874.
June 3, 1864, sec. 43.

SEC. 5225. Whenever the Treasurer has redeemed any of the notes of an association which has commenced to close its affairs under the [*six*] [five] preceding sections, he shall cause the notes to be mutilated and charged to the redemption account of the association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and burned in the manner prescribed in section fifty-one hundred and eighty-four.

(The word "six" in brackets is struck out and "five" in brackets added by the act of February 27, 1877.)

Mode of protesting notes.
Ibid., sec. 46.

SEC. 5226. Whenever any national banking association fails to redeem in the lawful money of the United States any of its circulating notes, upon demand of payment duly made during the usual hours of business, at the office of such association, or at its designated place of redemption, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association whose notes are presented for payment, or the president or cashier of the association at

See act of June 20, 1874.

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the place at which they are redeemable offers to waive demand and notice of the protest, and, in pursuance of such offer, makes, signs, and delivers to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof. The notary public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency, retaining a copy thereof. If, however, satisfactory proof is produced to the notary public that the payment of the notes demanded is restrained by order of any court of competent jurisdiction, he shall not protest the same. When the holder of any notes causes more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

One protest fee only, on same day.

SEC. 5227. On receiving notice that any national banking association has failed to redeem any of its circulating notes, as specified in the preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent, of whose appointment immediate notice shall be given to such association, who shall immediately proceed to ascertain whether it has refused to pay its circulating notes in the lawful money of the United States, when demanded, and shall report to the Comptroller the fact so ascertained. If, from such protest, and the report so made, the Comptroller is satisfied that such association has refused to pay its circulating notes and is in default, he shall, within thirty days after he has received notice of such failure, declare the bonds deposited by such association forfeited to the United States, and they shall thereupon be so forfeited.

Examination by special agent, after notice of protest. June 3, 1864, sec. 47.

Forfeiture of bonds.

SEC. 5228. After a default on the part of an association to pay any of its circulating notes has been ascertained by the Comptroller, and notice thereof has been given by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits.

Association not to do business after notice of protest. June 3, 1864, sec. 46.

SEC. 5229. Immediately upon declaring the bonds of an association forfeited for non-payment of its notes, the Comptroller shall give notice, in such manner as the Sec-

Notice to noteholders. *Ibid.*, sec. 47.

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retary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association, to present them for payment at the Treasury of the United States; and the same shall be paid as presented in lawful money of the United States; whereupon the Comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid.

Redemption of notes at Treasury, and cancellation of bonds.

Sale of bonds at auction.

SEC. 5230. Whenever the Comptroller has become satisfied, by the protest or the waiver and admission specified in section fifty-two hundred and twenty-six, or by the report provided for in section fifty-two hundred and twenty-seven, that any association has refused to pay its circulating notes, he may, instead of canceling its bonds, cause so much of them as may be necessary to redeem its outstanding notes to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to the association. For any deficiency in the proceeds of all the bonds of an association, when thus sold, to reimburse to the United States the amount expended in paying the circulating notes of the association, the United States shall have a paramount lien upon all its assets; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

The United States to have a paramount lien upon assets of associations.

Sale of bonds at private sale.

SEC. 5231. The Comptroller may, if he deems it for the interest of the United States, sell at private sale any of the bonds of an association shown to have made default in paying its notes, and receive therefor either money or the circulating notes of the association. But no such bonds shall be sold by private sale for less than par, nor for less than the market value thereof at the time of sale; and no sales of any such bonds, either public or private, shall be complete until the transfer of the bonds shall have been made with the formalities prescribed by sections fifty-one hundred and sixty-two, fifty-one hundred and sixty-three, and fifty-one hundred and sixty-four.

Transfer of bonds sold.

Disposition to be made of notes redeemed by Treasurer.

SEC. 5232. The Secretary of the Treasury may, from time to time, make such regulations respecting the disposition to be made of circulating notes after presentation at the Treasury of the United States for payment, and respecting the perpetuation of the evidence of the payment thereof, as may seem to him proper.

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Cancellation of notes.

SEC. 5233. All notes of national banking associations presented at the Treasury of the United States for payment shall, on being paid, be canceled.

Appointment and duties of receivers.

Kennedy *v.* Gibson, 8 Wall., 498; Bank of Bethel *v.* Pahquioque Bank, 14 Wall., 383; Bank *v.* Kennedy, 16 Wall., 19; *In re* Platt, receiver, etc., 1 Ben., 534.

SEC. 5234. On becoming satisfied, as specified in sections fifty-two hundred and twenty-six and fifty-two hundred and twenty-seven, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he deems proper. Such receiver, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, may sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders. Such receiver, shall pay over all money so made to the Treasurer of the United States, subject to the order of the Comptroller, and also make report to the Comptroller of all his acts and proceedings.

See sec. 3, act of June 30, 1876.

Notice to present claims.

June 3, 1864, c. 106, s. 50, v. 13, p. 114.

SEC. 5235. The Comptroller shall, upon appointing a receiver, cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof.

Dividends by Comptroller to creditors.

June 3, 1864, sec. 50.

SEC. 5236. From time to time, after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association, the Comptroller shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and, as the proceeds of the assets of such association are paid over to him, shall make further dividends on all claims previously proved or adjudicated; and the remainder of the proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held.

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Injunction upon receivership.

SEC. 5237. Whenever an association against which proceedings have been instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, denies having failed to do so, it may, at any time within ten days after it has been notified of the appointment of an agent, as provided in section fifty-two hundred and twenty-seven, apply to the nearest circuit, or district, or Territorial court of the United States to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the Comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

Fees and expenses of protest and receivership.
Ibid., sec. 51.

SEC. 5238. All fees for protesting the notes issued by any national banking association shall be paid by the person procuring the protest to be made, and such association shall be liable therefor; but no part of the bonds deposited by such association shall be applied to the payment of such fees. All expenses of any preliminary or other examinations into the condition of any association shall be paid by such association. All expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

Penalty for violation of this title.
Ibid., s. 53, p. 116.
June 30, 1876, c. 156, v. 19, p. 63.

SEC. 5239. If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this Title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

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Appointment of occasional examiners. June 3, 1864, c. 106, s. 54, v. 13, p. 116. Feb. 19, 1875, c. 89, v. 18, p. 329.

SEC. 5240. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall, as often as shall be deemed necessary or proper, appoint a suitable person or persons to make an examination of the affairs of every banking association, who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the Comptroller. [*Every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined. But no person shall be appointed to examine the affairs of any banking association of which he is a director or other officer.*]

[That all persons appointed to be examiners of national banks not located in the redemption-cities specified in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive compensation for such examination as follows: For examining national banks having a capital less than one hundred thousand dollars, twenty dollars; those having a capital of one hundred thousand dollars and less than three hundred thousand dollars, twenty-five dollars; those having a capital of three hundred thousand dollars and less than four hundred thousand dollars, thirty-five dollars; those having a capital of four hundred thousand dollars and less than five hundred thousand dollars, forty dollars; those having a capital of five hundred thousand dollars and less than six hundred thousand dollars, fifty dollars; those having a capital of six hundred thousand dollars and over, seventy-five dollars; which amounts shall be assessed by the Comptroller of the Currency upon, and paid by, the respective associations so examined; and shall be in lieu of the compensation and mileage heretofore allowed for making said examinations, and persons appointed to make examination of national banks in the cities named in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, or in any one of the States of Ore-

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gon, California, and Nevada, or in the Territories, shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency; and the same shall be assessed and paid in the manner hereinbefore provided.]

(The words in italics in brackets were struck out and those in ordinary Roman type, also in brackets, added by act of Feb. 19, 1875.)

Limit of visitorial powers. June 3, 1864, c. 106, s. 54, v. 13, p. 116.

SEC. 5241. No association shall be subject to any visitorial powers other than such as are authorized by this Title, or are vested in the courts of justice.

Transfers, assignments, etc., after an act of insolvency, void.

SEC. 5242. All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void. * * *

Use of the title "national." Mar. 3, 1873.

SEC. 5243. All banks not organized and transacting business under the national-currency laws, or under this Title, and all persons or corporations doing the business of bankers, brokers, or savings institutions except savings-banks authorized by Congress to use the word "national" as a part of their corporate name, are prohibited from using the word "national" as a portion of the name or title of such bank, corporation, firm, or partnership; and any violation of this prohibition committed after the third day of September, eighteen hundred and seventy-three, shall subject the party chargeable therewith to a penalty of fifty dollars for each day during which it is committed or repeated.

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ACTS SUBSEQUENT TO THE REVISED STATUTES.

ACT OF JUNE 18, 1874.

CHAP. 304.—*An act explanatory of the act of June thirtieth, eighteen hundred and sixty-four.* 18 Stat. L., pt. 3, p. 80.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all deposits made in institutions now existing which do business only as savings-banks, and are recognized as such by the laws of their respective States, or by Congress, are hereby declared to be exempt from taxation the same as deposits in savings institutions having no capital although they have a capital stock or bond for the additional security of their depositors, and pay dividends thereon; and no tax shall be assessed upon the deposits made in such institutions, or collected of them on said deposits, otherwise than as herein provided: *Provided*, That all the profits of such savings banks, less the aforementioned dividends on stock not exceeding at the rate of eight per centum per annum are divided among the depositors, and that the capital stock is invested only in the same class of securities as is used for investing the deposits, and that interest at the rate of not less than four and one-half per centum be paid in all cases to their depositors, to be made good if necessary from the capital stock.

Deposits in certain savings banks to be exempt from taxation.

Proviso.

J. G. BLAINE,
Speaker of the House of Representatives.
MATT H. CARPENTER,
President of the Senate pro tempore.

Received by the President June 6, 1874.

NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

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ACT OF JUNE 20, 1874.

18 Stat. L., pt. 3, p. 123.

CHAP. 343.—*An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, shall hereafter be known as the "national-bank act."

"The national-bank act."

Lawful money reserve on circulation abolished, except as to national gold banks. See sec. 5191.

SEC. 2. That section thirty-one of the "national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

Redemption fund to be deposited with Treasurer.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by

May be counted as lawful reserve.

Provisions relative to redemption of notes by Treasurer.

Mutilated notes to be returned by assistant treasurers.

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any assistant treasurer, at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so re-imbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall re-imburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally re-imburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section thirty-two of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter except as provided for in this section, is hereby repealed.

Associations to reimburse the Treasury for cost of redemption, new plates, etc.

Redemption agents in cities abolished. See secs. 5192 and 5195, Revised Statutes.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposits for circulation shall not be reduced below fifty thousand dollars.

Provisions for retiring circulation and withdrawing bonds.

Limit of withdrawal of bonds.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

The charter numbers of banks to be printed upon their notes.

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Maximum amount of United States notes outstanding.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of three hundred and eighty-two million dollars, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

Provisions relative to withdrawal of $55,000,000 of circulation. See sec. 5179.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the three per cent. temporary-loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn under the provisions of section six of said act, until after the fifty-four millions granted in section one of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of fifty-five million dollars shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

Bonds to be returned to association in proportion to circulation withdrawn.

Bonds to be sold on failure of association to return circulation.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section forty-nine of the national-currency act, approved June third, eighteen hundred and sixty-four, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be

See sec. 5231.

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redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

Assistant treasurers and depositaries to assort and return notes to Treasury.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes without delay, as applications therefor are made, not to exceed the sum of fifty-five million dollars, to associations organized, or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of eighteen hundred and seventy; and every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act:" *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed fifty-five million dollars, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than thirty million dollars shall be withdrawn and redeemed as herein contemplated during the fiscal year ending June thirtieth, eighteen hundred and seventy-five.

Providing for the issue of new notes in place of $55,000,000 withdrawn. See act of Jan. 14, 1875, sec. 3.

New associations to be subject to national-bank act.

Provisos relative to withdrawal of circulation.

Approved, June 20, 1874.

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ACT OF JUNE 22, 1874.

18 Stat. L., pt. 3, p. 194.

CHAP. 399.—*An act for the relief of savings institutions having no capital stock, and doing business solely for the benefit of depositors.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no farther collection of internal revenue taxes shall be made on the earnings of savings banks or institutions for savings, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually or at other periods.

Certain savings banks exempt from internal revenue tax.

Approved, June 22, 1874.

ACT OF JANUARY 14, 1875.

18 Stat. L., pt. 3, p. 296.

CHAP. 15.—*An act to provide for the resumption of specie payments.*

* * * * *

Repeal of limitation of aggregate amount of circulating notes. See Revised Statutes, 5177.

SEC. 3. That section five thousand one hundred and seventy-seven of the Revised Statutes, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national bank currency among the several States and Territories are hereby repealed. And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of three hundred million of dollars, to the amount of eighty per centum of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as

Repeal of provisions for withdrawal and redistribution. See Revised Statutes, 5181.

United States notes in excess of $300,000,000 to be redeemed in a certain ratio to increase of national-bank circulation.

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such circulating notes are issued until there shall be outstanding the sum of three hundred million dollars of such legal-tender United States notes, and no more. And on and after the first day of January, anno Domini eighteen hundred and seventy-nine, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than fifty dollars. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July fourteenth, eighteen hundred and seventy, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Redemption of United States notes in coin after January 1, 1879.

Appropriation.

Sale of bonds to provide means of redeeming United States notes. See 1870, ch. 56, vol. 16, p. 272.

Approved, January 14, 1875.

ACT OF JANUARY 19, 1875.

18 Stat. L., pt. 3, p. 302.

CHAP. 19.—*An act to remove the limitation restricting the circulation of banking associations issuing notes payable in gold.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section five thousand one hundred and eighty-five of the Revised Statutes of the United States as limits the circulation of banking associations, organized for the purpose of issuing notes payable in gold, severally to one million dollars, be, and the same is hereby, repealed; and each of such existing banking associations may increase its circulating notes, and new banking associations may be organized, in accordance with existing law, without respect to such limitation.

Repeal of limit upon amount of circulation of national gold-banks. See sec. 5185.

Approved, January 19, 1875.

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ACT OF FEBRUARY 8, 1875.

18 Stat. L., pt. 3, p. 311.

CHAP. 36.—*An act to amend existing customs and internal revenue laws, and for other purposes.*

* * * * *

Tax on notes of person or State banks paid out. See secs. 3412, 3414.

SEC. 19. That every person, firm, association other than national bank associations, and every corporation, State bank, or State banking association, shall pay a tax of ten per centum on the amount of their own notes used for circulation and paid out by them.

Tax on notes of persons, state banks, towns, cities, etc., used for circulation. See secs. 3412, 3413, Revised Statutes.

SEC. 20. That every such person, firm, association, corporation, State bank, or State banking association, and also every national banking association, shall pay a like tax of ten per centum on the amount of notes of any person, firm, association other than a national banking association, or of any corporation, State bank, or State banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them.

Returns to be made to the Commissioner of Internal Revenue. See sec. 3414.

SEC. 21. That the amount of such circulating notes, and of the tax due thereon, shall be returned, and the tax paid at the same time, and in the same manner, and with like penalties for failure to return and pay the same, as provided by law for the return and payment of taxes on deposits, capital, and circulation, imposed by the existing provisions of internal revenue law.

* * * * *

Approved, February 8, 1875.

ACT OF MARCH 3, 1875.

18 Stat. L., pt. 3, p. 507.

CHAP. 167.—*An act to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and release any claims for tax on circulation of evidences of indebtedness made against any mining, manufacturing or other corporations other than against any national banking-association, State bank, or banking-association, by such corporations paying the tax, without penalty, that shall

Certain penalties on mining and manufacturing corporations remitted.

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have accrued thereon since November first, eighteen hundred and seventy-three; and that the provisions of section three thousand four hundred and twelve of the Revised Statutes of the United States shall not be construed in pending cases, except as to national banking-associations, to apply to such evidences of indebtedness issued and reissued prior to the passage of this act, but said section shall be construed as applying to such evidences of indebtedness issued after the passage hereof.

Revised Statutes, 3412, p. 374, construed.

Approved March 3, 1875.

ACT OF JUNE 30, 1876.

CHAP. 156.—*An act authorizing the appointment of receivers of national banks, and for other purposes.*

19 Stat. L., 63.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any national banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section fifty-two hundred and thirty-nine of the Revised Statutes of the United States, or whenever any creditor of any national banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of a national banking association, he may, after due examination of its affairs, in either case, appoint a receiver, who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section fifty-two hundred and thirty-four of said statutes.

When receiver for a national bank to be appointed by Comptroller of Currency.

Revised Statutes, 5239.

Revised Statutes, 5234.

SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section five thousand two hundred and twenty of said statutes, the individual liability of the shareholders provided for by section fifty-one hundred and fifty-one of said statutes may be enforced by any creditor of such association, by bill in equity in the nature of a creditor's bill, brought by such creditor on behalf of himself and of all other creditors of the association, against the share-

Individual liability of shareholders, how to be enforced.

Revised Statutes, 5220.

Revised Statutes, 5151.

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holders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established.

Meeting of shareholders after payment of debts and expenses of receivership.

Revised Statutes, 5234, 5236.

SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section fifty-two hundred and thirty-four and other sections of said statutes, and when, as provided in section fifty-two hundred and thirty-six thereof, the Comptroller shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership, and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote; and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and when any of the shareholders of the association shall have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of any and every claim that may hereafter be proved and allowed against such association by and before a competent court, and for the faithful performance and discharge of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets and property of such association then remaining in the hands or subject to the order or control of said Comptroller and said receiver, or either of them; and for this purpose, said Comptroller and said receiver are hereby severally empowered to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; whereupon the said Comptroller and the said receiver shall, by virtue of this act, be discharged and

Notice of meetings.

Election of agent by shareholders.

Bond for payment of debts.

Transfer of assets and property to agent.

Instrument of transfer.

Discharge of Comptroller and receiver.

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released from any and all liabilities to such association, and to each and all of the creditors and shareholders thereof; and such agent is hereby authorized to sell, compromise, or compound the debts due to such association upon the order of a competent court of record or of the United States circuit court for the district where the business of the association was carried on. Such agent shall hold, control, and dispose of the assets and property of any association which he may receive as hereinbefore provided for the benefit of the shareholders of such association as they, or a majority of them in value or number of shares, may direct, distributing such assets and property among such shareholders in proportion to the shares held by each; and he may, in his own name or in the name of such association, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands. In selecting an agent as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians may so act and sign for their ward or wards.

Powers and duties of agent.

Administrators, guardians, etc., may act in choosing agent.

Sec. 4. That the last clause of section fifty-two hundred and five of said statutes is hereby amended by adding to the said section the following proviso:

Revised Statutes, 5205, amended.

"*And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto,) to make good the deficiency; and the balance, if any, shall be returned to such delinquent shareholder or shareholders."

Sale of stock of shareholder refusing to pay assessment.

Sec. 5. That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit" "altered" or "worthless," upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the

Fraudulent notes to be stamped as "counterfeit," etc., by disbursing officers and bank officers.

Officers liable for wrongfully stamping.

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national banks, they shall, upon presentation, redeem such notes at the face-value thereof.

Reports to Comptroller by savings banks, etc.

SEC. 6. That all savings-banks or savings and trust companies organized under authority of any act of Congress shall be, and are hereby, required to make, to the Comptroller of the Currency, and publish, all the reports which national banking associations are required to make and publish under the provisions of sections fifty-two hundred and eleven, fifty-two hundred and twelve and fifty-two hundred and thirteen, of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before any court of the United States in the district in which said savings banks or savings and trust companies may be located.

Revised Statutes, 5211, 5212, 5213.

Penalties for failing to report.

Savings and other banks in District of Columbia made subject to certain laws.

And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia, under any act of Congress, which shall have capital stock paid up in whole or in part, shall be subject to all the provisions of the Revised Statutes, and of all acts of Congress applicable to national banking associations, so far as the same may be applicable to such savings or other banks: *Provided*, That such savings banks now established shall not be required to have a paid-in capital exceeding one hundred thousand dollars.

Paid-in capital of existing savings banks.

Approved, June 30, 1876.

ACT OF MARCH 3, 1877.

19 Stat. L., 353.

CHAP. 105.—*An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.*

* * * * *

BUREAU OF ENGRAVING AND PRINTING.

Engraving and Printing Bureau.

For labor and expenses of engraving and printing, namely: For labor (by the day, piece, or contract including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such

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work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States; for paper for notes, bonds, and other securities of the United States, including mill expenses, boxing and transportation; for materials other than paper required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, and for expenses of operating macerating machines for the destruction of the United States notes, bonds, national bank notes, and other obligations of the United States authorized to be destroyed eight hundred thousand dollars: *Provided*, That the work be performed at the Treasury Department: *And provided further*, That it can be done as cheaply, as perfectly, and as safely and all contracts already made shall be faithfully carried out.

Proviso.

Proviso.

* * * * *

Approved, March 3, 1877.

ACT OF FEBRUARY 14, 1880.

CHAP. 25.—*An act authorizing the conversion of national gold banks.*

21 Stat. L., 66.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national gold bank organized under the provisions of the laws of the United States, may, in the manner and subject to the provisions prescribed by section fifty-one hundred and fifty-four of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section fifty-one hundred and thirty-three, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations: *Provided*, That all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank.

National gold banks.

Conversion.

Revised Statutes, 5154.

Revised Statutes, 5133.

Proviso.

Approved, February 14, 1880.

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ACT OF FEBRUARY 26, 1881.

21 Stat. L., 352. CHAP. 82.—*An act defining the verification of returns of national banks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the oath or affirmation required by section fifty-two hundred and eleven of the Revised Statutes, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, or any other officer having an official seal, authorized in such State to administer oaths, shall be a sufficient verification as contemplated by said section fifty-two hundred and eleven: *Provided*, That the officer administering the oath is not an officer of the bank.

Revised Statutes, 5211.

Verification of returns of national banks.

Proviso.

Approved, February 26, 1881.

ACT OF JULY 12, 1882.

22 Stat. L., 162. CHAP. 290.—*An act to enable national-banking associations to extend their corporate existence, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national-banking association organized under the acts of February twenty-fifth, eighteen hundred and sixty-three, June third, eighteen hundred and sixty-four, and February fourteenth, eighteen hundred and eighty, or under sections fifty-one hundred and thirty-three, fifty-one hundred and thirty-four, fifty-one hundred and thirty-five, fifty-one hundred and thirty-six, and fifty-one hundred and fifty-four of the Revised Statutes of the United States, may, at any time within the two years next previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted, as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law, or unless hereafter modified or repealed.

National-banking associations authorized to extend corporate existence.

12 Statutes, 665; 13 Stat., 99; 21 Stat., 66; Revised Statutes, 5133, 5134, 5135, p. 992; Revised Statutes, 5136, p. 993; Revised Statutes, 5154, p. 996.

Terms of succession.

Forfeiture of franchise.

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(Sections 2, 3, and 4 provide that the amended articles of association must receive the written consent of shareholders owning not less than two-thirds of the capital stock, and shall not be valid until the Comptroller shall have certified his approval, after making a special examination of the association to determine its condition; and that any association so extending the period of its succession "shall continue to be in all respects the identical association it was before the extension of its period of succession."

(Section 5 provides that any shareholder not assenting to the amended articles shall be entitled to receive the appraised value of his shares, and that his shares shall then be sold at public sale.)

Redemption and destruction of certain circulating notes.

18 Statutes, 123.

SEC. 6. That the circulating notes of any association so extending the period of its succession which shall have been issued to it prior to such extension shall be redeemed at the Treasury of the United States, as provided in section three of the act of June twentieth, eighteen hundred and seventy-four, entitled "An act fixing the amount of United States notes, providing for redistribution of national-bank currency, and for other purposes," and such notes when redeemed shall be forwarded to the Comptroller of the Currency, and destroyed as now provided by law; and at the end of three years from the date of the extension of the corporate existence of each bank the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem the remainder of the circulation which was outstanding at the date of its extension, as provided in sections fifty-two hundred and twenty-two, fifty-two hundred and twenty-four, and fifty-two hundred and twenty-five of the Revised Statutes; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States; and from time to time, as such notes are redeemed or lawful money deposited therefor as provided herein, new circulating notes shall be issued as provided by this act, bearing such devices, to be approved by the Secretary of the Treasury, as shall make them readily distinguishable from the circulating notes heretofore issued: *Provided, however*, That each banking association which shall obtain the benefit of this act shall reimburse to the Treasury the cost of preparing the plate or plates for such new circulating notes as shall be issued to it.

Deposit of lawful money with Treasurer United States for redemption of circulating notes, etc.

Revised Statutes, 5222, 5224, 5225, p. 1010.

Gains from failure to present notes for redemption to inure to benefit of United States.

New notes to be issued distinguishable from the old.

Cost of plates for notes reimbursed to Treasury by banking associations.

Proviso.

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(Section 7 provides that any bank which does not avail itself of the provisions of this act shall be wound up as if the shareholders had voted to go into liquidation, that it shall within six months deposit with the Treasurer of the United States lawful money sufficient to redeem all its outstanding circulating notes, and shall thereupon be discharged from all liability therefor, and that the bonds deposited to secure the same shall then be reassigned to it.)

Bonds for security of circulation not to exceed one-fourth of capital stock; banks with bonds deposited in excess to reduce circulation.

SEC. 8. That national banks now organized or hereafter organized, having a capital of one hundred and fifty thousand dollars, or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required. And such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law: *Provided*, That the amount of such circulating notes shall not in any case exceed ninety per centum of the par value of the bonds deposited as herein provided: *Provided further*, That the national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment. And all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section three of the act approved June twentieth, eighteen hundred and seventy-four, for the cost of transporting and redeeming their notes redeemed from such deposits subsequently to June thirtieth, eighteen hundred and eighty-one.

Circulation in no case to exceed 90 per centum of par value of bonds deposited.

Provisos.

Assessments for transportation and redemption of circulation outstanding.

18 Statutes, 123.

18 Statutes, 123.

Withdrawal of circulation and deposit of lawful money therefor in the order of deposit.

SEC. 9. That any national-banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section four of the act of June twentieth, eighteen hundred and seventy-four, entitled "An act fixing the amount of

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United States notes, providing for a redistribution of national-bank currency, and for other purposes," or as provided in this act, is authorized to deposit lawful money and withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits; and no national bank which makes any deposit of lawful money in order to withdraw its circulating notes shall be entitled to receive any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid: *Provided*, That not more than three millions of dollars of lawful money shall be deposited during any calendar month for this purpose: *And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof.

Increase of circulation, when.

Limit to deposit of lawful money in any one month.

Provisos.

Bonds called for redemption exempt from provisions of this act.

Revised Statutes, 5159, 5160, p. 997; 18 Statutes, 123.

SEC. 10. That upon a deposit of bonds as described by sections fifty-one hundred and fifty-nine and fifty-one hundred and sixty, except as modified by section four of an act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," approved June twentieth, eighteen hundred and seventy-four, and as modified by section eight, of this act, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, equal in amount to ninety per centum of the current market value, not exceeding par, of the United States bonds so transferred and delivered, and at no time shall the total amount of such notes issued to any such association exceed ninety per centum of the amount at such time actually paid in of its capital stock; and the provisions of sections fifty-one hundred and seventy-one and fifty-one hundred and seventy-six of the Revised Statutes are hereby repealed.

Association, upon deposit of bonds, to receive circulating notes in blank, etc.

Circulation not to exceed 90 per cent of paid-in capital stock.

Revised Statutes, 5171, p. 999, repealed; *ibid.*, 5176, p. 1000, repealed.

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing three and a half per centum interest, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denominations of fifty, one hundred, five hundred, one thousand, and ten thousand dollars, of such form as he may pre-

Three and a half per cent bonds received in exchange for 3 per cent registered bonds.

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scribe, bearing interest at the rate of three per centum per annum, payable quarterly at the Treasury of the United States. Such bonds shall be exempt from all taxation by or under State authority, and be payable at the pleasure of the United States: *Provided*, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than three per centum, and which shall be redeemable at the pleasure of the United States, shall be outstanding and uncalled. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.

Exemption from tax, etc.

Proviso.

Gold certificates issued in exchange for deposits of gold coin.

SEC. 12. That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums not less than twenty dollars, and to issue certificates therefor in denominations of not less than twenty dollars each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposits shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national-banking association, shall be counted as part of its lawful reserve; and no national-banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances: *Provided*, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below one hundred millions of dollars; and the provisions of section fifty-two hundred and seven of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

Gold received held for redemption of certificates.

Certificates held by banking associations counted as part of lawful reserve.

Associations prohibited from membership in clearing houses not receiving gold and silver certificates in settlement of balances.

Proviso.

Suspension of issue of gold certificates, when.

Revised Statutes, 5207, p. 1007.

Penalty for falsely certifying checks.

SEC. 13. That any officer, clerk, or agent of any national-banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March third, eighteen hundred and sixty-nine, being section fifty-two hundred and eight of the Revised Statutes of the United States, or who shall resort to any device, or

15 Statutes, 355; Revised Statutes, 5208, p. 1007.

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receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, in the discretion of the court.

SEC. 14. That Congress may at any time amend, alter, or repeal this act and the acts of which this is amendatory.

Approved July 12, 1882.

ACT OF MARCH 3, 1883.

CHAP. 121.—*An act to reduce internal-revenue taxation, and for other purposes.* 22 Stat. L., 488.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the taxes herein specified imposed by the laws now in force be, and the same are hereby, repealed, as hereinafter provided, namely: On capital and deposits of banks, bankers, and national banking associations, except such taxes as are now due and payable; and on and after the first day of July, eighteen hundred and eighty-three, the stamp tax on bank checks, drafts, orders, and vouchers, * * *

Internal-revenue taxes repealed, on; Banks, etc.

Stamp tax on bank checks, etc.

* * * *

Approved, March 3, 1883.

ACT OF MARCH 3, 1885.

CHAP. 330.—*An act to amend section eighteen hundred and eighty-nine of chapter one, title twenty-three, of the Revised Statutes of the United States, relative to general incorporation acts of Territories.* 23 Stat. L., 348.

(This act amends section 1889 of the Revised Statutes so as to authorize territorial legislatures to enact general incorporation acts to permit persons to associate themselves together as bodies corporate for * * * banking * * *.)

Approved, March 3, 1885.

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ACT OF MARCH 29, 1886.

24 Stat. L., 8. CHAP. 28.—*An act additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June third, eighteen hundred and sixty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the receiver of any national bank duly appointed by the Comptroller of the Currency, and who shall have duly qualified and entered upon the discharge of his trust, shall find it in his opinion necessary, in order to fully protect and benefit his said trust, to the extent of any and all equities that such trust may have in any property, real or personal, by reason of any bond, mortgage, assignment, or other proper legal claim attaching thereto, and which said property is to be sold under any execution, decree of foreclosure, or proper order of any court of jurisdiction, he may certify the facts in the case, together with his opinion as to the value of the property to be sold, and the value of the equity his said trust may have in the same, to the Comptroller of the Currency, together with a request for the right and authority to use and employ so much of the money of said trust as may be necessary to purchase such property at such sale.

Receiver may certify respecting property of bank to be sold under execution, etc.;

and ask authority to purchase.

SEC. 2. That such request, if approved by the Comptroller of the Currency, shall be, together with the certificate of facts in the case, and his recommendation as to the amount of money which, in his judgment, should be so used and employed, submitted to the Secretary of the Treasury, and if the same shall likewise be approved by him, the request shall be by the Comptroller of the Currency allowed, and notice thereof, with copies of the request, certificate of facts, and indorsement of approvals, shall be filed with the Treasurer of the United States.

Case to be submitted to Secretary of the Treasury,

and, if approved, allowed by Comptroller.

Notice to be filed with Treasurer United States.

SEC. 3. That whenever any such request shall be allowed as herein before provided, the said Comptroller of the Currency shall be, and is, empowered to draw upon and from such funds of any such trust as may be deposited with the Treasurer of the United States for the benefit of the bank in interest, to the amount as may be recommended and allowed and for the purpose for which

Comptroller empowered to use trust fund of bank for the purpose.

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such allowance was made: *Provided, however*, That all payments to be made for on account of the purchase of any such property and under any such allowance shall be made by the Comptroller of the Currency direct, with the approval of the Secretary of the Treasury, for such purpose only and in such manner as he may determine and order.

Proviso. Payments to be made by Comptroller direct.

Approved, March 29, 1886.

ACT OF MAY 1, 1886.

CHAP. 73.—*An act to enable national banking associations to increase their capital stock and to change their names or locations.*

24 Stat. L., 18.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock, in accordance with existing laws, to any sum approved by the said Comptroller, notwithstanding the limit fixed in its original articles of association and determined by said Comptroller; and no increase of the capital stock of any national banking association either within or beyond the limit fixed in its original articles of association shall be made except in the manner herein provided.

National bank may increase its capital stock, how.

No increase except in the manner herein provided.

SEC. 2. That any national banking association may change its name or the place where its operations of discount and deposit are to be carried on, to any other place within the same State, not more than thirty miles distant with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association. A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency; but no change of name or location shall be valid until the Comptroller shall have issued his certificate of approval of the same.

May change its name or location.

Notice of change to be sent where.

Change not valid until when.

SEC. 3. That all debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

SEC. 4. That nothing in this act contained shall be so construed as in any manner to release any national banking association under its old name or at its old location

Bank not released from liability by change.

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from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested.

Approved, May 1, 1886.

ACT OF MARCH 3, 1887.

24 Stat. L., 552. CHAP. 373.—*An act to amend the act of Congress approved March third, eighteen hundred and seventy-five, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes."*

* * * * *

National banks deemed citizens for certain purposes, and subject to jurisdiction of state courts.

SEC. 4. That all national banking associations established under the laws of the United States shall, for the purposes of all actions by or against them, real, personal, or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located; and in such cases the circuit and district courts shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State.

The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases commenced by the United States or by direction of any officer thereof, or cases for winding up the affairs of any such bank.

NOTE.—This section was reenacted August 13, 1888 (25 Stat. L., 437).

* * * * *

Approved, March 3, 1887.

ACT OF MARCH 3, 1887.

24 Stat. L., 559. CHAP. 378.—*An act to amend sections five thousand one hundred and ninety-one and five thousand one hundred and ninety-two of the Revised Statutes of the United States, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever three-fourths in number of the national banks located in any city of the United States having a population of fifty thousand people shall make

Cities having 50,000 population may be added to "reserve" cities.

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application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections, fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes.

Revised Statutes, secs. 5191, 5192, p. 1004.

SEC. 2. That whenever three-fourths in number of the national banks located in any city of the United States having a population of two hundred thousand people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section fifty-one hundred and ninety-five of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, twenty-five per centum of its deposits, as provided in section fifty-one hundred and ninety-one of the Revised Statutes.

Cities having 200,000 population may be made "central reserve" cities.

Revised Statutes, sec. 5195, p. 1004.

SEC. 3. That section three of the act of January fourteenth, eighteen hundred and seventy-five, entitled "An act to provide for the resumption of specie payments," be, and the same is, hereby amended by adding after the words "New York" the words "and the city of San Francisco, California."

Legal-tender notes may be redeemed at San Francisco. Vol. 18, p. 296.

Approved, March 3, 1887.

ACT OF MAY 2, 1890.

CHAP. 182.—*An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes.*

26 Stat. L., 89.

* * * * *

SEC. 17. That the provisions of title sixty-two of the Revised Statutes of the United States relating to national banks, and all amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere

National banks. Revised Statutes, Title LXII, pp. 992–997.

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Proviso. Qualifications of directors.

in the United States: *Provided*, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

* * * * *

Constitution and criminal laws of the United States made applicable.

SEC. 31. * * * The Constitution of the United States and all general laws of the United States which prohibit crimes and misdemeanors in any place within the sole and exclusive jurisdiction of the United States, except in the District of Columbia, and all laws relating to national banking associations shall have the same force and effect in the Indian Territory as elsewhere in the United States; * * *

* * * * *

Approved, May 2, 1890.

ACT OF JULY 14, 1890.

26 Stat. L., 289.

CHAP. 708.—*An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.*

* * * * *

Balances of national-bank deposits for the redemption of circulation to be covered into Treasury.

SEC. 6. That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt, and the Treasury of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby, created, to be known as National bank notes: Redemption account, but the provisions of this act shall not apply to the deposits received under section three of the act of June twentieth, eighteen hundred and seventy-four, requiring every National bank to keep in lawful money with the Treasurer of the United States a sum equal to five per centum of its circulation to

Treasurer to redeem certain notes from general cash.

Reimbursement to the Treasurer from "National-bank notes: Redemption account."

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be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public debt statement as debt of the United States bearing no interest.

Not to apply to 5 per cent deposit for redemption of circulation, vol. 18, p. 123.

Monthly report of remaining balance of deposits.

"SEC. 7. That this act shall take effect thirty days from and after its passage."

Operation.

Approved, July 14, 1890.

ACT OF MAY 12, 1892.

CHAP. 71.—*An act to authorize a national bank at Chicago, Illinois, to establish a branch office upon the grounds of the World's Columbian Exposition.*

27 Stat. L., 33.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national bank located in the city of Chicago and State of Illinois may be designated by the World's Columbian Exposition to conduct a banking office upon the exposition grounds, and upon such designation being approved by the Comptroller of the Currency, said bank is hereby authorized to open and conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby shall not be operated for a longer period than two years, beginning not earlier than July first, eighteen hundred and ninety-two, and closing not later than July first, eighteen hundred and ninety-four.

Chicago, Ill. National bank may open branch at World's Columbian Exposition.

Proviso. Duration of privilege.

Approved, May 12, 1892.

ACT OF JULY 28, 1892.

CHAP. 317.—*An act to amend the national bank act in providing for the redemption of national bank notes stolen from or lost by banks of issue.*

27 Stat. L., 322.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Revised Statutes of the United States, providing for the redemption of national bank notes, shall apply to all natonal bank notes that have been or may be issued to, or received by, any national bank, notwithstanding such notes may have been

National currency. Redemption of lost or stolen notes.

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lost by or stolen from the bank and put in circulation without the signature or upon the forged signature of the president or vice-president and cashier.

Approved, July 28, 1892.

ACT OF AUGUST 3, 1892.

27 Stat. L., 345. CHAP. 360.—*An act to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June thirtieth, eighteen hundred and seventy-six.*

(This act amended section 3 of the act of June 30, 1876, and was in turn amended by the act of March 2, 1897, which see.)

ACT OF AUGUST 13, 1894.

28 Stat. L., 278. CHAP. 281.—*An act To subject to State taxation national-bank notes and United States Treasury notes.*

National bank notes, and United States legal-tender and other notes and certificates subject to state or territorial tax as money.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That circulating notes of national banking associations and United States legal-tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency and gold, silver or other coin shall be subject to taxation as money on hand or on deposit under the laws of any State or Territory: *Provided,* That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax money or currency circulating as money within its jurisdiction.

SEC. 2. That the provisions of this Act shall not be deemed or held to change existing laws in respect of the taxation of national banking associations.

Approved, August 13, 1894.

ACT OF MARCH 2, 1897.

29 Stat. L., 600. CHAP. 354.—*An act To amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June thirtieth, eighteen hundred and seventy-six, as amended by an act approved August third, eighteen hundred and ninety-two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-

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bled, That section three of an Act entitled "An Act authorizing the appointment of receivers of national banks, and for other purposes," approved June thirtieth, eighteen hundred and seventy-six, as amended by an Act approved August third, eighteen hundred and ninety-two, be, and hereby is, amended so as to read as follows:

National banks in receivers' hands. Vol. 19, p. 63. Vol. 27, p. 345.

"SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section fifty-two hundred and thirty-four and other sections of the Revised Statutes of the United States, and when, as provided in section fifty-two hundred and thirty-six thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims, and all expenses of the receivership and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto. At such meeting the shareholders shall determine whether the receiver shall be continued and shall wind up the affairs of such association, or whether an agent shall be elected for that purpose, and in so determining the said shareholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value and number of shares shall be necessary to determine whether the said receiver shall be continued, or whether an agent shall be elected. In case such majority shall determine that the said receiver shall be continued, the said receiver shall thereupon proceed with the execution of his trust, and shall sell, dispose of, or otherwise collect the assets of the said association, and shall possess all the powers and authority, and be subject to all the duties and liabilities originally conferred or imposed upon him by his appointment as such receiver, so far as the same remain applicable. In case the said meeting shall, by the vote of a majority of the stock in value and number of

Winding up business. Revised Statutes, secs. 5234, 5236, p. 1018.

Shareholders' meeting to decide if receiver or agent wind up affairs.

Settlement by receiver.

Election of agent.

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shares, determine that an agent shall be elected, the said meeting shall thereupon proceed to elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the person who shall receive votes representing at least a majority of stock in value and number shall be declared the agent for the purposes hereinafter provided; and whenever any of the shareholders of the association shall, after the election of such agent, have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of each and every claim that may thereafter be proved and allowed by and before a competent court, and for the faithful performance of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; and upon the execution and delivery of such instrument to the said agent the said Comptroller and the said receiver shall by virtue of this Act be discharged from any and all liabilities to such association and to each and all the creditors and shareholders thereof. Upon receiving such deed, assignment, transfer, or other instrument the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof for the benefit of the shareholders of such association, and he may in his own name, or in the name of such association, sue and be sued and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was carried on, and shall at the conclusion of his trust render to such district or circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the sureties upon

Indemnity bond of shareholders.

Transfer of assets to agent.

Duty of agent.

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said bond. And in case any such agent so elected shall refuse to serve, or die, resign, or be removed, any shareholder may call a meeting of the shareholders of such association in the town, city, or village where the business of the said association was carried on, by giving notice thereof for thirty days in a newspaper published in said town, city, or village, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and shall have executed a bond to the shareholders conditioned for the faithful performance of his duties, in the penalty fixed by the shareholders at said meeting, with two sureties, to be approved by a judge of a court of record, and file said bonds in the office of the clerk of a court of record in the county where the business of said association was carried on, he shall have all the rights, powers, and duties of the agent first elected as hereinbefore provided. At any meeting held as hereinbefore provided administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians of minors and trustees of other persons may so act and sign for their ward or wards or cestui que trust. The proceeds of the assets or property of any such association which may be undistributed at the time of such meeting or may be subsequently received shall be distributed as follows:

Election of new agent in case of vacancy.

Votes of executors, etc.

Distribution of assets.

"First. To pay the expenses of the execution of the trust to the date of such payment.

Expenses.

"Second. To repay any amount or amounts which have been paid in by any shareholder or shareholders of such association upon and by reason of any and all assessments made upon the stock of such association by the order of the Comptroller of the Currency in accordance with the provisions of the statutes of the United States; and

Repayment to shareholders assessed.

"Third. The balance ratably among such stockholders, in proportion to the number of shares held and owned by each. Such distribution shall be made from time to time as the proceeds shall be received and as shall be deemed advisable by the said Comptroller or said agent."

Balance.

Approved, March 2, 1897.

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ACT OF JUNE 13, 1898.

30 Stat. L., 448. CHAP. 448.—*An act to provide ways and means to meet war expenditures, and for other purposes.*

* * * * *

(Section 2 imposes an annual tax upon banks and bankers proportioned to the capital employed, including surplus.)

(Section 2, act of March 2, 1901, amends this section.)

* * * * *

ACT OF MARCH 14, 1900.

31 Stat. L., 45. 2 Supp. R. S., 1119. CHAP. 41.—*An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.*

* * * * *

SEC. 10. That section fifty-one hundred and thirty-eight of the Revised Statutes is hereby amended so as to read as follows:

Substitute for R. S., 5138. National banks. —capital.

"Section 5138. No association shall be organized with a less capital than one hundred thousand dollars, except that banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants, and except that banks with a capital of not less than twenty-five thousand dollars may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed three thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than two hundred thousand dollars."

* * * * *

Issue of circulating notes to banks. R. S. §§ 5159, 5160, 5222. 1890, July 14, ch. 708, § 6 (1 Supp. R. S., 775).

SEC. 12. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now

—to equal par value of bonds deposited.

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having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section fifty-one hundred and sixty-seven of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of five dollars: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the two per centum bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July twelfth, eighteen hundred and eighty-two, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the pur-

Additional deposit on depreciation of bonds. R. S., § 5167.

Circulating notes furnished banks. —denominations.

—not to exceed capital.

Substitution of 2 per cent bonds to secure circulation.

Substitute for 1882, July 12, ch. 290, § 9 (1 Supp. R. S., 356).

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pose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

Tax on circulating notes. R. S., § 5214.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of two per centum per annum, issued under the provisions of this act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per centum bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

* * * * *

Approved, March 14, 1900.

ACT OF APRIL 12, 1900.

31 Stat. L., 80.

CHAP. 191.—*An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.*

* * * * *

Federal laws applicable.

SEC. 14. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.

* * * * *

NOTE.—By virtue of this section the laws of the United States relative to the organization and powers of national banks were extended to Porto Rico. (23 Op. Atty. Gen., 169.)

Approved, April 12, 1900.

ACT OF APRIL 30, 1900.

31 Stat. L., 141.

CHAP. 339.—*An act to provide a government for the Territory of Hawaii.*

* * * * *

APPLICATION OF THE LAWS OF THE UNITED STATES.

Application of federal laws.

SEC. 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States

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which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections eighteen hundred and fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Proviso. Submission of territorial laws to Congress. Limitation on right of religious corporations to hold real estate. Revised Statutes, secs. 1850–1890, pp. 327–333.

* * * * *

NOTE.—This section extended the national-banking laws to Hawaii, but is restricted not to include the conversion of territorial banks. (23 Op. Atty. Gen., 177.)

Approved, April 30, 1900.

ACT OF JUNE 6, 1900.

CHAP. 797.—*An act to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.* 31 Stat. L., 658.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided*, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury, United States bonds to an amount not less than the aggregate sum at any time on deposit with such banks or bankers: *And provided further*, That this Act shall apply to Cuba only while occupied by the United States.

Cuba, Porto Rico, and Philippines. Designation of depositories for public moneys. Provisos. Security deposit. Application to Cuba.

Approved, June 6, 1900.

JOINT RESOLUTION OF JUNE 6, 1900.

(No. 32.) *Joint resolution to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.* 31 Stat. L., 719.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) be, and the said institution is hereby, authorized and empowered to amend article one of its by-

Banco Español de Puerto Rico may amend its by-laws.

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laws, which said by-laws are referred to in, and published with, the royal (Spanish) decree dated May fifth, anno Domini eighteen hundred and eighty-eight, granting a concession to said bank, so as to change its name to that of Bank of Porto Rico (Banco de Puerto Rico) and to substitute for its capital in pesos the equivalent in money of the United States at the ratio established by law, and to amend article thirty-one of said by-laws, so that to be a councilor of said bank it may not be necessary to be a Spaniard, and further to modify and amend said by-laws, but always in accordance with existing law, and subject to the approval of the governor of Porto Rico:

Provisos. Powers not enlarged.

Provided, That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain:

Federal control unabridged.

And provided further, That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.

Approved, June 6, 1900.

ACT OF FEBRUARY 18, 1901.

31 Stat. L., 794.

CHAP. 379.—*An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory.*

* * * * *

Banks and trust companies; powers, etc.

SEC. 8. That any bank or trust company now or hereafter organized under the laws of Arkansas or any other State may transact such business in the Indian Territory as is authorized by its charter, and that is not inconsistent with the laws in force in the Indian Territory, and may loan money and contract for the payment of the same at a rate of interest not to exceed the sum of eight per centum per annum, and a like rate for a period less than a year:

Proviso. Legal interest in Territory.

Provided, That the lawful interest in said Territory shall be six per centum when no rate of interest is agreed upon, but in no case shall the interest exceed eight per centum per annum.

* * * * *

Approved, February 18, 1901.

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ACT OF MARCH 3, 1901.

CHAP. 864.—*An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of Saint Louis, in the State of Missouri.* 31 Stat. L., 1444.

* * * * *

SEC. 21. That any bank or trust company located in the city of Saint Louis, or State of Missouri, may be designated by the Louisiana Purchase Exposition Company to conduct a banking office upon the exposition grounds, and if the bank so designated shall be a national bank, upon such designation being approved by the Comptroller of the Currency, said national bank is hereby authorized to open and conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than two years, beginning not earlier than July first, nineteen hundred and two, and closing not later than July first, nineteen hundred and four.

Location of branch bank on exposition grounds.

Proviso.

—limit period of operation.

* * * * *

Approved, March 3, 1901.

ACT OF MARCH 3, 1901.

CHAP. 871.—*An act to amend section fifty-one hundred and fifty-three of the Revised Statutes of the United States.* 31 Stat. L., 1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-one hunderd and fifty-three of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports

National banks depositaries of public moneys, except customs receipts.

—exception not applicable to Hawaii, Alaska, etc.

Revised Statutes, sec. 5153, p. 996, amended.

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in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

Approved, March 3, 1901.

ACT OF APRIL 12, 1902.

32 Stat. L., 102. CHAP. 503.—*An act to provide for the extension of the charters of national banks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the Act of July twelfth, eighteen hundred and eighty-two, to extend for a further period of twenty years the charter of any national banking association extended under said Act which shall desire to continue its existence after the expiration of its charter.

National banks. Charters may be extended twenty years. Vol. 22, p. 162. Revised Statutes, sec. 5136, p. 993.

Approved, April 12, 1902.

ACT OF APRIL 28, 1902.

32. Stat. L., 138. CHAP. 594.—*An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.*

* * * * *

* * *: *And provided further*, That the Comptroller of the Currency is hereby directed to include in his Annual Report to the Speaker of the House of Rep-

Report of liquidation expenses.

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resentatives, expenses incurred during each year, in liquidation of each failed national bank separately.

* * * * *

Approved, April 28, 1902.

ACT OF MARCH 3, 1903.

CHAP. 1014.—*An act to amend section one of an Act entitled "An act to amend sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes of the United States, and for other purposes.* 32 Stat., L., 1223.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an Act entitled "An Act to amend sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes of the United States, and for other purposes," approved March third, eighteen hundred and eighty-seven, be, and the same is hereby, amended to read as follows: National banks. Reserve cities. Vol. 24, p. 559, amended.

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of twenty-five thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes." Population required. Revised Statutes, sec. 5191, 5192, p. 1004. Reserve of deposits. Revised Statutes, sec. 5191, 5195, p. 1004.

Approved, March 3, 1903.

ACT OF FEBRUARY 28, 1905.

CHAP. 1163.—*An act to amend section fifty-one hundred and forty-six of the Revised Statutes of the United States in relation to the qualifications of directors of national banking associations.* 33 Stat. L., 818.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-

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National banks. Requisite qualifications of directors.

bled, That section fifty-one hundred and forty-six of the Revised Statutes of the United States be so amended as to read as follows:

Revised Statutes, sec. 5146, p. 995, amended.

"SEC. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed twenty-five thousand dollars, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

Minimum shares of stock to be held by directors.

Banks of small capital.

Approved, February 28, 1905.

ACT OF DECEMBER 21, 1905.

34 Stat. L., 5.

CHAP. 3.—*An act supplemental to an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and making appropriation for Isthmian Canal construction, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two per cent bonds of the United States authorized by section eight of the Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, shall have all the rights and privileges accorded by law to other two per cent bonds of the United States, and every national banking association having on deposit, as provided by law, such bonds issued under the provisions of said section eight of said Act approved June twenty-eighth, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said

Isthmian Canal. Rights, etc., accorded bonds issued for construction of.

Vol. 32, p. 484.

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two per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

Taxes. Revised Statutes sec. 5214, p. 1008.

* * * * *

Approved, December 21, 1905.

ACT OF JUNE 22, 1906.

CHAP. 3516.—*An act to amend section fifty-two hundred Revised Statutes of the United States, relating to national banks.*

34 Stat. L., 451.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-two hundred of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

National banks.

"SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed thirty per centum of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

Limit to liabilities persons may incur, increased. Revised Statutes, sec. 5200, p. 1005, amended.

Proviso. Maximum.

Commercial discounts not included.

Approved, June 22, 1906.

ACT OF JANUARY 26, 1907.

(As codified in section 83 of the Penal Code of the United States, March 4, 1909, 35 Stat. L., 1103):

34 Stat. L., 864.

It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Con-

Corporations contributing for political elections.

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gress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than five thousand dollars; and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Penalty for.

Additional to officers.

ACT OF MARCH 4, 1907.

34 Stat. L., 1289.

CHAP. 2913.—*An act to amend the national banking act, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March fourteenth, nineteen hundred, be, and the same is hereby, amended to read as follows:

Currency act, vol. 31, p. 47.

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than ten dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue

Gold certificates issued for deposits of gold coin.

Denomination reduced.

Vol. 31, p. 47, amended.

Provisos.

Suspension of issue on reduction of reserve fund.

On increase of silver certificates, etc., in the Treasury.

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of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed."

Denominations of outstanding certificates.

Large notes. R. S., sec. 5193, p. 1004, repealed.

SEC. 2. That whenever and so long as the outstanding silver certificates of the denominations of one dollar, two dollars, and five dollars, issued under the provisions of section seven of an Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of one dollar, two dollars, and five dollars, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: *Provided, however*, That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: *And provided further*, That nothing in this Act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of five dollars, as now provided by law.

Treasury notes. Issue when deficiency exists in small silver certificates. Vol. 31, p. 47.

Higher denominations to be retired.

Provisos. Aggregate amount national bank issue not affected.

SEC. 3. That section fifty-one hundred and fifty-three of the Revised Statutes be amended to read as follows:

Revised Statutes, sec. 5153, p. 996, amended.

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of

National banks may be depositaries of all public moneys.

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their duties as financial agents of the Government: *Provided*, That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided*, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections."

Provisos. Statement of securities required.

To receive at par all national currency, bills, etc.

Distribution of deposits.

Vol. 22, p. 164, amended. Vol. 31, p. 45.

SEC. 4. That section nine of the Act of July twelfth, eighteen hundred and eighty-two, as amended by the Act of March fourteenth, nineteen hundred, be further amended to read as follows:

Withdrawal of circulating notes and deposit of lawful money, etc. Vol. 18, p. 124. Restriction on reissue removed.

"SEC. 9. That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section four of the Act of June twentieth, eighteen hundred and seventy-four, or as provided in this Act, is authorized to deposit lawful money and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than nine millions of dollars of lawful money shall be deposited during any calendar month for this purpose: *And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof."

Provisos. Limit of monthly deposit increased.

Bonds called for redemption, etc.

Approved, March 4, 1907, 10 a. m.

ACT OF MAY 30, 1908.

35 Stat. L., 546.

CHAP. 229.—*An act to amend the national banking laws.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That national banking associations, each having an unimpaired capital and a surplus of not less than twenty per centum, not less than ten in number, having an aggregate capital and surplus of at least five millions of dollars, may form voluntary associations to be desig-

National bank circulation.

National currency associations.

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nated as national currency associations. The banks uniting to form such association shall, by their presidents or vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the associated banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: *Provided*, That not more than one such national currency association shall be formed in any city: *Provided further*, That the several members of such national currency association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: *And provided further*, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national currency association, shall, upon its application to and upon the approval of the Secretary of the Treasury, be admitted to membership in a national currency association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate, and as such entitled to all the rights and privileges and subject to all the liabilities of an original member: *And provided further*, That each national currency association shall be composed exclusively of banks not members of any other national currency association.

Formation by national banks.

Applications.

Corporate powers.

Provisos. Limit.

Members to be of contiguous territory.

Subsequent admissions.

Banks restricted to one association.

The dissolution, voluntary or otherwise, of any bank in such association shall not affect the corporate existence of the association unless there shall then remain less than the minimum number of ten banks: *Provided, however*, That the reduction of the number of said banks below the minimum of ten shall not affect the existence of the corporation with respect to the assertion of all rights in favor of or against such association. The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury. A president, vice-president, secretary, treasurer, and an ex-

Existence not affected by dissolution of a member.

Proviso. Reduction below minimum.

Management.

Officers. Executive committee.

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ecutive committee of not less than five members, shall be elected by the board. The powers of such board, except in the election of officers and making of by-laws, may be exercised through its executive committee.

Powers.

The national currency association herein provided for shall have and exercise any and all powers necessary to carry out the purposes of this section, namely, to render available, under the direction and control of the Secretary of the Treasury, as a basis for additional circulation any securities, including commercial paper, held by a national banking association. For the purpose of obtaining such additional circulation, any bank belonging to any national currency association, having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than forty per centum of its capital stock, and which has its capital unimpaired and a surplus of not less than twenty per centum, may deposit with and transfer to the association, in trust for the United States, for the purpose hereinafter provided, such of the securities above mentioned as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding seventy-five per centum of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding seventy-five per centum of the cash value of the securities so deposited: *Provided*, That upon the deposit of any of the State, city, town, county, or other municipal bonds, of a character described in section three of this Act, circulating notes may be issued to the extent of not exceeding ninety per centum of the market value of such bonds so deposited: *And provided further*, That no national banking

Additional bank circulation. Securities for, to be deposited with association.

Application to Comptroller of the Currency.

Secretary of the Treasury may direct issue.

Provisos. Amount on State, etc., bonds.

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association shall be authorized in any event to issue circulating notes based on commercial paper in excess of thirty per centum of its unimpaired capital and surplus. The term "commercial paper" shall be held to include only notes representing actual commercial transactions, which when accepted by the association shall bear the names of at least two responsible parties and have not exceeding four months to run.

Limit as to commercial paper.

"Commercial paper" designated.

The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section fifty-two hundred and thirty of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association, and to the securities deposited by the banks with the association pursuant to the provisions of this Act; but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper, or an exchange of the securities already on deposit, to secure such additional circulation; and in case of the failure of such bank to make such deposit or exchange the association may, after ten days' notice to the bank, sell the securities and paper already in its hands at public sale, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of such additional circulation. If such fund be insufficient for that purpose the association may recover from the bank the amount of the deficiency by suit in the circuit court of the United States, and shall have the benefit of the lien hereinbefore provided for in favor of the United States upon the assets of such bank. The association or the Secretary of the Treasury may permit or require the withdrawal of any such securities or commercial paper and the substitution of other securities or commercial paper of equal value therefor.

Liability of association for redemption.

Lien created.

Revised Statutes, sec. 5230, p. 1011.

Liability between members.

Additional, or exchange of, securities.

Sale of securities held on failure.

Deposit of proceeds.

Suit, if sum insufficient to redeem notes.

Withdrawal and substitution permitted.

SEC. 2. That whenever any bank belonging to a national currency association shall fail to preserve or make good its redemption fund in the Treasury of the United States, required by section three of the Act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and forty-three, and the provisions of this Act,

Action, if members fail to maintain redemption fund. Vol. 18, p. 123.

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the Treasurer of the United States shall notify such national currency association to make good such redemption fund, and upon the failure of such national currency association to make good such fund, the Treasurer of the United States may, in his discretion, apply so much of the redemption fund belonging to the other banks composing such national currency association as may be necessary for that purpose; and such national currency association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association pursuant to the provisions of section one of this Act, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of the additional circulation taken out by such bank under this Act.

Use of funds of other members.

Association to sell securities of defaulting bank.

Deposits of proceeds for redemption of notes.

Additional circulation by banks on other than U. S. bonds.

SEC. 3. That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than forty per centum of its capital stock, and which has a surplus of not less than twenty per centum, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same, and shall determine the time of issue and fix the amount, within the limitations herein imposed, of the additional circulating notes to be issued. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in this section as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, not exceeding in amount ninety per centum of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

Application to Comptroller.

Approval by Secretary of Treasury.

Issue on deposit of bonds with Treasurer.

Not to exceed 90 per cent of market value.

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The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in this section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed ten per centum of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this section, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

Bonds of States, cities, etc., acceptable. Conditions as to city, etc., bonds.

Discretion of Treasurer.

SEC. 4. That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of section three of this Act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections fifty-one hundred and sixty-three, fifty-one hundred and sixty-four, fifty-one hundred and sixty-five, fifty-one hundred and sixty-six, and fifty-one hundred and sixty-seven and sections fifty-two hundred and twenty-four to fifty-two hundred and thirty-four, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except

Transfer of title in trust.

Receipts from Treasurer.

Assignments, custody, etc., of bonds.

R. S. secs. 5163–5167, 5224–5234, pp. 998, 1010–1012.

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as herein modified, be applicable to all bonds deposited under the terms of section three of this Act.

Status of additional circulating notes.

SEC. 5. That the additional circulating notes issued under this Act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes except as herein expressly modified: *Provided*, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpared capital and surplus: *And provided further*, That there shall not be outstanding at any time circulating notes issued under the provisions of this Act to an amount of more than five hundred millions of dollars.

Provisos. Limit of issue of notes by banks.

Maximum of additional notes.

Redemption fund. Special requirement for additional circulation. Vol. 18, p. 123.

SEC. 6. That whenever and so long as any national banking association has outstanding any of the additional circulating notes authorized to be issued by the provisions of this Act it shall keep on deposit in the Treasury of the United States, in addition to the redemption fund required by section three of the Act of June twentieth, eighteen hundred and seventy-four, an additional sum equal to five per centum of such additional circulation at any time outstanding, such additional five per centum to be treated, held, and used in all respects in the same manner as the original redemption fund provided for by said section three of the Act of June twentieth, eighteen hundred and seventy-four.

Proportional assignment of additional circulation to States.

SEC. 7. In order that the distribution of notes to be issued under the provisions of this Act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: *Provided, however*, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be

Proviso. Emergency assignments.

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entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

Information, etc., as to acceptable securities.

SEC. 8. That it shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this Act, and he shall from time to time furnish information to national banking associations as to such securities as would be acceptable under the provisions of this Act.

Tax on circulation.

SEC. 9. That section fifty-two hundred and fourteen of the Revised Statutes, as amended, be further amended to read as follows:

Revised Statutes, sec. 5214, p. 1008.

Secured by 2 per cent bonds.

"SEC. 5214. National banking associations having on deposit bonds of the United States, bearing interest at the rate of two per centum per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section eight of 'An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June twenty-eighth, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than two per centum per annum shall pay a tax of one-half of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first month a tax at the rate of five per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of one per centum per annum for each month until a tax of ten per centum per annum is reached, and thereafter such tax of ten per centum per annum, upon the average amount of such notes. Every national banking association having outstanding circulating notes secured by a deposit of other securities than United States bonds shall make monthly

Vol. 32, p. 484.

By bonds of higher interest.

By other securities.

Monthly returns of circulation on other than U. S. bonds.

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returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation; and it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records. The taxes received on circulating notes secured otherwise than by bonds of the United States shall be paid into the Division of Redemption of the Treasury and credited and added to the reserve fund held for the redemption of United States and other notes."

Use of taxes on notes secured by other than U. S. bonds.

Retiring circulation.
Vol. 34, p. 1290, amended.

SEC. 10. That section nine of the Act approved July twelfth, eighteen hundred and eighty-two, as amended by the Act approved March fourth, nineteen hundred and seven, be further amended to read as follows:

Withdrawal of notes secured by United States bonds.
Vol. 18, p. 124.

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section four of the Act approved June twentieth, eighteen hundred and seventy-four, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than nine millions of dollars of lawful money shall be so deposited during any calendar month for this purpose.

Deposits of lawful money.

Proviso.
Monthly limit.

Notes secured by other securities.

"Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of securities other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: *Provided*, That the deposits under this section to retire notes secured by the deposit of securities other than bonds of the United States shall not be covered into the Treasury, as required by section six of an Act entitled 'An Act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July fourteenth, eighteen hundred and ninety, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit."

Deposits.

Proviso.
Retention of deposits to redeem notes.
Vol. 26, p. 289.

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Issue of notes.

Revised Statutes, sec. 5172, p. 1000, amended.

SEC. 11. That section fifty-one hundred and seventy-two of the Revised Statutes be, and the same is hereby, amended to read as follows:

Engraving and printing.

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, one thousand dollars, and ten thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they are secured by United States bonds or other securities, certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to fifty per centum of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law: *Provided*, That the Comptroller of the Currency may issue national bank notes of the present form until plates can be prepared and circulating notes issued as above provided: *Provided, however*, That in no event shall bank notes of the present form be issued to any bank as additional circulation provided for by this Act."

Denominations.

Character of security.

Additional notes to be prepared.

Amount.

Deposit for delivery subject to order.

Provisos.

Use of present form.

Present form not for additional circulation.

Redemption in lawful money.

Vol. 18, p. 123.

SEC. 12. That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section three of the Act approved June twentieth, eighteen hundred and seventy-four, shall be redeemed in lawful money of the United States.

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Authority of Secretary of the Treasury.

SEC. 13. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this Act shall have the approval of the Secretary of the Treasury who shall have power, also, to make any such rules and regulations and exercise such control over the organization and management of national currency associations as may be necessary to carry out the purposes of this Act.

Designated depositaries reserve not to include public deposits.

Revised Statutes, sec. 5191, p. 1004.

SEC. 14. That the provisions of section fifty-one hundred and ninety-one of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

Interest payable on special deposits of public moneys.

SEC. 15. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than one per centum per annum upon the average monthly amount of such deposits: *Provided, however,* That nothing contained in this Act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further,* That the rate of interest charged upon such deposits shall be equal and uniform throughout the United States.

Provisos.

Safe-keeping not modified.

Uniform interest.

Appropriation.

SEC. 16. That a sum sufficient to carry out the purposes of the preceding sections of this Act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

National Monetary Commission created.

Appointment.

SEC. 17. That a Commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the Commission shall be filled in the same manner as the original appointment.

Inquiry as to changes in monetary system, etc.

SEC. 18. That it shall be the duty of this Commission to inquire into and report to Congress at the earliest date practicable, what changes are necessary or desirable in

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the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

Authority.

Officials.

Powers.

SEC. 19. That a sum sufficient to carry out the purposes of sections seventeen and eighteen of this Act, and to pay the necessary expenses of the Commission and its members, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said Commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such Commission.

Appropriation.

Immediately available.

Accounts.

SEC. 20. That this Act shall expire by limitation on the thirtieth day of June, nineteen hundred and fourteen.

Termination of act.

Approved, May 30, 1908.

ACT OF MARCH 4, 1909.

CHAP. 298.—*An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and nine, and for prior years, and for other purposes.*

35 Stat. L., 931.

* * * * *

That the members of the National Monetary Commission, who were appointed on the thirtieth day of May, nineteen hundred and eight, under the provisions of section seventeen of the Act entitled "An Act to amend the national banking laws," approved May thirtieth, nineteen hundred and eight, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said

National Monetary Commission.

Continued.

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Compensation.

National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were members of the Senate or House of Representatives. All Acts or parts of Acts inconsistent with this provision are hereby repealed.

* * * * *

Approved, March 4, 1909.

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COINAGE.

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COINAGE.

ARTICLES OF CONFEDERATION OF JULY 9, 1778.

Article 9.

1 Stat. L., 7.

Sec. 4.—The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; * * *

THE CONSTITUTION OF THE UNITED STATES.

Article 1.

1 Stat. L., 14.

Sec. 8.—The Congress shall have power * * *.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States: * * *.

Article 1.

1 Stat. L., 15.

Sec. 10.—No State shall * * *; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; * * *.

RESOLUTION OF MARCH 3, 1791.

1 Stat. L., 225.

III. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That a mint shall be established under such regulations as shall be directed by law.

A mint to be established.

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