

and not inconsistent with the existing laws of this Commonwealth.

REES HILL, *Speaker of the  
House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-second day of March, one thousand  
eight hundred and seventeen.

SIMON SNYDER.

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## CHAPTER CVI.

### AN ACT

To prevent the making, issuing, re-issuing and circulating certain description of notes and tickets in the nature of bank notes, and for other purposes.

WHEREAS notes and tickets in the nature of bank notes have been issued, as well by individuals as by corporations not established for the purpose of banking: And whereas the circulation of all notes of a small denomination has been productive of inconvenience, fraud and loss to the public, and has a tendency to prevent or retard the gradual and speedy restoration of a specie currency:

No bank shall  
issue notes  
under \$1 af-  
ter the 1st  
May, under  
the penalty  
of \$25.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, no bank or office of discount and deposit within this Commonwealth, shall make, issue, re-issue or circulate any bank note, promissory note, ticket or engagement of credit in the nature of a bank note, and no such bank shall receive any such notes, tickets or engagements, other than those made or issued by itself, or under its own immediate authority, and that for the mere purpose of cancelling or destroying the same forthwith, of a less denomination than one dollar, under the penalty of twenty-five dollars for each and every such note so made, issued, re-issued, circulated, paid or received, to be recovered by any person or persons suing for the same, before any alderman or justice of the peace within this Commonwealth, as debts under one hundred dollars are by law recoverable.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no incorporated body, public officer, association or partnership, or private individual, other than such as have been expressly incorporated or established for the purpose of banking, shall make, issue, re-issue or circulate any promissory note, ticket or engagement of credit in the nature of a bank note, of any denomination or amount whatsoever, other than such as have been issued by banks lawfully and expressly established; and from and after the first day of May next, no such incorporated body, public officer, association or partnership, shall receive any such note, ticket or engagement of credit, other than those above excepted, or those made and issued by it or himself, or under its or his immediate authority, and that for the mere purpose of cancelling or destroying the same, under the penalty, in the case of a public officer, of ten dollars, and in the case of a corporation, association or partnership, fifty dollars for each and every note so made, issued, re-issued, circulated, paid or received, to be recovered by any person or persons suing for the same, before any alderman or justice of the peace within this Commonwealth, as debts under one hundred dollars are by law recoverable.

None but banking institutions shall issue tickets or promissory notes.

Different penalties.

How penalties shall be recovered.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the mode of proceeding against any bank or other corporation under this act, shall be by summons served on the president, cashier, or other chief officer, director or manager of such bank or corporation, and that where judgment shall be entered thereon, such judgment shall be as well against such bank or corporation, as against such president, cashier, chief officer, manager or director, or so many of them severally, whereon such service shall have been made, and execution may thereupon forthwith issue, as well against such bank or corporation, to be levied upon any debts due to them, as upon the shares of their capital stock or other property, real, personal or mixed, and against each such president, cashier, chief officer, director or manager, to be levied on his personal or real property, or if a sufficiency thereof cannot be found, or plaintiff shall so require, against their and each of their persons, to be proceeded on as is usual in the case of a *capias ad satisfaciendum*.

The mode of proceeding against banks &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That for a second and each subsequent act of making, issuing, re-issuing, circulating, passing or receiving, otherwise than is herein before excepted, any of the notes, tickets or engagements of credit aforesaid, the penalty or sum to be recovered, shall be increased in an amount equal to the original penalty or sum mentioned in the first section of this act, but shall in no case exceed fifty dollars on an individual not a president, cashier, chief officer, director or manager of any bank or corporation, association or partnership, or five hundred dollars in the case of such bank or corporation, association

Penalty for second offence.

or partnership, any such penalty or debt to be recovered, where it exceeds one hundred dollars, before the court of common pleas of the proper county, in the manner and by means of process, judgment and execution, as is described in the second section of this act; and all sums recovered under this act shall be one half thereof paid to the person or persons suing for the same, to his or their own use, and the other half into the hands of the treasurer or county commissioners of the county wherein the recovery shall be had, for the use thereof: *Provided, always,* That no public officer or private individual shall be excluded from the performance of his duties, or from being a competent witness in any suit under this act, by reason of his being subject to the payment of county rates and levies therein, or by reason of one moiety of the sums to be recovered, being payable to the county treasurer or commissioners as is herein before directed.

To whom penalties shall be paid.

Proviso.

Duty of att'y. gen.

On whom writs of quo warranto shall be served.

Penalty of \$5,000.

Other than banking companies offending a second time. How to proceed against.

SECT. 5. *And be it further enacted by the authority aforesaid,* That whenever judgment shall have been had against any such bank or corporation, in any two suits in the court of common pleas, or before two different justices of the peace, and certified copies or transcripts of such judgments filed with the prothonotary of the court of common pleas of the proper county, and the same should have remained unpaid for three months, it shall be the duty of the attorney general, or his deputy in such county, to file in said court an information in the nature of a quo warranto, the process awarded on which shall be served by the sheriff, or his deputy, on the president, cashier or other chief officer, or any director or manager of such bank or corporation, and on a return of service in manner aforesaid, to the satisfaction of such court, they shall proceed therein as nearly as may be in the manner directed and practised under writs of quo warranto; and in case of a verdict for the Commonwealth, the court, instead of the usual judgment in such cases, shall have power to inflict a penalty not exceeding five thousand dollars, and to adjudge the charter and corporate power of such bank or other incorporated company thenceforth subject to be forfeited, annulled and declared for ever void by the Legislature.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any justice of the peace, in every case where a second suit shall be brought against any incorporated road, bridge or canal company, after a judgment under this act against such company, to call to his aid any other justice of the peace of the same county, and they shall issue a precept directed to any constable, commanding him to summon five disinterested and judicious freeholders, named by said justices, to meet at a certain time and place in the said precept to be mentioned, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justices shall then and there, by the oaths or affirmations of the said freeholders, inquire whether such

company or its officers, or any of them, after a judgment lawfully rendered against such company or its officers, or any of them under this act, shall have a second time made, issued, re-issued, circulated, received or paid any note, ticket or engagement of credit not authorised by law, or contrary to the provisions of this act, and shall cause an inquisition to be made under their hands and seals, and under the hands and seals of the said freeholders, and if the said company or its officers, or any of them, shall be found by the said inquisition to have a second time made, issued, re-issued, circulated, received or paid any note, ticket or engagement of credit not authorised by law, or contrary to the provisions of this act, they shall so certify, and send one copy of the said inquisition to each turnpike or gate keeper in the proper county, or in case of a bridge between two counties, to the toll gatherers, if such there be, at each end thereof, and from thenceforth all tolls which might otherwise have been demanded by reason of the use or passage, on through, or over such road, canal or bridge, shall be suspended: *Provided* such suspension shall not, in the first instance, continue more than one week, for the second not more than two weeks, for the third three, and for each subsequent offence one calendar month: *Provided also*, That no certiorari shall be issued out of any court of record within this Commonwealth, against any proceedings had before any justice of the peace under the provisions of this act, but in all cases either party may appeal from their proceedings to the next court of common pleas.

Penalty.

Proviso.

2d proviso.

SECT. 7. *And be it further enacted by the authority aforesaid*, That so much of any act of Assembly heretofore passed, as deprives or prevents the holder of any note, ticket or engagement of credit in the nature of a bank note, from recovering from any individual, bank or corporation, association or partnership, by whom, or by any of whose officers or agents the same has been made, signed or issued by reason of such note having been made, signed or issued without or in contradiction to law, be, and the same is hereby repealed, and the holder of every such note shall have the same legal remedy for the recovery of the amount thereof from the party or parties, whether corporate, association, or partnership, or individual who made, signed, or issued the same, as can by the provisions of this act, or by the existing laws of this Commonwealth, be had on a similar note, ticket or engagement of credit that has been lawfully issued.

Certain provisions of former acts repealed relative to bringing suits, &c.

SECT. 8. *And be it further enacted by the authority aforesaid*, That so much of the act, entitled "An act vesting in certain banking institutions within this Commonwealth, the power of issuing small notes," passed the twenty-eighth day of December, one thousand eight hundred and fourteen, as makes it lawful for all incorporated banks within this Commonwealth, to issue notes of a smaller denomination than five dollars, be, and the same is hereby re-enacted and continued

Banks empowered to issue smaller notes than \$5 until the 1st October, when none less than \$5 shall be issued.

in force until the first day of October, one thousand eight hundred and seventeen; but that from and after the first day of October next, no incorporated bank within this Commonwealth shall, under the penalties imposed by this act, make, issue or circulate any notes of a denomination less than five dollars.

Branch banks liable to receive the notes of the mother bank.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the first day of May next, the several offices of discount and deposit within this Commonwealth, shall, on demand made, pay in the lawful currency of the United States, any note or ticket of such offices respectively, or of the mother bank when issued from such offices respectively, and on neglect or refusal to pay as aforesaid, shall be liable to the same penalties, and may be proceeded against in the same manner as is herein before provided, and any such note or ticket so as aforesaid issued, shall bear date at the office from which issued.

This to be published.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the Governor be directed to cause this act to be published (immediately after the passage thereof) in two newspapers in Philadelphia, two in Harrisburg, and two in Pittsburg.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-second day of March, one thousand eight hundred and seventeen.

SIMON SNYDER.

## CHAPTER CVII.

### AN ACT

For dividing the borough of Reading into two election wards.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the borough of Reading shall be divided into two election wards, in manner following, to wit: All that part of the borough of Reading to the north of Penn street shall be one ward, and shall be called North Ward, and all that part of the said borough to the south of Penn street shall be one ward, and shall be called