

LAWS OF PENNSYLVANIA

this state, are hereby declared and enacted not to apply to the stock or loan of the city of Philadelphia or the county of Philadelphia, but such stock or loan shall pass and be transferrable, and the interest thereon accrued and to accrue, be receivable in like manner in all respects, and under the same, and no other regulations, powers and authorities as were used and practised before the said recited acts were passed.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The twelfth day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 40.]

AN ACT

To provide for the Resumption of Specie Payments by the Banks of this Commonwealth, and for other purposes.

SECTION 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 the banks of this commonwealth, from and after the passage of this act, shall redeem their notes and deposits, and other liabilities, in gold and silver coin, upon demand being made at their banking houses during banking hours, and a refusal or failure to pay in gold and silver, as aforesaid, shall be deemed and taken to be an absolute forfeiture of their respective charters: *Provided,* That no contract previously made, as to the payment of deposits, shall be affected by the provisions of this section.

SECTION 2. Upon application to any court of common pleas or district court of the proper county, or a single judge thereof in vacation, on the oath or affirmation of any person setting forth, that he or she had presented to the proper officer or officers of any banking institution, within said county, a note or notes, or certificates of deposit, or other liabilities, issued by the same, except the notes issued by authority of the act of the 4th of May, one thousand eight hundred and forty-one, and demanded the payment thereof in gold or silver

Immediate re-
sumption

Proviso

Proceedings
on refusal to
redeem liabilities

coin, which said bank had refused or failed to pay, it shall be the duty of the said court, if in session, or a judge in vacation, to direct a citation to be issued, by the prothonotary of said court, to the said bank, in the nature of a summons, which it shall be the duty of the sheriff or coroner of the proper county forthwith to serve, commanding the said bank to appear at the time and place designated by the said court, or judge, not less than five, nor more than ten days thereafter. And upon the hearing of the parties, if the said court or judge shall be satisfied of the truth of said complaint, and that the provisions of the first section of this act have been violated, then the directors of any such bank of this commonwealth shall make and execute under their corporate seal, a general assignment of all their estate, real and personal, to such person or persons as they may select, subject to the approbation of the stockholders at a general meeting, in trust for the benefit of all their creditors. Such assignment shall be approved by the court of common pleas of the county in which such bank may be situated, and shall be recorded in the office of the recorder of deeds of the proper county, within thirty days from the execution thereof. The said assignees shall proceed to sell at public sale, all the real and personal estate of said bank, and shall collect by receiving new securities, by renewals, by compromise, by suits at law, or otherwise, all their outstanding debts; and for this purpose may use the corporate name of such bank: *Provided however*, That the said assignees shall receive in payment of debts due to said bank, its own notes and obligations and the checks of its depositors at par. The said assignees before entering upon the duties of their office, shall take and subscribe an oath or affirmation, to execute the trusts confided to them with fidelity; which oath or affirmation shall be filed in the office of the prothonotary of the proper county; and shall give such security as the said court may deem sufficient to secure the faithful execution of the said trust; and shall once in every six months, file an account of their receipts and expenditures, verified by their oaths or affirmations in the office of the prothonotary of the said court.—The said assignees shall at least once in every six months, make a pro rata dividend of the balance in their hands among the several creditors of said bank, who shall in pursuance of public notice, given in such manner and form as shall be directed by the court, have made claim and delivered up the evidences of their claims, if such evidence be in writing, to the said assignees, and received from the said assignees a certificate of the amount thereof. The said assignees shall be allowed such commission or compensation for their services, as may be agreed upon in such assignment, with the approbation of the said court, and shall be subject, except as

Assignment

Proviso

herein otherwise provided, to the several provisions of the act of assembly, passed the fourteenth day of June, one thousand eight hundred and thirty-six, entitled "An act relating to assignees for the benefit of creditors and other trustees," that the corporate powers of the said bank, shall after the said assignment shall be made and executed aforesaid, cease and determine, except so far as the same may be necessary for the following purposes, to wit:

Suits First. For the purpose of suing and being sued, and for continuing all suits and proceedings at law or in equity now pending for or against said bank.

Transfers Second. For the purpose of making such assurances, conveyances and transfers, and doing all such acts, matters and things as may be necessary or expedient, to make the said assignments or the trusts thereof effectual.

Citation Third. For the purpose of citing the said trustees to account, and compelling them to execute the said trusts.

Surplus Fourth. For the choosing of directors for the purpose of receiving and distributing amongst the stockholders of the said bank, such surplus as shall remain after discharging all the debts of the said bank, and it is further enacted that the said court or any judge thereof, on application and proof as aforesaid may, for the protection of parties interested, issue an attachment, commanding the sheriff or coroner forthwith to seize and take possession of the banking house, books, moneys, deposits, papers and effects; and if the directors shall not, within ten days thereafter, make an assignment as hereinbefore provided, the said court or a majority of the judges thereof in vacation, shall appoint three suitable persons, as trustees, who shall have like powers and be subject to the same provisions, as if they had been appointed by the directors, with the approbation of the stockholders.

Directors of any bank may make assignment SECTION 3. It shall be lawful for the directors of any bank in this commonwealth, whenever they deem it expedient to wind up the affairs of such bank, to make a general assignment of all the estate, real and personal of the bank, subject to the conditions and provisions relating to assignments by directors of banks, provided in the second section of this act; and it shall be the duty of the directors of any bank to make and execute an assignment as aforesaid, whenever directed by a majority of the stockholders in a general meeting of the stockholders of such bank.

Forfeiture of charter

Restrictions SECTION 4. It shall not be lawful for any bank of this Commonwealth, after the passage of this act, to issue or pay out any bank notes other than those issued by itself, payable on demand, in gold or silver, notes of specie paying banks, or notes of banks legally issued under the authority of the act of the fourth day of May, one thousand eight hundred and for-

ty-one, at the option of the person receiving the same; and any violation of this provision shall work an absolute forfeiture of its charter, and be proceeded against in the manner prescribed in the second section of this act: *Provided however,* That no contracts heretofore made as to the payment of deposits shall be in any wise affected.

SECTION 5. It shall be the duty of the cashiers of the several banks of this Commonwealth, on the first Monday of January, April, July and October in each year, to make out a list under oath or affirmation, of the amount of moneys loaned, notes in circulation, specie on hand and deposits, which shall be open in the banking house to the inspection of any stockholder, under the penalty of five hundred dollars, to be recovered as debts of similar amount are now recoverable, one-half for the use of the prosecutor and the other half for the use of the Commonwealth; any director shall be permitted at all times to inspect the books and accounts of the bank of which he is a director.

Cashier's duties

SECTION 6. That execution or process, in the nature of an execution, shall be stayed upon all judgments which may be hereafter obtained in any court of this Commonwealth, or before any alderman or justice of the peace, wherein any bank of this Commonwealth, which accepted the provisions of the act of fourth May, one thousand eight hundred and forty-one, shall be plaintiff, or the party in interest, so long as said bank shall fail or refuse to comply with the provisions of the first section of this act, or until said bank shall have made an assignment agreeably to the second section: *Provided,* That nothing herein contained shall be construed to interfere with the security of any judgment obtained as aforesaid: *And provided also,* That a refusal to redeem the notes issued in pursuance of the act of fourth May, one thousand eight hundred and forty-one, except as required by said act, shall not bring any of said banks within the provisions of this section.

Stay of execution in certain cases

Proviso

SECTION 7. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, it shall not be lawful for the Cashier of any bank in this Commonwealth, to engage in any other profession, occupation or calling, either directly or indirectly, than that of the duties appertaining to the office of Cashier; and so much of the fifth article of the act of the twenty-fifth day of March, one thousand eight hundred and twenty-four as authorizes the president and board of directors of any bank, to grant permission to a Cashier, to carry on any other business, be and the same is hereby repealed. And if any Cashier of any bank in this Commonwealth shall hereafter, either directly or indirectly, engage in the purchase and sale of stocks, or any other profession, occupation or calling, other than that of his duties of

Cashiers prohibited following other occupations

Penalty Cashier, such Cashier upon conviction thereof, in any court of criminal jurisdiction, shall be sentenced to pay a fine of not less than one hundred and not exceeding five hundred dollars, and to undergo an imprisonment in the common jail for any period of not less than one nor more than five years.

Toll and revenue what medium paid **SECTION 8.** That hereafter no medium shall be received in the payment of tolls, taxes or other revenue of the Commonwealth, other than gold and silver, the notes of specie paying banks or the legal issues under the act of fourth May, one thousand eight hundred and forty-one: *Provided*, That this section shall not be construed as a repeal of a resolution passed at the present session of the legislature, in relation to tolls for carrying the mail on the Columbia rail road.

Proviso

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The twelfth day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 41.]

A N A C T

To enable the Commissioners of Greene county to sell and convey certain real estate, and for other purposes.

SECTION 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 the commissioners of the county of Greene, are hereby authorized and empowered to sell and convey to the trustees of the Baptist church, and their successors of the borough of Waynesburg, in the county aforesaid, for the purpose of erecting a house of worship thereon, all the right, title and claim, of said borough, in and to the following described lot or piece of ground, to-wit: Beginning at the west end of the town of Waynesburg, on Main street, and running eight feet in front on the said street, thence north one hundred and eighty feet, next to and parallel with West street, containing more or less.

Com'rs of Greene co to sell real estate