

the labor, material or supplies were furnished as stated, and that they have not been paid therefor, and all such vouchers shall have endorsed thereon the approval of the chairman of the prison board, one copy of which shall be filed with the territorial auditor; and it shall be the duty of said auditor, when such vouchers duly verified and certified as aforesaid, to draw his warrant on the territorial treasurer therefor, the other copy shall be kept in the office of the warden of said prison for the inspection of the governor, prison board and any committee of the Legislative Assembly appointed for that purpose.

§ 8. This act shall take effect from and after its passage and approval.

Approved, February 22, 1879.

Banking.

CHAPTER 4.

AN ACT concerning Corporations and Persons engaged in the Business of Banking.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. BANKING CORPORATION TO PUBLISH AND FILE STATEMENT. CAPITAL DEFINED.] Every corporation and all persons and every person hereafter doing a banking business in this Territory, shall in January of every year, publish in at least one newspaper published in the county in which the principal office of such corporation may be situated, or in which said persons or person may reside, and also file for record in the office of the secretary of the Territory, a sworn statement, verified, in the case of any such corporation, by its president or manager, and by its secretary or cashier; and in the case of

any such individual or individuals, by him or them, of the amount of capital actually paid into such corporation, or into such banking business: *Provided*, That nothing shall be deemed capital actually paid in except money *bona fide* paid into the treasury of such bank; and under no circumstances shall the promissory note, check, or other obligation of any director, stockholder, or of the proprietors or proprietor of any such bank be treated, computed or in any manner considered any part of such paid in capital. If no newspaper be published in the county in which the principal office of said corporation may be situated, or in which said persons or person may reside, then and in that case such publication of said statement shall be made in the nearest newspaper having a general circulation in the county where such business is done.

§ 2. SHALL PUBLISH AND FILE SWORN STATEMENT OF ASSETS AND LIABILITIES.] Every corporation and all persons and every person hereafter doing a banking business in this Territory, shall likewise publish in such newspaper, and shall also file for record in the office of the secretary of the Territory, in January of each year, a sworn detailed statement of the actual condition and value of its assets and liabilities, and a particular description of the same and where said assets are situated.

§ 3. LIABILITY FOR PUBLISHING FALSE STATEMENT.] The directors of every such corporation who shall publish or file for record as aforesaid a false statement of the amount of capital actually and *bona fide* paid into such corporation, a false statement of the actual condition and value of its assets and liabilities, or as to where said assets are situated, shall be jointly and severally liable to any person thereafter dealing with such corporation, and to the full extent of such dealing; and no corporation and no person or persons who fail to comply with the provisions or any of the provisions of this law shall maintain or prosecute any action or proceeding in any of the courts of this Territory until they shall have first duly filed the statement herein provided for, and in all other respects complied with the provisions of this law; nor shall any assignee or assignees of any such corporation, or person whose assignment shall be made subsequent to any such fail-

ure to comply with the provision of this law, maintain any action or proceeding in any court of this Territory until his or their assignor or assignors shall have first duly complied with the provisions of this law.

§ 4. FOREIGN BANKING CORPORATION STATEMENT TO BE VERIFIED BY AGENT.] Where any such banking corporations shall be foreign, the statements herein before provided for shall be verified by the agent or manager of the business of such corporation resident in this Territory, who shall be subject to the same liabilities herein provided as against directors of any such banking corporation, and also as against every such bank officer.

§ 5. SECRETARY OF TERRITORY TO RECORD STATEMENTS.] The secretary of the territory shall keep two sets of well bound books for the record of the sworn statements herein provided for respectively—one of which sets of books shall be labeled “Statements of Banking Capital,” and the other “Statements of Banking Assets;” and said secretary of the territory shall upon the payment of his fees for the same record separately said respective sworn statement in its appropriate book, and shall keep a separate index of each of said sets of books. Said original sworn statement need not be acknowledged in order to be recorded as aforesaid, but must be verified as aforesaid by some judge or officer authorized to take affidavits, and shall always remain and be kept on file in the office of the secretary of the territory.

§ 6. FEES OF SECRETARY.] The secretary of the territory shall receive for recording any of the statements herein provided for, for every folio, ten cents, and for noting on any such sworn statement the time when and the place where recorded, twenty-five cents; and for certified copies of such sworn statements, to which any one paying for the same shall be entitled, ten cents per folio.

§ 7. This act shall take effect and be in force from and after its passage.

JOHN R. JACKSON,
Speaker of the House.

GEO. H. WALSH,
President of the Council.

TERRITORY OF DAKOTA,
YANKTON, February 20, 1879. }

This act being entitled, "An act concerning corporations and persons engaged in the business of banking," originated in the House of Representatives of this Territory; passed the House, January 23, A. D. 1879; was transmitted to the Council and passed that body February 19, A. D. 1879; was presented to the Governor of this Territory the 13th day of February, A. D. 1879, and returned without his approval February 17, and accompanied by his objections, which were entered at length on the journal; and the question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the bill was passed, the necessary two-thirds of all members voting in the affirmative. The act was on the same day passed by the council by the vote of two-thirds of that branch of the Legislative Assembly, and to these facts of the action of the House I hereby certify of my own knowledge, and of the council of my belief.

Attest:

T. A. KINGSBURY,
Chief Clerk.

JOHN R. JACKSON,
Speaker of the House.

I hereby certify that on this nineteenth day of February, this bill, together with the objections of the Governor, was received from the House by the Council, and the Council thereupon proceeded to reconsider said bill; and the question being put, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" it was decided in the affirmative, two-thirds of the Council voting to pass the bill, and then it was approved by the Council.

Attest:

ALBERT O. HUBBARD,
Chief Clerk of the Council.

GEO. H. WALSH,
President of the Council.

CHAPTER 5.

AN ACT to prevent Fraudulent Banking

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. **INSOLVENT BANKER NOT TO RECEIVE DEPOSITS. PENALTY FOR.]** No bank, banking house, exchange broker or deposit office or firm, company, corporation or party engaged in the banking, broker or deposit business, shall accept or receive on deposit, with or without interest, any moneys, bank bills, or notes, or United States notes, or United States treasury notes, or currency, or other notes, bills or drafts circulating as money or currency, when such bank, banking house, exchange broker, or deposit office, firm, company or corporation or party is insolvent; and if any such bank, banking house, exchange broker, or deposit office, firm, company, corporation or party shall receive or accept on deposit any such deposits as aforesaid when insolvent, any officer, director, cashier, manager, member, party or managing party thereof knowing of such insolvency, who shall knowingly receive or accept, be accessory, or permit or connive at the receiving or accepting on deposit therein or hereby, any such deposit as aforesaid, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the territorial prison for a term not to exceed ten years, or by imprisonment in the county jail not to exceed one year, or by both fine and imprisonment, the fine not to exceed ten thousand dollars.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, February 12, 1879.