

property sold to the defendant, an attachment may be issued and levied upon such property.

EMERGENCY.] *Whereas*, An emergency exists in this, that there is no existing provision of law for the issuing of an attachment in action for purchase money; *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, February 24, 1897.

BANKING.

CHAPTER 31.

[H. B. 14.]

RELATING TO BANKING.

AN ACT to Amend Sections Numbered 3231, 3242, 3254, 3255, 3256 and 3258 of Chapter 20, of the Revised Code of 1895, Relating to Banking.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 3231 be and is hereby amended so as to read as follows: Hereafter, no association shall be organized under this chapter in cities, towns or villages containing five hundred inhabitants or less, with a capital less than five thousand dollars; in cities, towns or villages of over five hundred, and not exceeding one thousand inhabitants with a capital less than ten thousand dollars; in cities, towns or villages of over one thousand and not exceeding one thousand five hundred inhabitants with a capital less than fifteen thousand dollars; in cities, towns or villages of over one thousand five hundred and not exceeding two thousand inhabitants, with a capital less than twenty thousand dollars; in cities, towns or villages of over two thousand and not exceeding two thousand five hundred inhabitants, with a capital less than thirty thousand dollars; in cities, towns or villages of over two thousand five hundred and not exceeding three thousand inhabitants, with a capital less than forty thousand dollars; and in cities, towns or villages of over three thousand inhabitants, with a capital less than fifty thousand dollars. At least fifty per cent of the capital stock of every association shall be paid in before it shall be authorized to commence business, the balance of which shall be paid in by installments of not less than ten per cent at the end of each succeeding month from the time it is authorized to commence business. The payment of each installment shall be certified to the Secretary of State, under the oath of the president or cashier of the association, a copy of which shall be filed by

such bank with the State Examiner. For the purpose of this section the population of the city, town or village shall be determined by multiplying by four the total vote cast for member of Congress at the last general election held in such city, town or village, and the result shall be taken as the population of such city, town or village.

Section 3254 be and is hereby amended so as to read as follows: The State Examiner of North Dakota shall be *ex-officio* superintendent of banks; he shall, as often as shall be deemed necessary and proper and at least once a year, duly examine every bank organized under this law, for which he shall charge the bank so examined a fee for each annual examination only and turn the same into the State Treasury as follows: Banks, ten thousand dollars capital or less, a fee of ten dollars; banks of from ten thousand dollars to twenty thousand dollars capital, fifteen dollars; banks of from twenty thousand dollars to forty thousand dollars capital, twenty dollars; banks of from forty thousand dollars to sixty thousand dollars capital, twenty-five dollars; banks of from sixty thousand dollars to eighty thousand dollars capital, thirty dollars; and all banks having a capital of over eighty thousand dollars, thirty-five dollars. He shall have power to make a thorough examination into the affairs of the association, and in so doing may examine any of the officers, agents or clerks thereof, on oath, and shall make a full and detailed report in writing of the condition of the association so examined to the Governor of the State, a copy of such report shall be filed in the office of the State Examiner, which shall be open to all persons doing business with such association. The State Examiner shall not be directly or indirectly interested in any association organized under this chapter.

Section 3255 be and is hereby amended so as to read as follows: Every active officer of any bank organized under this chapter shall before entering upon the duties of his office take and subscribe an oath that he will so far as the duty devolves on him diligently and honestly administer the affairs of such association, and that he will not knowingly violate or willingly permit to be violated any of the provisions of this chapter. All such oaths shall be presented to the board of directors and a synopsis thereof recorded on the directors' record and then filed with the State Examiner.

Section 3256 be and is hereby amended so as to read as follows: The president and vice president, if active officers of the bank, the cashier, assistant cashier and teller shall, before entering upon their duties, furnish a good and sufficient bond to the association, the minimum amount shall not be less than twenty per cent of the capital stock of the association and may be greater if required by the board of directors. Other employes shall give bonds whenever required by the board of directors; all such bonds to be approved by the board, a record of which shall be made on the

minutes of the meeting of said board and then filed with the State Examiner. Stockholders of such banks shall not be eligible as bondsmen for such officers.

Section 3258 be and is hereby amended so as to read as follows: The State Examiner, on becoming satisfied of the insolvency of any bank organized under the provisions of this chapter, after making an examination of the same, shall forthwith take charge of such insolvent bank, pending the action of the court. Immediately upon taking charge, the State Examiner shall prepare and submit a statement of its condition to the Attorney General, who shall thereupon institute an action against the corporation in accordance with the provisions of chapter twenty-six of the Code of Civil Procedure.

That section 3242 of said Revised Codes be amended to read as follows: Every association shall make at least five reports each year to the State Examiner, in such form as he shall prescribe, exhibiting in detail, under appropriate heads, the resources and liabilities of the association at the close of business on a past day by him specified, which shall, if practicable, be the same day for which similar reports are required from national banking associations within this State, by the comptroller of currency of the United States. Each report must be verified by the oath of the president or the cashier, and attested as correct by at least two of the directors, and must be transmitted to the examiner within seven days after the receipt of his request for the same, and in the same form shall be published, at the expense of the association, in some newspaper of the city or county in which it is located. The State Examiner shall also call for a special report from any association whenever in his judgment the same is necessary in order to obtain full and complete knowledge of its condition. Every association which fails to make and transmit any report required in pursuance of this section, shall forfeit and pay to the State a penalty of two hundred dollars for each delinquency.

EMERGENCY.] *Whereas*, An emergency exists in that there is no adequate provision of law for taking charge of an insolvent bank, by the Bank Examiner; *therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1897.

CHAPTER 32.

[H. B. 57.]

MISDEMEANOR IN CERTAIN CASES.

AN ACT to Amend Section 7518 of the Revised Codes of North Dakota, Relating to the Making of Unlawful Loans by Corporations Having Banking Powers.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 7518 Revised Codes of North Dakota, be and is hereby repealed and said section amended so as to read as follows:

§ 7518. Every director of any corporation having banking powers, who concurs in any vote or act of the directors of such corporation or any of them, by which it is intended to make any loan or discount to any director of such corporation, or upon paper upon which any such director is responsible, for an amount greater than is allowed by law, is guilty of a misdemeanor.

§ 2. EMERGENCY.] An emergency exists in this, that the banking corporations are limited in making loans in the aggregate, under the provisions of the banking laws of this State regulating banking; *Therefore*, This act shall take effect and be in force immediately upon its passage and approval.

Approved March 9, 1897.

BAIL IN CRIMINAL ACTIONS.

CHAPTER 33.

[H. B. 22.]

BAIL UPON APPEAL IN CRIMINAL ACTIONS.

AN ACT to Amend Section 8455 of the Revised Codes of 1895, Relating to Bail Upon Appeal in Criminal Actions.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section eight thousand four hundred fifty-five (§ 8455) of the Revised Codes of 1895, be and the same is hereby amended to read as follows:

§ 8455. WHO MAY MAKE ORDER ADMITTING TO BAIL ON APPEAL.] In cases in which the defendant may be admitted to bail upon an