

(Continued from first page.)

First—The amount of the capital stock actually paid in, and then remaining as the capital stock of the branch.

Second—The amount of the bills or notes of the branch then in circulation, specifying the amount of each denomination.

Third—The greatest amount in circulation at any time since the making of the last previous statement, as shall have been exhibited by the weekly statements of the cashier, specifying the time when the same occurred.

Fourth—The amount of balances and debts of every kind due to the branches of the Bank of Ohio, the amount due to other banks of the State, and the amount due to banks not of this State.

Fifth—Amount due to depositors.

Sixth—The total amount of debts and liabilities of every description, and the greatest amount since the making of the last previous statement, specifying the time when the same occurred, as exhibited by the weekly statement of the branch.

Seventh—The total amount of dividends declared on the day of making the statement.

Eighth—The amount of gold and silver coin and bullion belonging to such branch, and in possession at the time of making the statement, designating the amount of each.

Ninth—The amount subject to be drawn at sight, in gold and silver, then remaining on deposit with solvent specie paying banks in the cities of New York, Philadelphia, Boston, and Baltimore.

Tenth—The amount then on hand, of bills or notes, issued by branches of the Bank of Ohio, the amount issued by other banks of this State, and the amount issued by banks not of this State.

Eleventh—The amount of balances due from branches of Bank of Ohio, the amount due from other banks of this State, and the amount due from banks not of this State, excluding in the latter case, deposits in the cities of New York, Philadelphia, Boston, and Baltimore, subject to sight drafts, payable in specie.

Twelfth—The amount on hand of bills, bonds, notes and other evidences of debts, discounted or purchased by the branch, specifying particularly the amount of suspended debt, the amount considered bad, the amount considered doubtful, and the amount in suit or judgment.

Thirteenth—The value of the real and personal property, held for the convenience of the branch specifying the amount of each.

Fourteenth—The amount of real estate taken in payment of debts due the branch.

Fifteenth—The amount of undivided profits of the branch.

Sixteenth—The total amount of the liabilities of the branch by the directors thereof, collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

Seventeenth—The total amount of liabilities of the branch of the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

Eighteenth—The total amount of liabilities of the branch of the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

Nineteenth—The total amount of liabilities of the branch of the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

Twentieth—The total amount of liabilities of the branch of the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

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Twenty-third—The total amount of liabilities of the branch of the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

Twenty-fourth—The total amount of liabilities of the branch of the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

of all liabilities on such bills of exchange in the amount of one-twentieth part of the amount of such notes.

No branch shall, at any time, pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of depositors, nor shall it in any mode put in circulation the notes of any bank or banking company which notes shall not at that time be receivable at par in payment of debts, by the branches so paying out or circulating such notes, nor shall it knowingly pay out or put in circulation any notes issued by any banker or banking company which, at the time of such paying out or putting in circulation is not redeeming its notes in gold and silver, nor any notes issued by any bank of this State.

All notes, bills, and other evidences of debt, excepting bills of exchange, discounted by any branch, shall be made by the terms thereof, or by special indorsement, payable solely to such branch, and no such evidence of debt shall be assignable except for collection, or for the following purposes:

First—To pay and redeem the circulating notes of such branch;

Second—To pay other liabilities of such branch; and after such liabilities shall have been discharged;

Third—To divide among the shareholders on their stock.

No branch, shall issue any certificate of deposit, or draft, bill of exchange, or other evidence of debt, payable in currency, or in anything less valuable than gold and silver coin, except for special deposits; nor shall any such branch keep any accounts in currency or in anything less valuable than gold and silver coin, except accounts of special deposits.

No branch, shall be permitted, in receiving payment at its banking house or other place than where the same was payable, of any note, bill, or other evidence of debt, due to such branch, and payable at a place other than its banking house, to receive in addition to the amount of such debt and the legal interest due thereon, any sum whatsoever as premium, exchange or damages: Provided, Nothing in this section contained shall prevent such branch from receiving any damages or interest on 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 held utterly null and void.

SEC. 42. All transfers of notes, bonds, bills of exchange, and other evidences of debt owing to any branch, or of deposits to its credit; all assignments of mortgages or other securities 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 stockholders or creditors; 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 held utterly null and void.

SEC. 43. If the directors of any branch shall knowingly violate or knowingly permit any of the officers, agents or servants of such branch to violate any of the provisions of this act, all the rights, privileges and franchises of such branch shall hereby be forfeited; such violation shall, however, be determined and adjudged by a court of competent jurisdiction, agreeable to the laws of this State and the practice of such court, before the corporation shall be declared dissolved; and in case 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 branch, its shareholders, or any other persons, body politic or corporate shall have sustained in consequence of such violation.

SEC. 44. Every president, director, cashier, teller, clerk or agent of any branch, who shall embezzle, abstract, or willfully misapply any of the moneys, funds or credits of such branch, or shall, without authority from the directors, issue or put in circulation any of the notes of such branch, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, sign any note, bond, draft, bill of exchange, mortgage, or other instrument of writing, or shall make any book, report or statement of the branch, with an intent in either case to injure or defraud such branch, or to injure or defraud any other person, body corporate or politic, or any individual person, or to deceive an officer or agent appointed to inspect the affairs of any branch, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be confined in the Penitentiary at hard labor, not less than one nor more than ten years.

SEC. 45. Stockholders in branches, shall each be individually and severally liable to the creditors of the branch of which they are stockholders, a sum equal in amount to the stock owned by each, and should any such branch become insolvent, and its assets be found insufficient to pay its debts and liabilities, its stockholders shall be compelled to pay such deficiency, in proportion to the amount of stock owned by each, and should the whole amount which stockholders are individually responsible, as provided in this section, be found in any case to be inadequate to the payment of all the residue of the debts of any branch after the application of its assets to the payment of such debts, then, the moneys due from stockholders on account of their individual liabilities as such, shall be distributed equally among all the creditors of such branch, in proportion to the amount due to each; the personal liability in this section provided for, is over and above the stock owned by stockholders, and any amount unpaid thereon.

SEC. 46. The general assembly may alter or repeal this act at pleasure, but no act altering or repealing this act, shall impose any injustice or wrong upon any branch of any bank.

SEC. 47. Every branch shall have power to make all necessary and proper laws for the management and control of its business, and to fix and regulate the rate of charges for making col-

lections, subject to be controlled therein by the Bank of Ohio.

SEC. 48. No branch shall issue any notes intended for circulation as money, except the notes furnished for that purpose by the Bank of Ohio, and all such notes shall be payable at the branch by which they are issued, in gold and silver coin, the lawful currency of the United States, or either, at the option of the branch, on demand; they shall be signed by the president or vice president of the proper branch, and countersigned by the cashier thereof, made payable to bearer, and shall be negotiable by delivery; all other evidence of debt, issued by any branch, shall be negotiable or transferred in the same manner as if issued by a natural person, and shall be binding on the branch, whether under seal or not, and all such evidence of debt, other than notes of circulation, shall be payable to the order of some person therein named.

SEC. 49. The branches shall continue to exist as long as necessary for the settlement of their affairs, notwithstanding the repeal of this act and no law shall ever be passed diverting or appropriating the assets of any such branch to any purpose other than to the payment of its debts and liabilities, and the distribution of the residue among its stockholders in proportion to the stock by them severally owned.

BANK COMMISSIONERS.

SEC. 50. To carry into effect the provisions of this act, Wm. W. Scarborough, of Cincinnati; Franklin T. Backus, of Cleveland; Hocking H. Hunter, of Lancaster; J. R. Finn, of Columbus; and Samuel Forrer, of Dayton, shall be and they are hereby appointed commissioners, and they, or a majority of them, after taking an oath duly, faithfully and impartially to perform the duties assigned them by this act, a certificate of which oath shall be filed and carefully preserved in the office of the secretary of state, shall constitute a board to be designated the board of bank commissioners; which board shall continue until the organization of the Bank of Ohio, as herein provided for, and thereafter, the duties which they are required to perform by this act, shall be performed by said board; and if any of said commissioners shall refuse to serve, shall die or resign, his place shall be filled by the governor.

SEC. 51. The board of bank commissioners shall examine the certificates of the formation of branches, transmitted to them as required by this act, and shall, by one of their own members or other special agent appointed by them for that purpose, who shall not be a stockholder in any of the branches formed under this act, immediately proceed to examine the condition of each of the branches which shall have transmitted to said board the required certificate; and it shall be the special duty of such agent to carefully count or otherwise ascertain the amount of money paid in on account of its capital stock to ascertain the name and place of residence of each of the directors of such branch, and whether their stockholders, directors and officers are men of responsibility and integrity, and entitled to the public confidence; and the amount of capital stock of which each is the bona fide owner, whether such branch has complied with all the requirements of this act necessary to entitle the branch to engage in the business of banking, and shall cause to be made and attested by the oath of a majority of the directors and by the cashier of such branch a statement of the material facts necessary to enable the board of bank commissioners to determine whether such branch is lawfully entitled to commence the business of banking under the provisions of this act, and such agent shall immediately report to the board of bank commissioners such statement and his proceedings in the premises.

SEC. 52. If upon a careful examination of the certificates of incorporation and the reports and statements of the special agents appointed to ascertain whether the branches so organized have complied with the provisions of this act, it shall appear that five or more such branches have been formed, and that their stockholders, directors and officers are men of responsibility and integrity, and entitled to public confidence, and that such branches are lawfully entitled to commence the business of banking, the commissioners shall certify the same to the Governor, and shall immediately notify each of said branches thereof, and within ten days after receiving such notice, each branch shall appoint, in such manner as the directors thereof shall prescribe, one person to be the director of the Bank of Ohio. But no person who is not a citizen of the United States, and a resident of this State, and who has not resided within this State at least one year next previous to his appointment, shall be such director.

SEC. 53. The governor, if he be satisfied that the law has in all respects been complied with, shall issue his proclamation, setting forth that such branches are authorized to commence and carry on banking, at the places severally designated in their certificates of incorporation; which proclamation shall be recorded in the office of the Governor, and a copy of said record certified under the great seal of the State of Ohio shall be prima facie evidence of the organization of said branch.

SEC. 54. The bank commissioners and all agents appointed by them, shall each be entitled to receive for their services under this act, five dollars per day for every day necessarily employed in the discharge of their duties, and their

reasonable expenses, to be paid by the Bank of Ohio.

SEC. 55. This act shall take effect and be in force from and after the second Tuesday of October next, if the same shall be approved by a majority of the electors voting on that day, and not otherwise.

N. H. VAN VORHIES,  
Speaker of the House of Representatives  
THOMAS H. FORD,  
President of the Senate.  
April 14, 1857.

[No. 129.] AN ACT  
Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, and to regulate Rail Road Companies.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the twelfth section of the act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, be amended so that it shall read as follows: SEC. 12. If it shall be necessary in the location of any part of any railroad, to occupy any road, street, alley or public way, or to lay down any track, or to erect any building, or to excavate any ditch, or to construct any bridge, or to erect any structure, or to do any other thing, which the same may be used or occupied, and which the same may be necessary in the judgment of the directors of such railroad company to do for the purposes of such road, in the same manner, and upon the same terms as are provided for in the charter of the company, the directors of such railroad company shall be responsible for injuries done to private property by such location, laying upon, or erecting any such building, or excavating any ditch, or erecting any structure, or doing any other thing, which the same may be used or occupied, and which the same may be necessary in the judgment of the directors of such railroad company to do for the purposes of such road, in the same manner, and upon the same terms as 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