The McArthur Democrat.

EQUAL AND EXACT JUSTICE TO ALL MEN, OF WHATEVER STATE OR PERSUASION, RELIGIOUS OR POLITICAL.—*Thos. Jefferson.*

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LAWS OF OHIO:

PUBLISHED BY AUTHORITY.

[No. 183.] AN ACT

To amend an act entitled an act to provide for the partition of real estate.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled an act to explain the act to provide for the partition of real estate, passed January 23, 1836, be so amended as to read as follows: Sec. 1. That it is hereby declared to be the meaning and intent of the act providing for the partition of real estate, passed February 17, 1831, that in all cases where a sale of lands or tenements may have been made by virtue of, and proceeding for, the partition of real estate under the present or any former laws on that subject, and a conveyance of the lands so sold or elected to be taken, shall not have been made by the officer making such sale, the court, before which such proceeding may have been had, may, on motion, order the sheriff of the county, or any officer who may be then executing the duties of sheriff, to execute and deliver to the purchaser, or any person or persons *electing* to take the same, a deed for the lands so sold or *elected* to be taken—the court being first satisfied that such sale or election was regularly made, and that the purchase money has been fully paid or secured.

Sec. 2. That section one of the act to which this is an amendment, be and the same is hereby repealed, this act to take effect and be in force from and after its passage; provided, that such repeal shall in no wise affect any rights or liabilities under such section so repealed.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 184.] AN ACT

To prevent the Recovery of damages on Protested Bills of Exchange, and to repeal section one of an act entitled "an act Ascertaining Damages on Protested Bills of Exchange," passed February 15, 1831.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That damages on protested bills of exchange, drawn by any person or body corporate within this state, shall not be recoverable on any contract entered into after the passage of this act.

Sec. 2. That nothing in the second section of the act aforesaid shall be so construed as to permit the recovery of damages on protested bills of exchange drawn within this state after the passage of this act.

Sec. 3. That the first section of the act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831, be and the same is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 185.] AN ACT

To provide for the payment of the expenses of re-appraising real estate for the year 1859.

Section 1 *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county in this state may, and they are hereby authorized, to assess a tax not exacting one-fifth of one mill on the dollar, of real and personal property, moneys and credits on duplicate of the county for the year 1859, the proceeds of which tax shall be applied to the payment of the expenses of the re-appraisal of the real estate of the county for the year aforesaid.

Sec. 2. This act shall take effect on its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 186.] AN ACT

To amend section one of an act passed March 31, 1859, supplementary to an act entitled "An act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark and Williams.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows: Sec. 1. That the provisions of an act entitled "An act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, be and the same are hereby extended to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Belmont, Stark, Ottawa and Williams.

Sec. 2. That said section one of the act passed as aforesaid, on the 31st day of March, 1859, be and the same is hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 187.] AN ACT

To provide for the sale or lease of estates tail in certain cases.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be competent for the courts of common pleas of this state, on application of the first donee in tail, or for life, to authorize the sale of entailed estates, and estates for life with remainder over to any other person or persons, when satisfied that the sale would be for the benefit of the applicant, and do no substantial injury to the heirs in tail, or others in succession, reversion, or remainder.

Sec. 2. The petition shall contain a description of the estate to be sold, a clear statement of the interest of the petitioner therein, and a copy of the will, deed or other instrument of writing by which the estate is created. All persons in being who may be interested in the estate, or who may by the terms of the will, deed or other instrument creating the entailment, thereafter become interested therein as heir, reversioner or otherwise, shall be made parties to the petition; and if the names of any persons who ought to be made parties are unknown to the petitioner, or if the residence of any such party is unknown to the petitioner, the fact shall be verified by the affidavit of the petitioner, and the sale may be ordered notwithstanding such names and residences may be unknown. The same notice shall be given to defendants, of the application for the sale, as now is or may hereafter be required in cases of petitions of administrators for authority to sell real estate for the payment of debts.

Sec. 3. If, upon the hearing of the petition, it shall be made to appear to the court by satisfactory proof, that a sale of the estate would be for the benefit of the first donee in tail, or for life, and do no substantial injury to the heirs in tail, or others in succession, reversion, or remainder, the court shall direct a sale of the estate to be made, and the manner thereof; and shall appoint some suitable person or persons to make the same; and such sale shall vest the estate sold in the purchaser, freed from the entailment or limitation over.

Sec. 4. All parties in interest may appear voluntarily and consent in writing to such sale, and testamentary guardians, and guardians appointed by the court of probate, may assent in the place of their wards to the sale.

Sec. 5. All such sales shall be reported to the court authorizing the same, and if, on examination thereof, it shall appear that such sale has been fairly conducted and made, and that the price obtained is the reasonable value of the estate sold, the court shall confirm the sale and authorize and direct a deed of conveyance of the premises sold, to be made to the purchaser or purchasers on payment of the purchase money, or on securing the payment thereof, in such manner as shall be approved by the court.

Sec. 6. All moneys arising from sales under this act shall, for purposes of descent, succession, reversion, or remainder, have the same character, and be governed by the same principles, as the estate sold, and shall pass, according to the terms of the deed, will or other instrument creating the estate.

Sec. 7. Moneys arising from such sales shall, under the direction and approval of the court, be invested in the certificates of the funded debt of this state, or of the United States, or in bonds secured by mortgage on unincumbered real estate, situated in the proper county, of double the value of the moneys secured thereby, exclusive of buildings and other improvements, and of timber, mines and minerals. The court shall appoint competent trustees to invest the moneys aforesaid and manage the same, who shall from time to time, report to the court their proceedings and the condition of the fund; and the court shall require of such trustees security for the faithful discharge of their duty; may from time to time, require additional security, and may remove such trustees for cause shown, or reasonable apprehension thereof; may accept the resignation of a trustee, and fill vacancies by new appointment.

Sec. 8. The net income accruing from sales authorized by this act, shall be paid to the person or persons who would be entitled to the use or income of the estate were the same unsold; and all taxes, and the expenses of the investment and management of the fund, shall be paid by the person or persons entitled to the income thereof.

Sec. 9. Upon like proceedings, as herein before authorized, the court may, in their discretion, authorize and direct that such estates be leased for a term of years, renewable or otherwise, as may appear most beneficial, and upon such terms as may appear just and equitable, the rents and profits to be paid to the person or persons who might otherwise be entitled to the use and occupancy of the estate, or the income thereof.

Sec. 10. The costs of the petition and sale, or lease, shall be paid by the person or persons entitled to the income aforesaid.

Sec. 11. This act shall take effect on its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 188.] AN ACT

To provide for the election of township assessors, and to prescribe their duties.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each township, town or ward, in this state forming an election district, there shall be elected, on the first Monday of April annually, by the qualified electors of such township, town or ward forming an election district, one assessor for such township, town or ward, or part of a township not included in any other election district.

Sec. 2. Each township assessor shall give bond and take the prescribed oath of office on or before the first Monday after his election, and the township clerk shall notify the county auditor thereof; and if the county auditor shall receive no notice of the qualification of the assessor, in any township, ward or city in his county, on or before the third Monday in April in each year, he shall consider such office vacant; or if there should be a failure to elect by the people, or shall be at any time or from any cause, a vacancy in the office of assessor, or if the assessor of any township or ward, having qualified, shall not have proceeded to the discharge of the duties of his office before the third Monday of April in each year, the county auditor shall forthwith appoint one or more suitable persons, residents of the county, to discharge the duties of assessor in such township or ward, who shall thereupon take the necessary oath of office, give the same bond, perform the same duties, be entitled to the same fees, and subject to the same liabilities as in case of assessors elected by the people.

Sec. 3. Every such assessor, previous to entering upon the duties of his office, shall give bond, with two or more freehold sureties, to the acceptance of the township trustees or proper authorities of any city or incorporated village, payable to the State of Ohio, and conditioned for the faithful and impartial discharge of the duties of his office according to law; and shall take and subscribe an oath of office, which shall be indorsed on such bond, and the bond so indorsed shall be deposited with the township treasurer, or town or city treasurer, as the case may be. In case of an appointment by the auditor, the bond may be approved by the auditor or the township trustees or authorities of any city, town or village.

Sec. 4. Each assessor as aforesaid shall, during such year as is now required by law, take an enumeration of all the white male inhabitants above the age of twenty-one years whose usual place of residence shall be in any family in his township, and who are residents of his township, town or ward, on the day preceding the second Monday of April, and shall make out a list of the names of said inhabitants, and return the same to the clerk of the court of common pleas on or before the third Monday of May of the year wherein such enumeration is taken.

Sec. 5. It shall be the duty of each township assessor, at the time of taking lists of property for taxation in each year, to require each person in their several townships to make a statement specifying the number of acres they may have had in wheat, rye, barley, corn, buckwheat, oats and meadow, and the quantity of each produced in each preceding year; and said assessors are hereby required to make a return of the aforesaid statement to the county auditor of their respective counties at the time of returning the lists of property for taxation.

Sec. 6. Each assessor as aforesaid shall make a list and valuation of all taxable property in his township, ward or district, now or hereafter taxable by any law of this State, and discharge all such other duties as shall from time to time be imposed upon him by law.

Sec. 7. Assessors in cities of the first class shall be paid out of the county treasury, two dollars and fifty cents per day, and all other assessors two dollars per day, for the time during which they shall be necessarily engaged in the performance of their duties; each assessor shall make out an account in detail, giving the date of each day in which he shall have been thus engaged, and shall verify the same by his oath, which the county auditor is hereby authorized to administer; and if the auditor shall be satisfied that such account is correct he shall draw his warrant on the county treasurer for the amount thereof; but in no case shall such order be drawn until the assessor shall have filed with the auditor his list of assessments, accurately made out, and added up the statements returned to him, and the books on which the original assessments were entered.

Sec. 8. The act entitled "an act to create the office of township assessor," passed March 29, 1841, and which took effect April 1st and August 1st, 1841, and section one of an act regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty-one years, passed January 10, 1827, be and the same is hereby repealed. Provided, that the repeal of the aforesaid acts, shall in no wise effect any liabilities or rights accruing under them.

Sec. 9. This act shall take effect from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 189.] AN ACT

Supplementary to an act providing for the Punishment of Crimes, passed March 7, 1835.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person over the age of eighteen years who, under promise of marriage, shall have illicit carnal intercourse with any female of good repute for chastity, under the age of eighteen years, shall be deemed guilty of seduction, and upon conviction, shall be imprisoned in the Penitentiary for not less than one, nor more than three years, or be imprisoned in the county jail not exceeding six months, but in such case the evidence of the female must be corroborated to the extent required, as to the principal witness in cases of perjury.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 190.] AN ACT

To amend section one of an act for the confinement of persons under the authority of United States in the jails of this State, passed December 20, 1806, and to repeal section two of said act.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of an act entitled "an act for the confinement of prisoners under the authority of the United States in the jails of this state," passed December 20, A. D. 1806, be and the same is hereby amended so as to read as follows: That the sheriff or the keeper of any jail in any county of this state shall be and he is hereby authorized and required to receive all prisoners committed to his custody by the authority of the United States, and to keep them safely until discharged by due course of the laws of the same; and if any sheriff or jailor shall neglect or refuse to perform the services and duties required of him by this act, or shall offend in the premises, he shall be liable to the like penalties, forfeitures and actions as if such prisoner or prisoners had been committed under the authority of this state; provided, that every prisoner who shall be committed for any offense by the authority of the United States, shall be supported at the expense of the same during his or her confinement in said jail, and no greater compensation shall be charged by any sheriff or keeper of any jail for the subsistence of said United States prisoner than is authorized by law to be charged for the subsistence of state prisoners; provided, also, that the commissioners of any county in which said prisoner may be confined, shall be entitled to receive from said United States the sum of fifty cents per month for the use of said jail for every person so committed.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 193.] AN ACT

Authorizing the examination of banking corporations in certain cases.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That any banking corporation in the State of Ohio, organized under the laws thereof, which shall have suspended payment upon its notes of circulation or other liabilities, or shall have made an assignment in trust of its effects, or any part thereof, for the purpose of preferring any of its creditors, whereby the provisions of the charter of any such corporation, or the law under which the same is organized, the Supreme Court of Ohio has power to appoint a master commissioner, examiner or other person for the purpose of investigating the condition and management of said corporation. The master commissioner, examiner, or other person who may be appointed by the Supreme Court of Ohio to make such examinations shall examine fully in regard to all such matters touching the condition and management of such corporation as may be directed by the court, and for that purpose power is given him to issue process for the attendance of witnesses, the production of papers, books, and accounts necessary for such examination, also to summon the officers, agents, assignees, or employees of said corporation, or other persons, to appear before him and testify in relation to the condition and management of said corporation, and also to take all necessary testimony to show the condition and management of the affairs of said corporation.

Sec. 2. That said master commissioner, examiner, or other person who may be appointed by said court shall have power to compel the service of his process, the attendance of witnesses and other persons, the production of books, papers, and accounts, to compel answers to questions which may be propounded to all persons by him sworn, and to enforce all orders by him made touching such examination, by proceeding for contempt, as fully, and to the same extent, as any court of the State of Ohio can.

Sec. 3. The master commissioner, examiner or other person, before entering upon the duties of such appointment, shall take an oath that he will faithfully, honestly, and impartially discharge the same, and shall report his proceedings to the Supreme Court as it may require.

Sec. 4. That if, upon the examination of the officers, agents, employees, or assignees of said corporation, or from the evidence of other witnesses sworn, it shall appear that there are books, papers, or accounts material and necessary to the examination provided for in this act in the possession or under the control of, or within the knowledge of, such officers, agents, employees, assignees, within the State of Ohio, or elsewhere, which now belong to, or once did belong to, said corporation, the originals of which cannot be produced at such examination, such master commissioner, examiner, or other person shall have power to the same extent, and in the same manner, as is prescribed by section two of this act, to compel the officers, agents, employees, or assignees of said corporation to produce upon such examination attested copies of said books, papers, or accounts.

Sec. 5. This act shall take effect upon its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

[No. 191.] AN ACT

Providing for the Relief of the surviving Lessees of the National Road, and for future management of said Road.

Whereas, Samuel Doyle and Samuel Foster, who are now solely interested as lessees of the national Road, under the lease thereof made by the board of public works, on the 29th day of May, 1854, for the period of ten years from and after the first day of June, 1854, to the said Doyle and Foster and Joseph Cooper, having by their memorial petitioned to be discharged from their covenants in said lease contained, and to be allowed to surrender said road to the state on equitable terms; or that the general assembly shall by enactment carry out the modification of said lease as made by the board of public works on the 15th day of February, A. D. 1856, and protect the interests of the lessees in the collection of tolls; And, Whereas, the relief asked for by said Doyle and Foster having been petitioned for by numerous citizens of the state, living near and interested in said road, it appears to the general assembly just and proper that some relief should be granted to said lessees; therefore.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That on and after the first day of June, 1859, the board of public works shall take charge of, control and keep in repair the national road, passing through the state of Ohio, and the lessees of said road are hereby released from all obligation in that behalf from and after the said 1st day of June, 1859; Provided, that the care and control of the said road, as above directed, shall be taken by the board of public works only upon condition that the said road be in like good condition as when received by the said lessees, and on taking the care and control of said road as aforesaid, said board of public works shall forthwith select one person, the said lessees one, and they two a third, who shall proceed at once to examine, appraise, and report upon oath to the board of public works, the value of the metals provided by said lessees for repairs thereon said road in excess of the metal received by the said lessees when they took charge of the road under their lease, and in the settlement of the account between said lessees and the State, the board of public works shall allow to lessees the appraised value of said excess of metal, and shall further allow to them an amount equal to the tolls which they would have been entitled to receive on coaches and other vehicles carrying the mail on said road, but for the exemption of such coaches and vehicles from the payment of tolls under the compact between the state of Ohio and the United States, said amount to be ascertained by the board of public works, and for any balance which shall be found due to said lessees, after deducting the amount due from them to the state under said contract or lease, the said board of public works shall draw their draft upon the Auditor of State in favor of said lessees, and the same shall be paid on the warrant of said Auditor, out of any money in the treasury for general revenue purposes, not otherwise appropriated.

Sec. 2. That on such settlement being made and the balance if any, due the State from said lessees being paid, it shall be the duty of said Board of Public Works, to release the said lessees and their securities from all further obligation upon said lease, and upon the bond or bonds given by them to secure the performance of the same, and said lease and bond or bonds shall be cancelled, and said Board of Public Works are hereby further authorized and required thereupon to release all mortgages given by said lessees and their securities, to secure the performance of said contract.

Sec. 3. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 193.] AN ACT

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the municipal authorities of all incorporated villages and cities of the second class, shall have power to require each able-bodied male person between the ages of twenty-one years and fifty-five years, resident within such village or city, and within any contiguous territory that shall be attached thereto for the purposes of this act as hereinafter provided, to perform, in each and every year, two days' labor upon the streets and alleys of such corporation, and upon the public roads or highways or parts thereof that lie within the contiguous territory so to be attached as aforesaid, and which shall be in lieu of the two days' labor required under the present laws regulating roads and highways; and upon refusal to perform such work, under proper supervisor, the delinquent shall be liable to the same penalties as are provided by law against persons refusing to perform the two days' labor required in said law, and the same shall be recovered in the name of the proper supervisor, before the mayor of such village or city. The said municipal authorities shall also have the exclusive right to form road districts within the corporate limits of such cities and villages, and contiguous territory so to be attached thereto as aforesaid, and to appoint suitable supervisors for the term of one year for such districts, who shall be governed in the performance of their duties by the by-laws and ordinances of said corporation, and all road tax charged on the county duplicate on property within the limits of such corporation or territory so to be attached thereto as aforesaid, may be worked out at such rate per day as shall be authorized by law for working other road tax, under the direction of the proper supervisor, within the district where the same is assessed, or applied to such other district or public improvement as the municipal authorities may direct: Provided that no tax assessed upon property within the territory to be attached to any such corporation as aforesaid, shall be applied otherwise than within the territory in which the same is assessed, should any extra labor be performed in any one year, under the direction of such supervisor, he shall give his certificate of the amount to the person performing the same, which certificate shall be transferable, and received in discharge of road tax in any succeeding year, to the extent of the amount of such certificate, and all taxes charged for road purposes, as aforesaid, on the property within the limits of such corporation or the territory, so to be attached thereto as aforesaid, and collected by the county treasurer, shall be paid over to the corporation treasurer, to be specially appropriated by the municipal authorities to street and road purposes, or other public improvements, within the corporate limits thereof.

Sec. 2. It shall be the duty of municipal authorities of said corporations, and the trustees of townships, respectively in which any such corporation shall be situated, as soon after the passage of this act as practicable, and when from the sparseness of population, the public interest shall require it, to attach any territory lying contiguous to such corporations thereto, for the purposes of this act.

Sec. 3. This act to be in force and take effect from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 5, 1859.

[No. 194.] AN ACT

To provide more effectually for the Safe Keeping of the Securities deposited by Banks, and for the Redemption of their notes.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the certificates of the funded debt of this state and of the United States, required to be deposited with and transferred to the treasurer of state as security for the redemption of the circulating notes of independent banking companies, agreeably to the provisions of the act to incorporate the state bank of Ohio and other banking companies, passed February 24, 1845, and the certificates of the funded debt of this state, of the United States, and of other states, required to be transferred to the auditor of state as security for the redemption of the circulating notes of banking companies, agreeably to the provisions of the act to authorize free banking, passed March 21, 1851, and of the act supplementary to the last mentioned act, passed April 11, 1856, shall hereafter be deposited with the treasurer of state, and be carefully preserved by him in the state treasury; and all of such certificates as shall have heretofore been transferred to the auditor of state shall be by him deposited with the treasurer of state, and be carefully preserved by him in the state treasury. All such certificates, so deposited, as shall be transferrable at any agency or office of this state, of the United States, or of any other State, shall be transferred and made payable to "the treasurer of the State of Ohio, and the comptroller of the treasury of the state of Ohio for the use of" (naming the particular banking company owning or depositing the same) and such certificates so deposited, and that have heretofore been deposited, shall be subject to sale and transfer upon the written authority of the treasurer of state, the comptroller of the treasury, and of the president or cashier of the particular banking company owning or depositing the same, and not otherwise, except as hereinafter provided; and all of such certificates so deposited, as shall be payable to any person or persons, corporation or banking company or order, or assigns, or bearer, or as shall be transferable by delivery, shall, by special indorsement thereon, be assigned to the treasurer and comptroller, for the use of the banking company owning or depositing the same, in manner aforesaid; and such certificates as shall be so assigned and deposited, and such as have heretofore been deposited, shall be transferable by indorsement of the treasurer and comptroller, by special indorsement, to the banking company owning or depositing the same, or to such person or persons, company or corporation, as the president or cashier of the proper banking company shall authorize in writing, and not otherwise, except as hereinafter provided; but no such transfer or assignment shall be made unless the banking company owning or depositing such certificates, shall be entitled thereto, agreeably to the provisions of the act under which the banking company shall have been organized.

Sec. 2. It shall be the duty of the treasurer of state, and of the comptroller of the treasury, forthwith to make, and thereafter to keep in their respective departments, accurate accounts of all certificates of debt so deposited as aforesaid, and of all certificates hereafter deposited as security for the redemption of circulating notes of banking companies; and the treasurer shall forthwith inform the register of the bank department of the certificates that have heretofore been, and that may hereafter be deposited; and it shall be the duty of the register to keep accurate accounts thereof; and such accounts, as also all other accounts pertaining to banking companies, shall, at all reasonable times, be open to the inspection and examination of any officer or agent of any of said banking companies; of the governor, auditor of state, treasurer, comptroller, and attorney general, or either of them, or any commissioner appointed by the governor for that purpose, and of any committee of the general assembly, or either branch thereof, thereunto authorized by resolution.

Sec. 3. Whenever any banking company shall desire to have any plate or plates for circulating notes engraved, or any blank circulating notes printed, and shall notify the comptroller thereof in writing, the comptroller shall issue an order to the treasurer of state to cause the same to be engraved or printed, specifying particularly in the order the denomination or denominations of the plate or plates to be engraved; or the several denominations of the blank notes to be printed, with the amount of each denomination; and the treasurer of state shall strictly observe such order in causing such engraving and printing to be done; and upon the delivery to the treasurer of any blank printed circulating notes, the treasurer shall notify the comptroller and register thereof, and they in the presence of the treasurer, shall carefully examine the same, and make an account thereof in their respective departments.

Sec. 4. When a banking company shall be entitled to receive any registered notes, the comptroller of the treasury shall, on the written application of the proper officers of the bank, issue an order on the treasurer of state therefor, and deliver the same to the register, specifying in such order the amount of each denomination of unregistered notes, to be delivered to the register; and on the presentation of such order, and ascertaining from the accounts in his office that the banking company is entitled to the same, the treasurer of state shall deliver the notes specified in such order to the register, who shall forthwith register and deliver the same to the agent of the banking company, and make an account thereof; but such notes shall not be registered or delivered unless it shall appear from the accounts in the register's office that the bank is entitled thereto.

Sec. 5. Whenever a banking company shall return any of its circulating notes to be burnt, the same shall be burned to ashes by the treasurer of state, in the presence of the comptroller of the treasury and the agent of the bank, and four certificates thereof be made and signed by the treasurer, comptroller and agent of the bank, specifying the amount of each denomination of notes so burned to ashes; one copy of which certificate shall be delivered to the agent of the bank, and one each to the treasurer, comptroller and register.

Sec. 6. The auditor of State shall appoint some suitable person as a clerk in his office, who shall be styled the register, and be under the supervision and control of the auditor. The register shall, without delay, make and keep in his office accurate accounts of all certificates of debt now deposited, and that may hereafter be deposited with the treasury as security for the redemption of circulating notes of banking companies; he shall also make and keep an account of the amount of each denomination of the notes of each banking company, delivered to such bank, and of the amount returned and burned, so as to show the balance of notes chargeable to such bank; and he shall also keep accurate accounts of all notes hereafter registered and delivered to each bank, and notes returned to be burnt, so as at all times to exhibit the true amount of each denomination of registered notes delivered to each banking company, and the amount thereof returned.

Sec. 7. Whenever it shall be necessary to sell any of the certificates of funded debt so deposited as aforesaid, for the redemption of the notes of a failing bank, the auditor, treasurer and comptroller shall make an order on the treasurer to sell such certificate and certificates and at such time and times, place and places, as may be necessary to redeem the outstanding circulating notes of such bank, as the same may be presented for redemption, and produce the largest sum that may be obtained for such certificates; and when it shall have been determined to make such sale, the comptroller shall issue an order to the treasurer specifying what certificates shall be sold, and the time and times, place and places of selling the same; and in making such sale the treasurer shall be governed by the provisions of the act under which such bank shall have been organized, except as provided by this act. When any such sale shall be made, the treasurer shall forthwith report the same and the amount of money thence arising, to the comptroller and the auditor, who shall cause an account thereof to be made in their respective departments, and the treasurer shall be charged with the money as a redemption fund, and all payments made by the treasurer for the redemption of the notes of a bank, shall be upon the warrant of the auditor, as in other cases; all notes, presented for redemption at the treas-