

No. 213, A.]

[Published April 24, 1895.]

## CHAPTER 291.

AN ACT providing for the better supervision of banks and banking, for the appointment of a bank examiner, for the equipment and maintenance of his office and defining the duties thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

State treasurer authorized to appoint a bank examiner, qualifications required.

SECTION 1. The state treasurer is directed and authorized to appoint, by and with the approval of the governor, a suitable person to examine and supervise the banking institutions of this state as hereinafter prescribed, who shall be officially designated as "bank examiner." Such officer shall be a skillful bank accountant, thoroughly conversant with the business of banking, and shall hold said office for the term of five years, and until his successor shall be appointed and qualified; and vacancies occurring in said office shall be filled by appointment for the balance of the unexpired term. Before entering upon the discharge of his official duties, such bank examiner shall take and subscribe the usual constitutional oath of office and file the same in the office of the secretary of state, and shall execute to the state a bond in the penal sum of twenty-five thousand dollars with two or more sureties to be approved by the governor, conditioned upon the faithful discharge by him of the duties of his said office. Said bank examiner shall appoint a deputy bank examiner, and may at any time revoke such appointment. Such deputy shall take, subscribe and file the same oath, file a like bond, and perform the same duties and exercise the same powers and authority in the discharge thereof as such examiner.

Bond required.

Shall appoint a deputy.

Definition of the word "bank."

SECTION 2. The word "bank" whenever used in this act shall include every banking, savings

or trust institution, concern and place of business in this state receiving money on deposit, except national banks and concerns engaged in other lines of business receiving on deposit or in trust the money of their employes only.

SECTION 3. The bank examiner shall have a seal for his office, a description of which, with an impression thereof and a certificate of its approval by the governor, shall be filed in the office of the secretary of state.

Shall use a seal.

SECTION 4. The examiner shall occupy a room or rooms in the capitol where he shall file and keep all papers, reports and public documents officially received by him, and which shall be supplied by the state with suitable furniture, stationery, and other office conveniences.

Shall occupy room in the capitol.

SECTION 5. The examiner may, with the consent of the state treasurer and approval of the governor, appoint one or more clerks to assist in the discharge of the duties of said office. The secretary of state shall audit, and the state treasurer shall pay all necessary charges for clerk hire, traveling or other necessary expenses of said office; provided, that before the secretary of state shall audit any account for clerk hire or such expense, the examiner shall file with such secretary a certificate setting forth the particular service rendered by such clerk or clerks, and the items of such expense, and the necessity for the same.

May appoint one or more clerks.

SECTION 6. It shall be the duty of the examiner to visit, without any previous notice, once in each year and at such other times as he shall deem necessary, every bank in this state, and examine its resources and liabilities of every nature, and ascertain fully its financial condition. He shall specially determine the accuracy of the last official report or statement made by any bank in pursuance of law, and shall also examine particularly into any transaction he may deem foreign to a legitimate banking business or a violation of the laws governing such bank; provided, that if said bank examiner shall be a stockholder, officer, trustee, assignee or employe of any bank, the state treas-

Duties of the examiner to visit banks, etc

urer, his assistant, or some competent person specially designated for such purpose by said treasurer, shall act as examiner of such bank. He shall at all times have free access to all records, books, securities and papers showing the resources and liabilities of any bank, or concerning its business; and is hereby authorized to examine on oath or affirmation any of the stockholders, officers, agents or employes of any bank, or any person doing business therewith, relative to the affairs and business thereof, and the substance of such examination shall be reduced to a written statement and subscribed by the person or persons examined, and such statement shall be filed in the office of such examiner. Such examiner may also when he deems proper, inform the directors of such bank of any fact or matter relating thereto disclosed to him in his examinations thereof. Any person who shall wilfully and corruptly swear, affirm, or declare falsely to any material matter or thing in any such examination shall be deemed guilty of the crime of perjury and shall be punished as provided in section 4471, of the revised statutes.

Fees to be paid  
by the banks  
for examina-  
tion.

SECTION 7. Each bank examined shall be required to pay to said examiner at the making of the first such examination after the first Monday in July in each year, a fee which shall be for any bank having a combined capital and surplus of less than twenty-five thousand dollars, fifteen dollars; for any bank having a combined capital and surplus of twenty-five thousand dollars and less than fifty thousand dollars, twenty-five dollars; for any bank having a combined capital and surplus of fifty thousand dollars and less than one hundred thousand dollars, thirty-five dollars; for any bank having a combined capital and surplus of one hundred thousand dollars and less than two hundred thousand dollars, forty dollars; for any bank having a combined capital and surplus of two hundred thousand dollars and less than three hundred thousand dollars, forty-five dollars; and for any bank having a combined capital and surplus of three hundred thousand dollars or more, fifty

dollars. If such fee be not paid upon demand therefor when due the examiner shall institute an action in the name of the state against such delinquent bank for the recovery of the amount thereof. All such fees shall be paid into the state treasury to the credit of the general fund.

SECTION 8. Such bank examiner is hereby empowered in the performance of his official duties to issue subpoenas and administer oaths in the same manner as court commissioners of the circuit courts of this state; provided, that in case of any refusal to obey a subpoena issued by the bank examiner, or his deputy, such refusal shall be at once reported to the circuit court and said court shall enforce obedience to such subpoena in the manner now provided by law for enforcing obedience to the subpoenas of said court.

May issue subpoenas and administer oaths.

SECTION 9. Every such bank shall make to the examiner whenever requested by him, and not fewer than three times in each year, a report in the form which said examiner shall prescribe and furnish, and which shall conform as nearly as the examiner deems practicable to the form prescribed and furnished by the comptroller of the currency of the United States for reports of national banks. Such required reports shall be verified by the oath of the president, vice-president, cashier, treasurer, or other chief financial officer of such bank, and if such report be of an incorporated bank, it shall also be attested by the signatures of at least three of the directors thereof; providing, that if by reason of absence or other inability it shall be impracticable to obtain the signature of three directors, such report shall under oath specify such reason, and the attestation thereof by a director so absent or under disability shall thereupon be dispensed with. Such report shall exhibit in detail and under appropriate heads the resources and liabilities of the bank at the close of business of any past day by such examiner specified, and shall be transmitted to said examiner within five days after the receipt of the request therefor from him, and shall be

Banks to make reports and what they shall contain.

published in a newspaper in the city, village or town in which such bank is located; and due proof of such publication shall thereupon be transmitted to said examiner and filed in his office accompanied by such schedules and additional items as the examiner may require. In case there is no newspaper published in the city, village or town in which such bank is located, said report shall be published in a newspaper of general circulation within the county.

Penalty for failure to make reports.

SECTION 10. Every bank failing to make and transmit to the examiner any of the reports required by this act shall be subject to a penalty of one hundred dollars for each day of delay after the expiration of the time for making such reports as limited in the last preceding section, and whenever any bank upon demand therefor refuses or neglects to pay the penalty herein imposed for a failure to make and transmit such report, the examiner shall institute an action in the name of the state against such delinquent bank for the recovery of such penalty; and all moneys collected by such actions shall be paid into the common school fund of the state.

Procedure in case capital of a bank is impaired.

SECTION 11. Whenever the said examiner shall have reason to believe that the capital of any bank is impaired or reduced so as to endanger the interests of the depositors therein, it shall be his duty, and he shall have power at any time to examine said bank and ascertain its condition, and in case he deems it proper so to do, shall, by notice in writing, require such bank to make good any deficiency so appearing. If any bank shall refuse or neglect for thirty days after receipt of such notice, to make good such deficiency, the examiner shall cause to be published in a newspaper of general circulation in the county in which such bank is situated, a notice of such refusal or neglect, together with a statement of the condition of said bank.

Examiner to make report to the governor.

SECTION 12. On the second Monday in December, 1895, and semi-annually on the second Monday in June, and on the second Monday in December in each year thereafter, the examiner shall make a report to the governor of the state,

which report shall be published, and shall exhibit, as shown by the last reports made to said examiner: First, a tabulated summary of the condition of every bank from which a report has been received during the preceding six months, showing the amount and character of its resources and liabilities, and such other facts as in his judgment may be required; second, a statement of the banks whose business has been closed during the year, the amount of their resources and liabilities, and the amount paid the creditors thereof; third, the names of all stockholders or partners in each of said banks and the amount of the capital owned therein by each of such stockholders or partners. On the first day of January in each year the said examiner shall make to the state treasurer a statement of the expenses of his office, and the amount of fees received and fines collected during the preceding year.

SECTION 13. The salary of the examiner shall be three thousand dollars per annum, and the salary of the deputy examiner two thousand dollars per annum; and the necessary amount to pay such salaries and all other expenditures required by this act is hereby annually appropriated.

Salary of  
examiner  
\$3,000; deputy  
\$2,000.

SECTION 14. The said examiner, deputy examiner and every clerk and employe of the examiner's office shall be sworn to keep secret all facts disclosed, and information obtained in any examination made under the provisions of this act except so far as otherwise officially required. Neither the examiner nor any person connected with his office, shall disclose the names of any debtor of any bank, nor anything relative to any private accounts or transactions therewith, except in case of proceedings in court for the liquidation of such institution. Violation of this section by any person connected with the office of bank examiner, shall subject the person or persons so offending, when convicted, to forfeiture of office, and to the payment of a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the state

Secrecy  
required by all  
officials.

prison not less than six months nor more than five years, or to both such fine and imprisonment.

SECTION 15. This act shall not be construed to amend section 2024, of the revised statutes of Wisconsin.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1895.

No. 261, S.]

[Published April 23, 1895.

## CHAPTER 292.

AN ACT to exempt from taxation for a term of years real estate owned by the Milwaukee Medical College.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Real estate of Milwaukee Medical College exempted for 6 years.

SECTION 1. The real estate owned by the Milwaukee Medical College, described as follows, to-wit: The north ninety-three and one-half feet of lots number four, five and six, in block number one hundred and seventy-four in the fourth ward in the city of Milwaukee, county of Milwaukee and state of Wisconsin, being ninety-three and one-half feet in front on Ninth street by one hundred and fifty feet in front on Wells street, and the buildings and appurtenances thereon situated, or hereafter erected or constructed thereon during the time hereinafter mentioned, is hereby exempted from general taxation for and during the term of six years from and after the passage and publication of this act; provided, however, that the said premises be used for hospital purposes, and at least one-fourth of the patients shall be treated without charge during said time; and whenever said