

Strike out "first day of December" and insert "first Monday in January."

SEC. 22. That section one hundred and five (105) of said chapter eleven (11) be and the same is hereby amended by striking out the words "first day of December," when they occur in said section, and inserting the words "first Monday in January" in lieu thereof.

In case of erroneous proceedings how tax collected.

SEC. 23. That section one hundred and thirteen (113) of said chapter eleven (11), as amended by chapter five (5) of the general laws of one thousand eight hundred and eighty-one (1881), be and the same is hereby amended by adding the following: "If any tax on any property liable to taxation is prevented from being collected for any year or years by reason of any erroneous proceedings or other cause, the amount of such tax which such property should have paid shall be added to the tax on such property for the current year."

Section repealed.

SEC. 24. That section one hundred and twenty-seven (127) of said chapter eleven (11) be and the same is hereby repealed.

When taxes to become delinquent.

SEC. 25. The taxes extended on the tax lists December first (1st), one thousand eight hundred and eighty-four (1884), shall become delinquent, and penalties shall accrue and sales take place in the manner and form as provided by said chapter eleven (11) as amended by this act.

Strike out and insert.

SEC. 26. That section seventy-five of said chapter eleven be and the same is hereby amended by striking out the words "within twenty days" where they occur in the third line of said section, and inserting the words "on or before the twentieth day of March next" in lieu thereof.

Repeal of inconsistent acts.

SEC. 27. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

CHAPTER 3.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AUTHORIZE THE ORGANIZATION AND INCORPORATION OF ANNUITY, SAFE DEPOSIT AND TRUST COMPANIES, APPROVED MARCH FIFTH (5TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883).

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of an act to authorize the organization and incorporation of annuity, safe deposit and

trust companies, approved March fifth (5th), one thousand eight hundred and eighty-three (1883), be and the same is hereby amended, by adding to said section two (2) thereof, the following words: And except that no corporation heretofore organized or hereafter to organize under this act, shall be required to state in its articles of association, the amount of indebtedness or liability to which such corporation shall at any time be subject. It shall not be lawful for any corporation hereafter organized, or for any association, partnership, or individual except corporations authorized under this act, to advertise or put forth any sign as either a trust, annuity, guaranty or safe deposit company, or in any way to solicit, receive or do business as either a trust, annuity, guaranty or safe deposit company, and any such corporation, association, partnership, or individual, who shall offend these provisions, shall forfeit and pay for any such offense the sum of one hundred (100) dollars for every day such offense shall be continued, to be sued for and recovered in the name of the people of this state, by the district attorneys of the several counties, in any court having cognizance thereof, for the use of the poor chargeable to said county in which such offense shall be committed. It shall be the duty of the secretary of state, and of the register of deeds of the several counties to refuse to receive or file in their respective offices, any article of association for incorporation under any general law of this state (except under this act), which conflicts with the foregoing provision.

Not required to state the amount of indebtedness.

Not authorized to do business as a trust, etc., company.

Penalty for non-compliance.

Duty of secretary of state.

SEC. 2. That section three (3) of said act be, and the same is hereby amended so as to read:

Sec. 3. The amount of the capital stock of any such corporation hereafter organized, shall not be less than five hundred thousand (500,000) dollars, but the same may be increased at any time by a resolution of two-thirds ($\frac{2}{3}$) of the directors, to any amount not exceeding two million (2,000,000) dollars; and the same shall be divided into shares of one hundred (100) dollars each.

Capital stock authorized.

SEC. 3. That section four (4) of said act be and the same is hereby amended so as to read:

Sec. 4. No such corporation hereafter organized, shall be authorized to transact any business or exercise any powers as such, until five hundred thousand (500,000) dollars of its capital stock shall have been subscribed for, and two hundred thousand (200,000) dollars on account of said stock shall have been actually paid in, invested and deposited as hereinafter provided. Said two hundred thousand (200,000) dollars shall be invested in bonds of the United States or of the state of Minnesota, or in the bonds of other states which shall have the approval of the state auditor or public examiner; or in the bonds or obligations of the city of St. Paul or Minneapolis, or in the bonds or obligations of any incorporated city of the state containing a population

When authorized to transact business.

of not less than five thousand (5,000) souls, which bonds have not been issued as a bonus for, or purchase of, or subscription to, any railroad or other private enterprise, and whose total bonded indebtedness does not exceed five (5) per centum of the then assessed valuation of the real and personal property of such city; or in the bonds of any organized county in this state, containing a population of not less than ten thousand (10,000) souls, which bonds have not been issued for any of the purposes aforesaid, and whose total bonded indebtedness does not exceed five (5) per centum of the then assessed valuation of the real and personal property of such county; or in bonds or promissory notes, secured by first (1st) mortgages or deeds of trust, upon unincumbered real estate situated within this state, worth double the amount of the obligation so secured. And any corporation which has been heretofore organized and qualified to do business under this act, shall be allowed at any time hereafter to increase its deposits of such securities with the state auditor, so that the whole deposit of such corporation shall amount to two hundred thousand (200,000) dollars, and not less than one-fourth (¼) of its capital stock.

Existing corporations authorized to increase their securities.

SEC. 4. That section five (5) of said act be and the same is hereby amended so as to read as follows:

When state auditor to issue certificates of deposit.

Sec. 5. Whenever any such corporation hereafter organized, shall have so invested two hundred thousand (200,000) dollars of its paid in capital, and shall assign, transfer and deliver to the state auditor the said securities, and all evidence of such investments so made, he shall execute and deliver a certificate of such deposit; and thereupon the said corporation may commence and carry on business under the provisions of this act. Whenever the capital stock of such corporation exceeds eight hundred thousand (800,000) dollars, the amount of such deposit with the state auditor, shall, at all times, be equal to one fourth (¼) of said capital stock. The state auditor and his successors shall hold the said securities as collateral security for the depositors and creditors of said corporation; and for the faithful execution of any trusts which may lawfully be imposed upon and accepted by such corporation, such corporation may, from time to time, withdraw the said securities from said state auditor or any part thereof, upon their depositing with him other securities of equal amount and value, and of the kinds specified in section four (4), so that an equal amount and value of such securities shall at all times during the existence of such corporation, remain in the possession of the state auditor for the purposes aforesaid and until otherwise ordered by a court of competent jurisdiction, the said state auditor shall pay over to such corporation the interest, dividends, or other income which he shall collect upon such securities; or he may authorize the said company to collect the same for its own benefit.

Certificates to be held as collateral security—by whom.

Income to be paid to such corporation.

SEC. 5. That subdivision first of section nine (9) of said act be and the same is hereby amended so as to read:

First—To acquire, lease, purchase, own, hold, use and improve, and for that purpose mortgage, lease, sell and convey, such real estate and personal property as may be necessary for the convenient transaction of its business, and for the use and occupation of its officers, agents, employes, and the safe keeping of its assets, deposits and property held in trust. Any estate or interest in real estate, which such corporation shall acquire under or by virtue of the foreclosure of any deed of trust, mortgage or other security, or by the compromise, compounding, or settlement of any obligation or security or otherwise, in the course of its legitimate business, whether as owner or trustee, it may continue to own, hold, use, occupy, lease, bargain, sell and convey the same, as the directors may deem best for the interests of such company or of the particular estate or trust to which the same belongs. And to that end it may become a purchaser at any foreclosure sale, or sale under decree or judgment to which it is a party as trustee or otherwise. But no part of its capital, accumulations, deposits, trust funds, property or securities owned or held by such company in trust or otherwise, shall be invested in real estate, except as herein authorized, unless the same is done under and by virtue of a particular contract, agreement or other instrument, which shall confer a special power and authority so to do, and then only with and to the extent of the moneys or funds thereby provided and belonging to such particular trust; and for the general transaction of its business to make and deliver, and in like manner to accept and receive all necessary and proper deeds, conveyances, mortgages, leases and other contracts and writings obligatory and to have exercise all necessary rights, franchises, muniments, estate, powers and privileges necessary to that end, and such corporation is authorized to loan money and funds, and secure such loans by mortgage; and shall have power to purchase notes, bonds, mortgages and other evidences of indebtedness, and to sell and assign such notes, bonds, mortgages and other evidences of indebtedness and other securities and to convert them into cash or other securities, and to insure owners of real estate mortgages and others interested in real estate from loss by reason of defective titles, liens and incumbrances.

To lease, purchase or hold real estate in the necessary transaction of business.

May become purchaser at any foreclosure sale.

Empowered to purchase notes, etc., and other evidences of indebtedness, and to sell and assign the same.

SEC. 6. That the third (3d) sub-division of section nine (9) of said act be and the same is hereby amended so as to read:

Third—To take, accept, and hold on deposit, or for safe keeping, any and all moneys, bonds, stocks, and other securities, or personal property, whatsoever, which any state, county, city or town officer, or any railroad or other corporation, public or private, or private person, shall be authorized or required, by law or otherwise, to deposit in a bank or other safe deposit, or to pay into or deposit in any

Authorized to receive on deposit from state, county, city or town officers, etc.

court of record of this state. And whenever any state, county, city or town officer, or any railroad or other corporation, public or private, or any executor, administrator or guardian, assignee, receiver, trustee or person acting in a trust capacity of whatsoever nature, or any individual, shall be authorized or required, by law or otherwise, to pay into or deposit in any court of record of this state any moneys, bonds, instruments in writing, stock or other securities, or personal property whatsoever, the same may instead thereof be paid into or deposited with any corporation, organized and acting under this act, which shall be designated for that purpose by the court into which said moneys, bonds, instruments in writing, stocks or other securities and personal property would otherwise be authorized or required to be paid or deposited. Whenever any executor, administrator, guardian, assignee, receiver, trustee or any person acting in any trust capacity whatsoever, shall deposit any moneys, bonds, instruments in writing, stocks or other securities, or any personal property whatsoever belonging to his trust, with any corporation organized and acting under this act, and shall take the receipt of such corporation therefor, he and his sureties shall thereafter be relieved and discharged from all liability therefor until the same shall again be delivered by said corporation to him or to his successors.

When executors, administrators, etc., may be relieved from all liability.

May become assigned for the benefit of creditors.

SEC. 7. That the eighth subdivision of section nine (9) of said act be and the same is hereby amended by adding to said eighth subdivision, at the end thereof, the following words:

Ninth (9) — It shall be lawful for any such corporation which has made the deposit and received the certificate of the state auditor, as provided in section (5) of said act, to become the assignee under any assignment for the benefit of creditors, or to act as receiver, or to accept any other trust which it is authorized to accept under said act, whether conferred by any person, corporation or court, without giving any bond or other security, which would be otherwise necessary under the laws of this state, to enable a natural person to execute any such trust. It shall also be lawful for any such trust company to become the sole surety upon any bond or undertaking, for or on behalf of any person or persons, or corporation, in any suit, action, or special proceeding, in any court in this state where a bond or undertaking shall be necessary, under the laws of this state or in any other matter, municipal or otherwise, where a bond or undertaking shall be required, without any other bondsman or surety, and without justification or qualification. In a case where a bond, or new sureties to a bond, may be required by a judge of any probate court of this state, from an executor, administrator, guardian or other trustee, or by the judge of any other court of record, or by the provisions of any statutes of this state, from any per-

May become sole surety upon any bond for or on behalf of any person in any suit where a bond shall be necessary.

son acting or to act as assignee, receiver, or in any other trust capacity whatsoever, if the value of the estate or fund is so great that the judge of the court having jurisdiction of the proceedings in which such bond or new sureties shall be required, deems it inexpedient to require security in the full amount prescribed by law, he may direct that any securities for the payment of money belonging to the estate or fund, be deposited, subject to the order of such trustee, executor, administrator, guardian, assignee, receiver or other person acting in a trust capacity, countersigned by a judge of said court, with any trust company duly organized and qualified to do business under this act. After such deposit has been made said judge may fix the amount of the bond, with respect to the value of the remainder only of such estate or fund. A security thus deposited shall not be withdrawn from the custody of said trust company, and no person other than the proper officer of the trust company shall receive or collect any of the principal or interest secured thereby, without the special order of a judge of said court, duly entered in the records of such court; such an order can be made in favor of the trustee appointed only where an additional bond has been given by him, or upon proof that the estate or fund has been so reduced by payments, distribution or otherwise that the penalty of the bond originally given will be sufficient in amount to satisfy the provisions of law relating to the penalty thereof, if the security so withdrawn is also reckoned in the estate or fund.

How to proceed in case new security required.

Security not to be withdrawn without the order of said court.

SEC. 8. That section ten (10) of said act be, and the same is hereby amended so as to read

Sec. 10. Any sum of money not less than one hundred (100) dollars, which shall be collected or received by any such corporation in its capacity of executor, administrator or guardian, or upon any deposit under any order of any court of record, and which money shall not be required for the purposes of such trust, or is not to be accounted for within one year from date of such collection, receipt or deposit, shall be invested by such corporation as soon as practicable, and in such securities as are mentioned in section four (4) of said act, and the net interest and profits of such investments, less the reasonable charges and disbursements of said corporation, in the premises, shall be accounted for and paid over as a part of such trust; and the net accumulations of such interest and profits thereon, shall likewise be invested and reinvested as a part of such principal. And such investments shall be received and allowed by the probate or other court, in the settlement of such trust.

Money collected how invested.

SEC. 9. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1885.