

ARTICLE XII.

Banks.

SEC. 1. Any person having a claim upon or holding a note of any bank in this State under one hundred dollars, after demand of payment of such claim or note at the bank and refusal or neglect to pay, may recover judgment for the same before a justice of the peace of the county or city where the bank is established, with interest at the rate of six per centum per annum from the time of the demand and refusal.

2. Upon application made to the Circuit Court of any county, or the Superior Court of Baltimore city, or to the judge thereof in the recess, supported by affidavit to be filed in the case, stating that a bank located in the county or city refuses to pay specie for its notes, and upon the court being fully satisfied that such bank does refuse to pay specie for its notes, the said court may order its clerk to issue a scire facias in the name of the State of Maryland, and directed to the said bank by its corporate name and style, to show cause why its charter shall not be declared forfeited by the judgment of the said court.

3. The said courts, or the judge thereof in the recess, in all cases where such scire facias is issued against a bank, shall issue an injunction to restrain such bank from improperly disposing of its funds or property, and shall appoint a receiver if the said court or judge shall deem the same necessary to promote the interest of the creditors of said bank.

4. If it shall appear to the court on the return of the said scire facias that the bank named in such writ has refused to pay in specie on demand any debt or liability whatsoever, the charter of such bank shall be adjudged forfeited, and the court shall appoint one or more trustees, upon the recommendation in writing of one-fifth at least of the creditors in amount, to settle up the affairs of such bank, and distribute its property and effects among the creditors and others entitled to the same according to their respective rights.