

5. The said trustee or trustees shall give bond to the State in such penalty and with such security as the court shall prescribe, with condition for the faithful performance of the trust reposed in him or them, and upon giving such bond all the property, estate, rights, credits and effects of such bank shall vest fully in said trustee or trustees, who may bring suit in their own name or in the name of the bank for their own use at their election; and to prevent any difficulty concerning the property such bank may have out of the State, the court may compel such bank to execute a deed of assignment to the trustees.

6. The Governor shall, upon information that any bank has refused upon demand to pay specie for any of its debts or liabilities, direct the State's Attorney for the county or city in which such bank is situated or has its office, to issue a scire facias forthwith against such bank.

7. A refusal to pay any foreign or domestic broker shall not be considered a violation of this article.

8. If any officer or director of a bank shall refuse to deliver up to the trustee or trustees appointed by the court any books or property of the bank, he shall be liable to be sued by the said trustee or trustees in a special action on the case for the recovery of the value or amount thereof, and the jury shall give damages to the full value or amount thereof, and the court before whom the recovery shall be had, shall treble the damages and give judgment therefor and costs.

9. Whenever any bank shall refuse to pay its notes or obligations in specie, and shall be in a condition to be proceeded against under the preceding sections of this article, such bank shall not receive any notes, issues or certificates of deposit issued by said bank in payment or discharge of any debt due the bank, nor shall any sheriff or other officer, trustee or assignee, whether appointed by a court or by the bank, receive any such notes, issues or certificates in payment of any debt due said bank, unless where the same shall have been held by the debtor at the time of refusing or failing to pay as aforesaid and being liable to be proceeded against as aforesaid; but all banks not in a condition to be proceeded against under the preceding sections, shall receive notes, issues and certificates of deposit of such bank in payment of any debt due such bank, whether by judgment, execution, or otherwise.