

An. Code, 1924, sec. 53A. 1935, ch. 510.

67. Any bank or trust company, heretofore incorporated under any general or special law of this State, and any bank or trust company hereafter incorporated under this Article, is authorized and empowered to participate in industrial loans, which are being furthered by the United States Government, on the same basis and with the same safeguards and restrictions as state member banks of the Federal Reserve System and National Banking Associations.

An. Code, 1924, sec. 54. 1912, sec. 54. 1910, ch. 219, sec. 53 (p. 24). 1918, ch. 33, sec. 54. 1931, ch. 294, sec. 54.

68. Any bank, savings institution or trust company, heretofore incorporated under any general or special law of this State, and any bank, savings institution or trust company, hereafter created under this Article, may amend its charter, articles of incorporation or association, in any manner not inconsistent with the provisions of law, at any time, and in the case of banking institutions having capital stock such amendment shall be by a vote of its stockholders, representing two-thirds of the capital stock, such vote to be taken at a meeting called for that purpose. Such amendment, certified by the president and cashier, or treasurer, shall be executed, approved, filed and recorded as required for articles of incorporation.

Unless the required surplus will permit, no increase of capital shall be valid until the amount thereof has been subscribed, and actually paid in the manner required by this sub-title for subscriptions to original stock. No stock dividend shall be declared by any banking institution unless the remaining surplus funds of the institution shall be entirely sufficient to take care of all losses, and in addition thereto, leave sufficient surplus funds as required by Section 95 of this Article. No reduction of capital shall be made to a less amount than is required under the provisions of this Article for capital, nor be valid nor warrant the cancellation of stock certificates, or diminish the personal liability of stockholders, until such reduction has been approved by the Bank Commissioner. Such approval must be based upon a finding by him that the remaining assets of the bank or trust company, after such proposed reduction of its capital stock, will be entirely sufficient for the payment of the claims of existing creditors. The provisions of this section shall be construed retrospectively as well as prospectively.

It was legally competent for Baltimore Trust Co. to purchase stock of another banking institution and for the stockholders to increase its capital stock and to provide that increased stock be used for acquisition of all the capital stock of a bank, the surplus of the Trust Co. being largely in excess of new stock to be issued without impairing its capital. *Thom v. Baltimore Trust Co.*, 158 Md. 352.

Cited but not construed in *Nagel v. Ghinger*, 166 Md. 241.

An. Code, 1924, sec. 54A. 1933, ch. 485, sec. 54A. 1937, ch. 312.

69. Any banking institution having capital stock may, with the approval of the Bank Commissioner, and by vote of stockholders owning a majority of its capital stock upon not less than five days' notice, given by registered mail pursuant to action taken by its Board of Directors, issue preferred stock in such amount and with such par value as shall be approved by said Bank Commissioner, and make such amendments to its Charter or Articles of Incorporation as may be necessary for this purpose; but in the case of any newly organized banking institution which has not yet