

Annapolis October 29th 1839-

Dear Sir

The act of Assembly, passed the 29th of March 1838 chap: 315 provides, "that no bank in this state shall from and after the first day of May next, issue any bank note, certificate of deposit or any paper intended to be used as a circulating medium, of a less denomination than five dollars."

Among other regulations for the government of the banks, it also provides, that the Governor may direct the Attorney General to cause a *scire facies* to be issued against any Bank or Savings Institution, which may fail to comply with its provisions.

The Frederick County Bank was incorporated in January 1818, and its charter was to expire in 1835, or at the end of the next session of the legislature after that year. The 29th section of the charter provides, that the notes or bills obligatory which it shall be lawful for the said corporation to issue shall not be for a less sum than one dollar.

This Bank was rechartered, among several others by an act passed the 21st of March 1837 chapter 239, which makes it unlawful for any of the Banks mentioned therein to issue any bank note or notes of a less denomination than five dollars.

The law of March 1838 and the charter referred to and the present position of the banks in this state present various legal questions upon which I now ask your opinion.

Does the act of 1838 apply to any other suspension of specie payments by the Banks, besides that, which existed at the time of its passage?

Does the 5th section, which forbids any bank to issue any note or other paper of a less denomination than five dollars, apply to the issue of such paper, after it has been returned to the bank which first issued it?

Does it prohibit any bank from paying out such paper of other banks or savings institutions?

Does the 6th section authorize the Governor to direct the Attorney General to proceed against savings institutions as well as banks, which shall issue such paper for circulation?

Has the Frederick County Bank under its charter as renewed by the act of March 1837 or under any other act of Assembly the right to issue one dollar bills, or notes of any description, of a less denomination than five dollars?