

Superintendent of Banks—Banks and Banking—Insolvency—Expense of Closing Banks.

The procedure for the closing of banks and the expense thereof depends upon whether the procedure is under Section 6078 or under Section 6080, Revised Codes of 1921.

L. Q. Skelton, Esq.,
Superintendent of Banks,
Helena, Montana.

My dear Mr. Skelton:

You have requested my opinion as to whether you should proceed in the matter of closed banks under the provisions of Chapter 887 of the Laws of 1923, or under the last paragraph of Section 6078, Revised Codes of 1921. I assume that what you mean is whether the expenses of the department in connection with closed banks should be paid under the last paragraph of Section 6078 or under Section 6080, as the same was attempted to be amended by Chapter 88 of the Laws of 1923.

Section 6078 and Section 6080 do not refer to the same subject, but each refers to an entirely separate and distinct subject. The last paragraph of Section 6078 applies only to the expenses of the department when a Deputy Superintendent is temporarily in charge of a bank under the provisions of that section, while Section 6080, before,

as well as after its attempted amendment, applies only to the expenses incurred in connection with the appointment of a receiver under Section 6079, and has nothing whatever to do with the expenses of the department while a bank is temporarily in charge of a Deputy Superintendent under the provisions of Section 6078.

Therefore, whether you proceed under the provisions of the last paragraph of Section 6078, or under Section 6080, depends entirely on whether the expense is incurred by reason of a Deputy Superintendent being temporarily in charge of the bank, or by reason of the application for and the appointment of a receiver. If incurred by reason of a Deputy Superintendent being temporarily in charge the expense is payable under the last paragraph of Section 6078, while if incurred in connection with the application for and appointment of a receiver it is payable under Section 6080.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.