

Bonds secured by mortgages and securities of the class authorized by law as legal investments for fiduciaries, shall be deemed proper investments for any such common trust funds: Provided, however, That no investment for a common trust fund shall be made or maintained in bonds, secured by mortgages, which would cause the total amount of \*the investment for such fund in bonds, secured by mortgages, to exceed forty per centum of the value of all the assets comprising such fund.

No moneys of any one estate in excess of [fifty] *one hundred* thousand dollars shall be invested in any one or more of such common trust funds as may be maintained by a trust company or bank and trust company. In applying this limitation, if two or more trusts are created by the same settlor or settlors, and as much as one-half of the income or principal, or both, of each trust is presently payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

Act effective  
immediately.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 28th day of June, A. D. 1951.

JOHN S. FINE

No. 163

AN ACT

To amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 624), entitled, as amended "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers and employes' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employes' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, employes' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for establishment of branch offices, agencies and facilities, and the approval thereof by the Department of Banking.

\* "the" omitted in original.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "Branch" in section two of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 624), entitled, as amended "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers and employes' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employes' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, employes' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," which definition was added by the act, approved the twenty-second day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 349), and which section was last amended by the act, approved the twelfth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1227), is hereby further amended to read as follows:

Section 2. Definitions.—A. The following terms shall be construed in this act to have the following meanings, except in those instances where the context clearly indicates otherwise.

\* \* \* \* \*

"Branch" includes any branch office, agency, sub-office, sub-agency, or place of business other than the principal place of business of an institution, for the transaction of any portion of its banking or trust business, *but the term "Branch" shall not include either a temporary emergency agency at any military or naval base, depot or other installation within this Commonwealth, or a seasonal agency in any resort community within the limits of the county in which the main office of the institution is located if no other institution is located and doing business in such community, in either case established and operated with the approval of the*

"Banking Code."

Definition of "Branch" in section 2, act of May 15, 1933, P. L. 624, added by act of April 22, 1937, P. L. 349, which section was last amended by act of May 12, 1949, P. L. 1227, amended.

*department for the purpose of receiving and paying out deposits, issuing and cashing checks and drafts, and doing business incident thereto.*

Subsection E of section 204, said act, as last amended by act of April 22, 1937, P. L. 349, further amended.

Section 2. Subsection E of section two hundred four of the said act, which subsection was last amended by the act, approved the twenty-second day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 349), is hereby further amended to read as follows:

Section 204. Branch Offices and Sub-Agencies.—

\* \* \* \* \*

E. An institution shall not have the power to establish any branch *outside the limits of the city, borough or village in which its principal place of business is located* unless, in the case of a bank, a bank and trust company, or a trust company, its unimpaired capital and unimpaired surplus, respectively, are equal to an amount, not less than the aggregate capital and surplus, respectively, required by this act for the incorporation of such number of similar institutions, as is equal to the [total] number of its places of business, including such branch, *its principal place of business, and its other existing branches located outside the limits of the city, borough or village in which its principal place of business is located, but not including any of its branches within the limits of such city, borough or village* excepting that, if any place of business included in such total number is located or is to be located in a borough or township, the population of which does not exceed five thousand, not more than fifty per centum of the capital \*and surplus, respectively, required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section, and in the case of a savings bank, unless its surplus and expense fund equal a minimum amount approved by the department, and in the case of a private bank, unless its net worth equals a minimum amount approved by the department.

Section 1014, said act, as amended by act of June 28, 1947, P. L. 996, further amended.

Section 3. Section one thousand fourteen of the said act, as amended by the act, approved the twenty-eighth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 996), is hereby further amended to read as follows:

Section 1014. Restriction on Ownership or Holding of Real Property by a Bank, a Bank and Trust Company, or a Trust Company.—Except as otherwise provided in this act, a bank, a bank and trust company, or a trust company shall not purchase, own, or hold any real property, except as follows:

\* "and" omitted in original.

(1) Such real property as it occupies, or intends to occupy, pursuant to the provisions of this act, for its accommodation in the transaction of its business, *and for the providing of such reasonable parking facilities for the use of its directors, officers, employees and customers as may be approved by the department*, or such real property which it partly so occupies and partly leases, pursuant to the provisions of this act.

(2) Such as it shall purchase at sales under judgments, decrees, or mortgages held by it, or as it shall otherwise acquire in good faith in satisfaction of debts previously contracted to it, or in order to protect an interest it may otherwise have lawfully acquired in such property.

This section shall not be construed to prevent any bank, bank and trust company, or trust company from making improvements to properties owned, but not occupied by the bank, the bank and trust company, or the trust company, for the purposes of sale or lease.

Section 4. Subsection A of section one thousand two hundred twelve of the said act is hereby amended to read as follows:

Subsection A of section 1212, said act, amended.

Section 1212. Restriction on Ownership or Holding of Real Property by a Savings Bank.—A. Except as otherwise provided in this act, a savings bank shall not purchase, own, or hold any real property, except as follows:

(1) Such real property as it occupies, or intends to occupy, pursuant to the provisions of this act, for its accommodation in the transaction of its business, *and for the providing of such reasonable parking facilities for the use of its directors, officers, employees and customers as may be approved by the department*, or such real property which it partly so occupies and partly leases, pursuant to the provisions of this act.

(2) Such as it shall purchase at sales under judgments, decrees, or mortgages held by it, or as it shall otherwise acquire in good faith in satisfaction of debts previously contracted to it, or in order to protect an interest it may otherwise have lawfully acquired in such property.

Section 5. This act shall become effective immediately upon its final enactment.

Act effective immediately.

APPROVED—The 28th day of June, A. D. 1951.

JOHN S. FINE