

No. 94

AN ACT

Relating to trusts for charitable or benevolent purposes, and providing for the combining of the same under certain conditions.

Section 1. Be it enacted, &c., That whenever two or more trusts for charitable or benevolent purposes have been established, or shall hereafter be established, by the same donor or testator, or by separate donors or testators, and for any cause or reason the income from the trust estates set apart for the purposes of the trusts is insufficient or inadequate to carry out effectively and efficiently the purposes expressed by the donors of the trusts through separate administration of the trusts, and the charitable or benevolent purposes of the trusts are of a nature that they may be more effectively and efficiently carried out if the same are combined, the trustees of the trusts may, in their discretion, join in a petition to the orphans' court having jurisdiction over the accounts of any one of the trustees setting forth such facts, and the court being satisfied with the truth thereof, may order and empower said trustees to carry out the purposes of the trusts by combining the trusts in the manner and to the extent that such court shall approve, provided that such combination shall not be authorized where it would violate any specific provision to the contrary in the will or other instrument creating the trust.

2. This shall take effect immediately.

3. All acts and parts of acts inconsistent herewith are hereby repealed.

Trusts established for certain purposes.

Inadequate income under separate administration.

Combination of trusts.

When effective.

Repeal.

APPROVED—The 4th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 95

AN ACT

Authorizing and regulating the reorganization of banks and trust companies.

Section 1. Be it enacted, &c., That any plan for the reorganization of a bank or a trust company, which the Department of Banking shall deem equitable and to the best interests of all depositors, other creditors, and shareholders, may be adopted, subject to any terms or conditions prescribed by the Department of Banking, in the manner hereinafter provided in this act.

Banks and trust companies.

Reorganization.

Section 2. The plan of reorganization shall be valid only if approved, after such notice as the Department of Banking shall sanction, by the holders of at least seventy-five per centum of the outstanding shares of capital

Approval of plan of reorganization.

Computation of liabilities.

stock of the bank or the trust company, and by depositors and other creditors of such bank or of such trust company to whom is due at least seventy-five per centum of the total amount of all liabilities of the bank or the trust company to depositors and other creditors. However, claims of depositors or other creditors, which will be satisfied in full under the provisions of the plan of reorganization, shall not be included among the total deposits and other liabilities of the bank or the trust company in computing the seventy-five per centum thereof required by this section.

Payment of new deposits in cases of restricted withdrawals.

Section 3. In the case of a bank or a trust company which has restricted the withdrawal of deposits and which has received or is receiving new deposits in accordance with the provisions of Act Number six, approved the eighth day of March, one thousand nine hundred thirty-three, entitled "An act relating to banks, trust companies, savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," the plan of reorganization shall provide for the payment of all such new deposits in full and upon demand. After a plan of reorganization has become effective, every such new deposit shall continue to be segregated until the bank or trust company shall receive from the depositor written authority, signed by him, to mingle his new deposit with the other funds of the bank or the trust company. In the event of the subsequent liquidation of such bank or such trust company by the Secretary of Banking, or by liquidating trustees, any new deposits which have been mingled with the other funds of the bank or the trust company, pursuant to the provisions of this section, shall have no preference over any other deposits. At any time after the plan of reorganization has become effective, the bank or the trust company shall have power to repay in full any such new deposit, the owner of which shall refuse to authorize the bank or the trust company, in the manner provided by this section, to mingle his deposit with the other funds of such bank or such trust company.

Authorization by depositor to mingle new deposit.

Mingled new deposits in case of liquidation.

Repayment of new deposits.

Adopted plan to be binding.

Section 4. Any plan of reorganization, which shall have been adopted and approved in the manner provided by this act, shall be binding upon all depositors, other creditors, and shareholders of the bank or the trust company, whether or not they have consented to such plan of reorganization.

Application of act.

Section 5. This act shall apply to all banks or trust companies within this Commonwealth, incorporated under general or special act of General Assembly, whether or not they are operating upon a restricted basis in accordance with the provisions of the aforementioned Act Number six, approved the eighth day of March, one thousand nine hundred thirty-three, but it shall not ap-

ply to banks or trust companies in possession of the Secretary of Banking.

Section 6. If any part of this act shall be declared unconstitutional by any court, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.

Constitutionality.

Section 7. The power of a bank or a trust company to reorganize in the manner provided by this act shall be in addition to any power to reorganize granted, and notwithstanding any limitation imposed, by existing law. The operation of any act, or part of any act, inconsistent herewith, shall be suspended during the period this act shall continue to be effective.

Additional power.

Inconsistent acts suspended.

Section 8. This act shall become effective immediately upon its approval by the Governor, and shall continue to be effective until the thirty-first day of March, one thousand nine hundred thirty-five.

When effective.

APPROVED—The 4th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 96

AN ACT

To amend section one of the act, approved the fourteenth day of April, one thousand eight hundred and eighty-one (Pamphlet Laws, ten), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, by extending the provisions of the said act to cities of the first and second classes, and providing that the refunding bonds issued under the provisions thereof may bear interest at a rate of six per centum per annum, and providing further that said bonds shall be payable at any time not exceeding twenty years after the date thereof.

Section 1. Be it enacted, &c., That section one of the act, approved the fourteenth day of April, one thousand eight hundred and eighty-one (Pamphlet Laws, ten), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," which was amended by section one of the act approved the first day of March, one thousand eight hundred and ninety-nine (Pamphlet Laws, six), is hereby further amended to read as follows:

Municipalities.

Bonded indebtedness.

Section 1, act of April 14, 1881 (P. L. 10), as amended by act of March 1, 1899 (P. L. 6), further amended.