

gaged in business as a private banker or private bankers, if such individual partnership, or unincorporated association, and his or their predecessor or predecessors, or one or more of the members thereof, have continuously and in the same locality conducted the business since a date not less than seven years prior to the nineteenth day of June, one thousand nine hundred eleven, and if such individual, partnership, or unincorporated association, on or before the sixteenth day of June, one thousand nine hundred and thirty-four, and continuously thereafter, shall submit to periodic examination by the Comptroller of the Currency or by the Federal Reserve Bank of the district in which he or they are located, and shall make and publish periodic reports of his or their condition, exhibiting in detail his or their resources and liabilities; such examination and reports to be made and published at the same times and in the same manner as are provided by section twenty-one of the Federal Banking Act of one thousand nine hundred and thirty-three, approved the sixteenth day of June, one thousand nine hundred and thirty-three, its amendments and supplements.]

When effective.

Section 2. Effective Date.—This act shall become effective immediately upon final enactment.

APPROVED—The 2d day of July, A. D. 1935.

GEORGE H. EARLE

No. 204

AN ACT

Defining the term "fiduciary"; prescribing the nature and kind of investments which may be made by such fiduciaries; validating certain investments heretofore made by such fiduciaries; and repealing acts and parts of acts inconsistent herewith.

"Fiduciary,"
defined.

Section 1. Be it enacted, &c., That the term "fiduciary," as used in this act, shall include guardians, committees, trustees, and other fiduciaries, whether domiciliary or ancillary, subject to the jurisdiction of the court of common pleas of any county of this Commonwealth.

Power of
fiduciary
to invest.

Section 2. Any such fiduciary, holding moneys to be invested, may invest such moneys in any investment in which, at that time, a fiduciary subject to the jurisdiction of the orphans' court of any county of this Commonwealth may invest like moneys.

Fiduciary
may petition
the court.

Section 3. When any such fiduciary shall have in his hands any moneys to be invested as aforesaid, he may present a petition to the court of common pleas, having jurisdiction of his accounts, stating the circumstances of the case and the amount or sum of money

which he is desirous of investing, whereupon it shall be lawful for the court, upon due proof, aided, if necessary, by the report of a master, to make an order directing the investment of such moneys in real estate in this Commonwealth, other than ground-rents, or in the bonds or certificates of debt now created, or hereafter to be created, and issued according to law by any other state of the United States, or by any of the counties or cities of such other state, at such prices or on such rates of interest and terms of payment, respectively, as the court shall think fit: Provided, That no such investment shall be directed, unless it shall be the opinion of the court that it will be for the advantage of the estate, and no change be made in the course of succession by such investment as regards the heirs or next of kin of the cestui que trust: And provided further, That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any deed of trust or other instrument in regard to the investment of such moneys.

Court may direct the investment of trust funds in real estate, bonds of the United States, etc.

Proviso.

Proviso.

Section 4. (a) When any such fiduciary shall have invested any such moneys, as authorized herein, or as authorized by any court of common pleas, as herein provided, such fiduciary shall be exempted from all liability for loss on the same in like manner as if such investments had been made in pursuance of directions in the deed of trust or other instrument creating the trust, it being hereby declared that all such investments are legal investments of moneys by such fiduciaries.

Fiduciary in such case, is exempt from liability.

(b) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds, as provided in this act, when such nonlegal investment was received by such fiduciary, pursuant to the terms of the deed, decree of court or other instrument, or if such nonlegal investment was legal when received or when the investment was made by the fiduciary, provided such fiduciary exercises due care and prudence in the disposition or retention of any such nonlegal investment.

(c) Nothing contained in this act shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the deed or other instrument creating the trust in his care, nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such deed or other instrument.

Act does not permit fiduciary to disregard directions contained in deed, etc., creating the trust.

(d) Nothing contained in this act shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office.

Fiduciary must exercise due care.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

When effective.

Section 6. This act shall become effective immediately upon final enactment.

APPROVED—The 2d day of July, A. D. 1935.

GEORGE H. EARLE

No. 205

AN ACT

To amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "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; 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 of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations 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," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Sections 520 and 1204, act of May 15, 1933 (P. L. 624), amended.

Section 1. Be it enacted, &c., That section five hundred twenty and section one thousand two hundred four of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "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; 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 of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations 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,