

ble notice to the parties, whose decision may be enforced by a court of competent jurisdiction; *Provided*, That this act shall not prevent other railroads from crossing the same at grade, *and provided further* that the right of Congress at any time to amend, alter or repeal this act is hereby reserved.

Approved, June 20, 1874.

Enforcement of this decisions.  
Right of other roads to cross at grade.  
Act may be amended, altered, or repealed.

**CHAP. 349.**—An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes. June 20, 1874.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress approved March third, eighteen hundred and sixty-five, entitled "An act to incorporate the Freedman's Savings and Trust Company," be, and the same is hereby, so amended that hereafter it shall be the duty of the trustees and officers of said company to make loans, to the extent of one half the deposits by them received, upon bonds or notes secured by first mortgages or deeds of trust upon unencumbered real estate, situate in the vicinity of the agency or branch of said company from which such deposits are received, worth, upon cash appraisalment, at least double the amount of money loaned thereon. And the borrower shall at his own expense, or the bank shall at the expense of the borrower, keep the buildings upon said property insured in some good and solvent company, to the amount of one half of their cash value for the benefit of the Freedman's Savings and Trust Company. The other half they shall invest in United States bonds, or keep on deposit in some national bank such sums as may be necessary to meet current payments.

Amendment of 1865, ch. 92, vol xiii, pp. 510, 513.

One-half of deposits in Freedman's Savings-Bank to be loaned upon real-estate in vicinity, &c.  
Regulation of loans.

Insurance of buildings.  
Investment of other half of deposits in United States bonds.

SEC. 2. That it shall be the duty of said trustees and officers of said company to collect, as speedily as may be done without prejudice to the interests of the depositors, all sums of money by them loaned upon real estate outside of the States from which received; and when collected, and as the same may be collected, they shall loan such funds as directed in the first section of this act.

Collection of certain loans.

When collected, how to be reloaned.

SEC. 3. That when it shall appear that the interests of the depositors may require it, it shall be lawful for the trustees of the corporation, by and with the advice and consent of the Secretary of the Treasury, at any time to close any of the agencies or branches of the corporation paying to the depositors of such agencies or branches a pro rata amount of the principal and interest which may be due them, and also a ratable proportion of any surplus which may have accumulated under the provisions of section eight of this act. And whenever it may be deemed advisable, or when so ordered by Congress, the general business and affairs of the corporation shall, in like manner, be closed up by the trustees of the corporation, as provided for in section seven herein.

Agencies or branches may be closed.  
Payment to depositors at agencies or branches.

General business may be closed.

SEC. 4. That said trustees and officers of said company shall not loan to any person or company at any one time more than ten thousand dollars of the funds of said trust company.

Limit upon loans to individuals and companies.

SEC. 5. That every officer, clerk, or agent of the company who shall embezzle, abstract, or wilfully misapply any of the money, funds, or credits of the company, or shall, without authority of the trustees or proper officers of the company, issue or put forth any pass book, certificate of deposit, or other evidence of indebtedness, draw any order, bill of exchange, mortgage, or confess any judgment or decree whereby said company may be charged with any liability, or be deprived of any of its assets, or shall make any false entry in any book, report, or statement of the company, or wilfully deceive any officer of the company, or any agent appointed to examine the affairs or condition of the company, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment for a period not exceeding five years.

Misapplication &c., of moneys, &c., penalty.

- Limit to interest on deposits.** SEC. 6. That hereafter the officers or agents of said trust company shall not pay interest on the deposits exceeding five per centum.
- Closing business.** SEC. 7. That whenever it shall be deemed advisable by the trustees of said corporation to close up its entire business, then they shall select three competent men, not connected with the previous management of the institution and approved by the Secretary of the Treasury, to be known and styled commissioners, whose duty it shall be to take charge of all the property and effects of said Freedman's Savings and Trust Company, close up the principal and subordinate branches, collect from the branches all the deposits they have on hand, and proceed to collect all sums due said company, and dispose of all the property owned by said company, as speedily as the interests of the corporation require, and to distribute the proceeds among the creditors pro rata, according to their respective amounts; they shall make a pro rata dividend whenever they have funds enough to pay twenty per centum of the claims of depositors.
- Powers and duties.** Said commissioners, before they proceed to act, shall execute a joint bond to the United States, with good sureties, in the penal sum of one hundred thousand dollars, conditioned for the faithful discharge of their duties as commissioners aforesaid, and shall take an oath to faithfully and honestly perform their duties as such, which bonds shall be executed in presence of the Secretary of the Treasury, be approved by him, and by him safely kept; and whenever said trustees shall file with the Secretary of the Treasury a certified copy of the order appointing said commissioners, and they shall have executed the bonds and taken the oath aforesaid, then said commissioners shall be invested with the legal title to all of said property of said company, for the purposes of this act, and shall have full power and authority to sell the same, and make deeds of conveyance to any and all of the real estate sold by them to the purchasers. Said commissioners may employ such agents as are necessary to assist them in closing up said company, and pay them a reasonable compensation for their services out of the funds of said company; and the said commissioners shall retain out of said funds a reasonable compensation for their trouble, to be fixed by the Secretary of the Treasury and the Comptroller of the Currency and not exceeding three thousand dollars each per annum. Said commissioners shall deposit all sums collected by them in the Treasury of the United States until they make a pro rata distribution of the same.
- Dividends.** SEC. 8. That from and after the passage of this act and until the first day of July, eighteen hundred and seventy-five, all the deposits made in said Trust Company shall be held by the trustees of said company as special deposits, and any investments made of said deposits shall be made and held for the use and benefit of said depositors only; and it shall be the duty of said trustees on or before the first day of July, eighteen hundred and seventy-five, to make a full and complete statement of all the assets and liabilities of said company and lay the same before the Secretary of the Treasury, and if said Secretary and the trustees shall at that time after investigating the condition of said company believe the same to be solvent then the trustees and said Secretary shall issue an order declaring that thereafter all deposits shall be general; but said order shall in nowise effect the special deposits, unless said depositors shall in writing consent that said special deposits shall become general deposits. But if the Secretary and trustees of said company shall on the first day July, eighteen hundred and seventy-five, after the examination aforesaid doubt the propriety of making the deposits thereafter general then the deposits made shall still be special until the first day of July, eighteen hundred and seventy-six, or until the said Secretary and trustees deem it prudent to make said deposits general.
- Joint bond of commissioners.**
- Oath.**
- Approval and custody of bonds.**
- Commissioners to be invested with legal title to property.**
- Employment and compensation of agents.**
- Compensation of commissioners.**
- All collections to be deposited in Treasury of the United States.**
- Future deposits to be held as special deposits until July 1, 1875.**
- Investment of special deposits.**
- Trustees to make statement of assets and liabilities.**
- When deposits may be declared general.**
- Special deposits not to be affected unless by consent.**
- Deposits to continue to be special, until, &c.**

Approved, June 20, 1874.