38TH CONGRESS,
2D SESSION.

S. 443.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 13, 1865.

Mr. WILSON asked, and by unanimous consent obtained, leave to bring in the following bill; which was read twice, referred to the Select Committee on Slavery and Freedmen, and ordered to be printed.

A BILL

To incorporate the Freedman's Savings and Trust Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Peter Cooper, William C. Bryant, A. A. Low, S. B. Chittenden, Charles H. Marshall, William A. Booth, Gerritt Smith, William A. Hall, William Allen, John Jay, Abraham Baldwin, A. S. Barnes, Hiram Barney, Charles Collins, R. R. Graves, Walter S. Griffith, A. H. Wallis, D. S. Gregory, J. W. Alvord, George Whipple, A. S. Hatch, Walter T. Hatch, E. A. Lambert, W. G. Lambert, Roe Lockwood, R. H. Manning, R. W. Ropes, Albert Woodruff, and Thomas Dewey, of New York; John M. Forbes, William Claflin, S. G. Howe, George L. Stearnes, Edward Atkinson, A. A. Lawrence, and John M. S. Williams, of Massachusetts; Edward Harris and Thomas Davis, of Rhode Island; Stephen Col-

well, J. Wheaton Smith, Francis E. Cope, Thomas Webster B. S. Hunt, and Henry Samuel, of Pennsylvania; Edward, Harwood, Adam Poe, Levi Coffin, J. M. Waldon, of Ohio, and their successors, are constituted and created a body corporate, by the name of the Freedman's Savings and Trust Company, and by that name may sue and be sued in any court of the United States.

SEC. 2. *And be it further enacted,* That the persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies by death, resignation, or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least ten votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive reports of their officers, as to the affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be elected to fill the same.

SEC. 3. *And be it further enacted,* That the business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president and two vice-presidents; and may appoint such other officers as they may see fit; twelve of the said trustees,

of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business at any special meeting of said board of trustees; and twelve of such trustees shall form a quorum for the transaction of business at any regular or adjourned meeting of said board of trustees, and the affirmative vote of at least nine members of the board shall be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

SEC. 4. *And be it further enacted,* That the board of trustees of said corporation shall have power from time to time to make, constitute, ordain, and establish such by-laws, rules, and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the regulations of the times of the meetings of the officers and trustees, and generally for transacting, managing, and directing the affairs of the corporation, provided such by-laws, rules, and regulations are not repugnant to this act or to the Constitution or laws of the United States.

SEC. 5. *And be it further enacted,* That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be from

time to time offered therefor, by, or on behalf of persons heretofore held in slavery in the United States, and in vesting the same in the stocks and bonds and treasury notes of the United States.

SEC. 6. *And be it further enacted,* That it shall be the duty of the trustees of the said corporation to invest as soon as practicable in the securities named in the next preceding section all sums received by them beyond an available fund not exceeding one-third of the total amount of deposits with said corporation, at the discretion of the said trustees, which said available funds the said trustees may keep to meet current payments of said corporation, and which may by them be left on deposit on interest or otherwise, or in such available form as the said trustees may direct.

SEC. 7. *And be it further enacted,* That the said corporation may, under such regulations as the board of trustees shall from time to time prescribe, receive any deposit hereby authorized to be received, upon such trusts and for such purposes, not contrary to the laws of the United States, as may be indicated in writing by the depositor, such writing to be subscribed by the depositor and acknowledged or proven before any officer in the civil or military service of the United States, the certificate of which acknowledgment or proof shall be indorsed on said writing; and said writing, so acknowledged or proven, shall accompany such deposit and

be filed among the papers of the said corporation, and be carefully preserved therein, and may be read in evidence in any court or before any judicial officer of the United States, without further proof; and the said certificate of acknowledgment or proof shall be prima facie evidence only of the due execution of said writing.

SEC. 8. *And be it further enacted,* That all sums received on deposit shall be repaid to such depositor when required, at such time, with such interest not exceeding seven per centum per annum, and under such regulations as the board of trustees shall, from time to time, prescribe, which regulations shall be posted up in some conspicuous place in the room where the business of the said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made.

SEC. 9. *And be it further enacted,* That all trusts upon which, and all purposes for which any deposit shall be made, and which shall be indicated in the said writing to accompany such deposit, shall be faithfully kept, performed, and carried out by the said corporation, unless the keeping, performing, and carrying out of the same is rendered impossible.

SEC. 10. *And be it further enacted,* That when any depositor shall die, the funds remaining on deposit with said corporation to his or her credit, and all accumulations thereof, shall belong and be paid to the personal representatives of

5 such depositor, in case he or she shall have left a last will and
6 testament; and in default of a last will and testament, or of
7 any person qualifying under a last will and testament com-
8 petent to act as executor, the said corporation shall be en-
9 titled, in respect to the funds so remaining on deposit to the
10 credit of any such depositor, to administration thereon in
11 preference to all other persons, and letters of administration
12 shall be granted to said corporation accordingly in the man-
13 ner prescribed by law in respect to the granting of letters of
14 administration, with the will annexed, and in cases of in-
15 testacy.

1 SEC. 11. *And be it further enacted,* That in case of the
2 death of any depositor, whose deposit shall not be held upon
3 any trust created pursuant to the provisions hereinbefore con-
4 tained, or where it may prove impossible to execute such
5 trust, it shall be the duty of the said corporation to make dili-
6 gent efforts to ascertain and discover whether such deceased
7 depositor has left a husband, wife, or children surviving, and
8 said corporation shall keep a record of the efforts so made,
9 and of the results thereof, and in case no person lawfully
10 entitled thereto shall be discovered, or shall appear, or claim
11 the funds remaining to the credit of such depositor before the
12 expiration of two years from the death of such depositor,
13 it shall be lawful for said corporation to hold and invest such
14 funds as a separate trust fund, to be applied with the accu-

15 mulations thereof to the education and improvement of per-
16 sons of African race or descent, heretofore held in slavery,
17 being inhabitants of the United States, in such manner and
18 through such agencies as the board of trustees shall deem
19 best calculated to effect that object.

1 SEC. 12. *And be it further enacted,* That no president,
2 vice-president, trustee, officer, or servant of said corporation
3 shall, directly or indirectly, borrow the funds of said corpora-
4 tion or its deposits, or in any manner use the same, or any
5 part thereof, except to pay necessary expenses, under the
6 direction of said board of trustees. All certificates or other
7 evidences of deposit made by the proper officers of such
8 corporation shall be as binding on the corporation as if they
9 were made under their common seal. It shall be the duty of
10 the trustees of said corporation to regulate the rate of interest
11 to be allowed to the depositors, so that they shall receive as
12 nearly as may be a rateable proportion of all the profits of
13 such corporation after deducting all necessary expenses: *Pro-*
14 *vided, however,* That said trustees may allow to depositors,
15 to the amount of five hundred dollars or upwards, one per
16 centum less than the amount allowed others: *And provided,*
17 *also,* Whenever it shall appear that after the payment of
18 the usual interest to depositors there is in the possession of said
19 corporation an excess of assets over the liabilities of said cor-
20 poration amounting to ten per centum upon the deposits, the

21 said excess shall be invested for the security of the depositors
22 in said corporation; and thereafter, at each annual examina-
23 tion of the affairs of said corporation, any surplus over and
24 above said ten per centum shall, in addition to the usual in-
25 terest, be divided rateably amongst the depositors, in such
26 manner as the board of trustees shall direct.

1 SEC. 13. *And be it further enacted,* That whenever
2 any deposit shall be made by any minor, the trustees of said
3 corporation may, at their discretion, pay to such depositor
4 such sums as may be due to him or her, although no guar-
5 dian shall have been appointed by or for such minor, or the
guardian of such minor shall not have authorized the drawing
7 of the same; and the check, receipt, or acquittance of such
8 minor shall be as valid as if the same were executed by a
9 guardian of such minor, or the said minor was of full age, if
10 such deposit was made personally by said minor. And
11 whenever any deposits shall have been made by married
12 women, the trustees of said corporation may repay the same
13 on their own receipts.

1 SEC. 14. *And be it further enacted,* That the trustees
2 of said corporation shall not, directly or indirectly, receive
3 any payment or emolument for their services as such.

1 SEC. 15. *And be it further enacted,* That the subordi-
2 nate officers and agents of the said corporation shall respect-
3 ively give such security for their fidelity and good conduct as

4 the board of trustees may from time to time require, and said
5 board shall fix the salaries of such officers and agents.

1 SEC. 16. *And be it further enacted,* That the books of
2 said corporation shall, at all times during the hours of busi-
3 ness, be open for inspection and examination to such persons
4 as Congress shall designate or appoint.