

the provisions of this section, but this section shall not apply to corporations which are not engaged in receiving deposits of money, securities, or other property, for safe-keeping.

Section 2. Sections one, two, and three of the act, approved the seventeenth day of April, one thousand eight hundred and seventy-two (Pamphlet Laws, sixty-two), entitled "An act relating to unclaimed deposits in savings banks, and transfer of stock," and all acts amendatory and supplementary thereto, are hereby repealed.

Repealing section.

Section 3. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 16th day of May, A. D. 1935.

GEORGE H. EARLE

No. 88

AN ACT

To further amend the title and section seven of the act, approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy-eight), entitled, as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except saving-funds, savings institutions, and savings banks, subject to the provisions of an act, entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock,' approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws, page sixty-two), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another," by requiring that unclaimed deposits with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, shall escheat after ten years, and in the case of savings fund, savings institution, and savings bank, shall escheat after twenty-one years; and making an appropriation.

Section 1. Be it enacted, &c., That the title and section seven of the act, approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy-eight), entitled, as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain

The title and section 7, act of June 7, 1915 (P. L. 878), as amended by act of April 21, 1921 (P. L. 223), further amended.

dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except saving-funds, savings institutions, and savings banks, subject to the provisions of an act, entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock,' approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws, page sixty-two), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another," as amended by the act, approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred twenty-three), are hereby further amended to read as follows:

#### AN ACT

Providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, [except saving-funds, savings institutions, and savings banks, subject to the provisions of an act entitled, "An act relating to unclaimed deposits in savings banks and transfer of stock," approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws, page sixty-two) and] except [also] building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another.

Section 7. After any particular deposit of money, made [otherwise than in a saving-fund, savings institution, or savings bank, subject to the provisions of an act, entitled "An act relating to unclaimed deposits in savings banks and transfer of stock," approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws, page sixty-two),] *with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank,* shall not have been increased or decreased, or if not increased or decreased, shall not be known to have been credited with interest, on the pass-book or certificate of deposit of the depositor at his request, for the period of [fourteen] *ten successive years in all cases, except savings funds, savings institutions, and savings banks, and in the case of savings funds, savings institutions, and savings banks shall not have been so increased, decreased, or credited for a period of twenty-one years,* the same shall be escheatable to the Commonwealth, and shall be escheated in the manner hereinafter provided, with interest thereon actually accrued to the date of the decree for the escheat of the same, whether such deposit was, at the expiration of said period, in the possession of the depositary with which it was originally deposited, or in the possession of another depositary which took over mediately or immediately, in any manner, whether before or after the expiration of said period of [fourteen] *ten years or twenty-one years, as the case may be,* the deposits of the depositary with which the deposit was originally made.

When  
property  
escheats.

Exception.

After the owner, beneficial owner, or person entitled to any of the following named moneys or property, shall be and remain unknown, or the whereabouts thereof shall have been unknown, for the period of seven successive years, such moneys or property shall be escheatable to the Commonwealth, and shall be escheated in the manner hereinafter provided, with interest actually accrued thereon to the date of the decree for the escheat of the same, namely:

(a) Moneys or other estate of any kind whatsoever held by any person, bank, national bank, trust company, or other association, or corporation, as guardian, committee, executor, administrator, assignee, or receiver, or as trustee under or by reason of a dry trust or under or by reason of any other trust the active duties of which have terminated except the delivery or payment to the beneficiaries thereunder of the subject of the trust, and any increments accrued thereon.

Property  
held by  
fiduciary.

(b) Any moneys, estate, or effects paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Com-

Property  
paid into  
court.

monwealth, or in the custody of any officer of any such court.

Other property.

After any moneys or property held by any person, bank, national bank, trust company, or other corporation, or by any association, limited partnership, or copartnership, belonging to any other person, the escheat of which is not otherwise provided for in this section, has been and remained unclaimed, by the person for whom the same is held, for the period of seven or more successive years, such moneys or property shall be escheatable to the Commonwealth, and shall be escheated in the manner hereinafter provided, with interest actually accrued thereon to the date of the decree for the escheat of the same.

Dividends and profits.

After any dividend or dividends, profit or profits, declared by any bank, national bank, trust company, or other corporation, or association, or by any partnership, and after any debt or interest on any debt or debts owed by any such bank, national bank, trust company, or corporation, association, or copartnership, shall have been and remained due and unpaid for three successive years, such dividends or profits, debt or interest on debt, shall be escheatable to the Commonwealth, and shall be escheated in the manner hereinafter provided, with interest actually accrued thereon to the date of the decree for the escheat of the same.

Enforcement of escheats.

Such escheat shall, at the suggestion of the Auditor General, be determined and enforced by an action in the nature of a bill in equity, filed by and in the name of the Attorney General, against the depositary, fiduciary, or debtor, and all of his or its depositors, beneficiaries, or creditors for whom he or it holds unclaimed moneys escheatable under the provisions of this act, in the appropriate court for the county where the debtor, if an individual, resides, or, if a corporation, where it maintains its principal office. Such action shall be brought in the court of common pleas, except: (a) Where it is sought to escheat unclaimed trust funds, in which case the same shall be brought in the court having jurisdiction of such funds; and except (b) where it is sought to escheat moneys paid into or deposited in a court or in the custody of any officer thereof, in which case such action shall be brought in the court into which the money was paid, or in which it was deposited, or in the custody of an officer of which court the said moneys are.

Jurisdiction.

When the moneys have been paid into and are in the custody of any court, the escheat of the same shall be determined and enforced, at the suggestion of the Auditor General, by a petition filed by the Attorney General in said court, upon which proceedings shall be had as in other cases of escheat provided for by this section. Proceedings for the escheat of moneys in the possession or custody of any officer of any court shall

be by a bill as provided for by this section in other cases, in which bill such officer and the persons entitled to such moneys shall be made codefendants.

Any such escheat proceedings may be prosecuted whether the deposits, dividends, moneys, funds, or other property or estate sought to be escheated, shall have been reported to the Auditor General in conformity with the provisions of this act or have not been so reported. Any number of items may be joined in one action against one debtor, though owed to different creditors.

Whether reported to Auditor General or not.

If service of the bill cannot be had on the creditors defendant within the State, service shall be made by publication for two successive weeks, in a newspaper of general circulation, published in the county in which the debtor is resident or has its principal office, and also, when practicable, for the same period, in such a newspaper published in the county, within or without the Commonwealth, where, when last heard from by the debtor, the creditor had his residence. Publication may be made in such form as the court shall direct, and need not contain any order or other paper in full.

Service.

If such creditors or their legal representatives shall appear in the cause within the time limited by the court, and establish their right to recover said sums from the debtor but for the provisions of this act, and if this right shall not be barred by the statute of limitations or presumption of payment, a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising: Provided, That such persons, on demand, may have any issue of fact determined by a jury; and if they shall not so appear and establish such right, a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasurer for the use of the Commonwealth; and the amount of such decree shall bear interest at the rate of twelve per centum per year from sixty days after the same is made; and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor. An appeal may be taken, by either or any party to such action, to the Supreme Court, at any time within thirty days after the date of the decree issued therein.

Establishment of rights by creditors.

Decree.

Proviso.

Jury trial.

Interest.

Appeals.

An action may be begun, in the nature of a bill for discovery merely with respect to the subject matter of this act, whether in this or other sections hereof, against the debtor, without the necessity of specifying the items which should escheat, with the right to compel an answer under oath, to subpoena all persons as witnesses, and to compel the production of all books, papers, and records; and from time to time the bill may be amended to pray for the escheat of specific items under this sec-

Bill of discovery.

tion seven, and to make parties to the bill the creditors as ascertained.

Unemployment  
relief.

Section 2. All moneys received prior to June first, one thousand nine hundred and thirty-six, as escheats under the act, to which this is an amendment, or under any other act of Assembly, without escheat as the result of the reduced period of time provided for by this amendment, which are in excess of the average amount per annum, received from escheats or payments into the State Treasury, without escheat from the same sources under any acts of Assembly during the preceding five fiscal years ending May thirty-first, one thousand nine hundred and thirty-five, shall be used only for unemployment relief purposes, and for such purposes are hereby appropriated. On and after June first, one thousand nine hundred and thirty-six, such revenues shall be credited to the General Fund.

When  
effective.

Section 3. This act shall become effective immediately upon final enactment.

APPROVED—The 16th day of May, A. D. 1935.

GEORGE H. EARLE

No. 89

AN ACT

To further amend section twenty-three of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to certain gross receipts of municipally owned or operated public utilities, and public utility services previously exempt from the tax; increasing for a limited period of time the rate of tax imposed by the act; exempting street passenger railway companies and traction companies; and making an appropriation.

Taxation.

Section 23,  
act of June  
1, 1889 (P. L.  
420), as  
last amended  
by act of  
April 25,  
1929 (P. L.  
662), further  
amended.

Section 1. Be it enacted, &c., That section twenty-three of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," as last amended by the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, six hundred sixty-two), is hereby further amended to read as follows:

Tax on  
gross receipts  
of utility  
companies.

Section 23. That every railroad company, pipe line company, conduit company, steamboat company, canal company, slack water navigation company, transporta-