

No. 117.

AN ACT

To amend an act, entitled "An act providing for the payment into the State Treasury, without escheat, of certain moneys and property, subject to escheat under the provisions of any act of the General Assembly; and for the refund thereof with interest to persons entitled thereto; and making an appropriation for such refund," approved the sixteenth day of May, Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws, page one hundred seventy-seven).

Section 1. Be it enacted, &c., That section one of an act, entitled "An act providing for the payment into the State Treasury, without escheat, of certain moneys and property, subject to escheat under the provisions of any act of the General Assembly; and for the refund thereof with interest to persons entitled thereto; and making an appropriation for such refund," approved the sixteenth day of May, Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws, page one hundred seventy-seven), which reads as follows:—

"Section 1. Be it enacted, &c., That whenever any person, firm, association, bank, national bank, trust company, or other corporation whatsoever, shall hold or be possessed of any items of money or property which are or shall be made escheatable by any act of the General Assembly, the Auditor General may and shall, after such items have been reported to or otherwise ascertained by him, and after notice and advertisement of such items shall have been given and made as required by the provisions of the act under which such items are escheatable, if the number and nature of the items of such escheatable property so held or possessed are in his opinion such as to make such action desirable, suggest to the Attorney General that, instead of proceeding for the escheat of such items in the manner prescribed by the act under the provisions of which such items are made escheatable, the Attorney General apply by petition to the proper court for an order upon the person, firm, association, bank, national bank, trust company, or other corporation, holding or possessed of such items of moneys or property, directing the payment of the same into the State Treasury to the credit of the Commonwealth, or, if the property consists of chattels or securities, that the same be sold in such manner as the court shall direct, and the proceeds thereof be similarly paid into the State Treasury; all amounts and proceeds so paid to be subject to being refunded as hereinafter provided. It shall not be necessary, in instituting proceedings under the provisions of this act, to await the expiration of any period which the act making such items escheatable requires to elapse between the reporting or ascertainment of such

Department of
the Auditor
General.

Escheats.

Section 1, act of
May 16, 1919
(P. L. 177),
cited for amend-
ment.

items and the institution of proceedings for the escheat thereof.

"If the said moneys or property are held by the person, firm, association, bank, national bank, trust company, or other corporation, in any fiduciary capacity whatever, then the said application shall be made to the court having jurisdiction of his or its accounts. If the said moneys or property are held by a prothonotary or clerk of an orphans' court, then the application shall be made to the court of which he is an officer. In all other cases, the application shall be made to the court of common pleas of the county in which the person holding or possessed of such items has his residence, or the firm, association, bank, national bank, trust company, or other corporation, holding or possessed of such items, has its principal office.

"*Thereupon* the Attorney General shall file a petition for said order in the proper court, *and serve a copy thereof upon the person, firm, association, bank, national bank, trust company, or other corporation, holding or possessed of such items, whereupon the court shall, on proof of the service of the copy as aforesaid, set a day for the hearing of the cause, and direct notice thereof to be given to said person, firm, association, bank, national bank, trust company, or other corporation.* If at said hearing it shall appear to the said court that since the reporting of or the ascertainment of said items by the Auditor General any such items have been claimed by persons lawfully entitled thereto, or any such items are so claimed at said hearing, or that said items were not properly subject to escheat under the provisions of any act of the General Assembly, the court shall order said items or the amounts thereof to be delivered or paid to said claimants, or to remain in the possession of the person, firm, association, bank, national bank, trust company, or other corporation, as the facts shall warrant, and shall order the amounts of all items not so claimed to be paid into the State Treasury to the credit of the Commonwealth, or, if such items consist of chattels or securities, that the same be sold in such manner as the court may direct and that the proceeds thereof be similarly paid into the State Treasury.

"Upon the payment of the amounts of such items or the proceeds thereof into the State Treasury in compliance with said order, the said person, firm, association, bank, national bank, trust company, or other corporation shall be relieved from all liability for the amounts so paid," be, and the same hereby is, amended so as to read as follows:—

Section 1. Be it enacted, &c., That whenever any person, firm, association, bank, national bank, trust company, or other corporation whatsoever, shall hold or be possessed of any items of money or property

Money or property subject to escheat.

which are or shall be made escheatable by any act of the General Assembly, the Auditor General may and shall, after such items have been reported to or otherwise ascertained by him, and after notice and advertisement of such items shall have been given and made as required by the provisions of the act under which such items are escheatable, if the number and nature of the items of such escheatable property so held or possessed are in his opinion such as to make such action desirable, suggest to the Attorney General that, instead of proceeding for the escheat of such items in the manner prescribed by the act under the provisions of which such items are made escheatable, the Attorney General apply by petition to the proper court for an order upon the person, firm, association, bank, national bank, trust company, or other corporation, holding or possessed of such items of moneys or property, directing the payment of the same into the State Treasury to the credit of the Commonwealth, *together with interest thereon actually accrued to the date of the issue of said order*, or, if the property consists of chattels or securities, that the same be sold in such manner as the court shall direct, and the proceeds thereof be similarly paid into the State Treasury; all amounts and proceeds so paid to be subject to being refunded as hereinafter provided. It shall not be necessary, in instituting proceedings under the provisions of this act, to await the expiration of any period which the act making such items escheatable requires to elapse between the reporting or ascertainment of such items and the institution of proceedings for the escheat thereof.

If the said moneys or property are held by the person, firm, association, bank, national bank, trust company, or other corporation, in any fiduciary capacity whatsoever, then the said application shall be made to the court having jurisdiction of his or its accounts. *If the said moneys or property have been paid into or deposited in and are in the custody of any court, the application shall be made to the court having custody of such moneys or property.* If the said moneys or property are held by any prothonotary, clerk of orphans' court, or any other officer of any court, the application shall be made to the court of which he is an officer. In all other cases, the application shall be made to the court of common pleas of the county in which the person holding or possessed of such items has his residence, or the firm, association, bank, national bank, trust company, or other corporation, holding or possessed of such items, has its principal office.

Whereupon the Attorney General shall file a petition in the proper court, *praying for the making of such an order, and apply to said court to set a day for a hearing upon such petition, and for a preliminary order*

Held by persons, firms, associations, or corporations.

Ascertainment thereof by Auditor General.

Proceedings for recovery suggested by Auditor General to Attorney General.

Petition of Attorney General.

Recovery of interest.

Time when proceedings may be commenced.

Jurisdiction.

Notice.

Hearing.Disposition
of property.Persons lawfully
entitled thereto.Property not
subject to
escheat.Payment into
State Treasury.

Sale.

Purpose of act.

Time of order
by court.

Notice required.

Appeals.

Release of
holder from
liability.

that service of a copy of the petition and of notice of the date set for said hearing be made upon the person, copartnership, association, bank, national bank, trust company, or other corporation holding or possessed of said items. If at said hearing it shall appear to the said court that, since the reporting of or the ascertainment of said items by the Auditor General, any such items have been claimed by persons lawfully entitled thereto, or any such items are so claimed at said hearing, or that said items were not properly subject to escheat under the provisions of any act of the General Assembly, the court shall order said items or the amounts thereof to be delivered or paid to said claimants, or to remain in the possession of the person, firm, association, bank, national bank, trust company, or other corporation, as the facts shall warrant, and shall order the amounts of all items not so claimed to be paid into the State Treasury to the credit of the Commonwealth, or, if such items consist of chattels or securities, that the same be sold in such manner as the court may direct and that the proceeds thereof be similarly paid into the State Treasury.

It is the purpose and intent of this act that moneys subject to escheat, sought by the Commonwealth to be ordered paid into the State Treasury without escheat, under the provisions of this act, shall be forthwith ordered by the proper court to be so paid, whenever application for such an order is made by the Attorney General after the respective periods provided by existing law making such moneys escheatable shall have expired respectively, and after the notices by mail and by advertisement required to be given by the act making such moneys escheatable shall have been given, without any further notice whatever to depositors, beneficiaries, or creditors.

An appeal to the Supreme Court may be taken from any order made by any court under the provisions of this act, by either the Commonwealth or the respondent to the petition whereon said order is made, at any time within thirty days after the date of said order.

Upon the payment of the amounts of such items or the proceeds thereof into the State Treasury in compliance with said order, the said person, firm, association, bank, national bank, trust company, or other corporation shall be relieved from all liability for the amounts so paid.

Section 2. That section two of said act, approved May sixteenth, one thousand nine hundred and nineteen (Pamphlet Laws, page one hundred seventy-seven), which reads as follows:—

“Section 2. The owner of any such moneys so paid into the State Treasury, or his legal representatives, may, at any time, apply to the State Treasurer for a refund of the same, and upon his making proof of his

Section 2, act
of May 16, 1919
(P. L. 177),
cited for amend-
ment.

ownership or right of possession to the satisfaction of the State Treasurer, Auditor General, and Attorney General, constituting the Board of Public Accounts, such moneys shall be paid him, on the requisition of said board, and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury not otherwise appropriated, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof; and an appropriation sufficient to make such refunds is hereby made.

“Any claimant for any such refund may appeal by petition to the court of common pleas of Dauphin County from an adverse decision of said board, which court shall thereupon hear such testimony as may be offered in support of the claim, and determine whether or not the claimant is entitled to any refund, and, if so, the amount thereof. If the court find that he is so entitled, it shall report its finding to the said board, and order the making of a refund of the proper amount. Thereupon the refund shall be made in the manner hereinbefore provided, with interest as aforesaid. No such appeal shall be entertained, however, unless the claimant shall file with his petition an affidavit that all the proof which he proposes to offer in support of his claim had been presented to the said Board of Public Accounts before that board acted adversely upon his claim,” be, and the same hereby is, amended so as to read as follows:—

Section 2. The owner of any such moneys so paid into the State Treasury, or his legal representatives, may, at any time, apply to the State Treasurer for a refund of the same, and, upon his making proof of his ownership or right of possession to the satisfaction of the State Treasurer, Auditor General, and Attorney General, constituting the Board of Public Accounts, such moneys shall be paid him, on the requisition of said board, and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury not otherwise appropriated, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof; and any moneys escheatable under the provisions of any act of Assembly, and therefore subject to being taken over without escheat under the provisions of this act, which have been heretofore voluntarily paid into the State Treasury, or which may be hereafter so paid, shall be likewise refunded in the same manner in which moneys so paid pursuant to an order of court are refunded under the provisions of this act; and an appropriation sufficient to make such refunds is hereby made.

Refund to owners.

Proof of ownership.

Payment.

Moneys voluntarily paid to State Treasury.

Appropriation.

Appeals to court.

Hearing.

Report.

Order.

Any claimant for any such refund may appeal by petition to the court of common pleas of Dauphin County from an adverse decision of said board, which court shall thereupon hear such testimony as may be offered in support of the claim, and determine whether or not the claimant is entitled to any refund, and, if so, the amount thereof. If the court find that he is so entitled, it shall report its findings to the said board, and order the making of a refund of the proper amount. Thereupon the refund shall be made in the manner hereinbefore provided, with interest as aforesaid. No such appeal shall be entertained, however, unless the claimant shall file with his petition an affidavit that all the proof which he proposes to offer in support of his claim had been presented to the said Board of Public Accounts before that board acted adversely upon his claim.

Payment to depositor by mistake or compulsion.

Any depositary or trustee or other fiduciary, or any debtor, who or which shall, through mistake or compulsion of law, pay the amount of any unclaimed deposit, trust fund, or debt, subject to escheat under the provisions of any act of the General Assembly, to the depositor or beneficiary thereof or person to whom the debt is owing, after such amount shall have been paid into the State Treasury either voluntarily or pursuant to the provisions of this act, may make application for and obtain a refund thereof from the State Treasury in the manner and subject to the conditions hereinbefore in this section provided.

Refund from State Treasury.

APPROVED—The 21st day of April, A. D. 1921.

WM. C. SPROUL.

No. 118.

AN ACT

To amend an act, entitled "An act providing for the payment into the State Treasury of unclaimed funds in the hands of fiduciaries; defining the term fiduciary; providing for the refunding of such funds from the State Treasury with interest to persons entitled thereto, and making an appropriation therefor; prohibiting the discharge of such fiduciaries, the release of their sureties, or the final distribution of funds in their possession, until after compliance with the provisions of this act; and imposing penalties," approved the sixteenth day of May, Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws, one hundred sixty-nine).

Department of the Auditor General.

Fiduciaries.

Amendments to the act of May 16, 1919 (P. L. 169).

Section 1. Be it enacted, &c., That section three of an act, entitled "An act providing for the payment into the State Treasury of unclaimed funds in the hands of fiduciaries; defining the term fiduciary; providing for the refunding of such funds from the State Treasury with interest to persons entitled thereto, and making an appropriation therefor; prohibiting the discharge of such fiduciaries, the release of their sureties, or the