

Proviso.

and imposed for the same period, under the provisions of said section twenty-one, which are again made operative and applicable to foreign corporations by this section: Provided, That, if such credit exceeds the taxes due, the excess may be refunded upon application being made to the Board of Finance and Revenue in the manner prescribed by law.

Act to be retroactive.

Section 3. The provisions of this act shall be retroactive to the first day of January, one thousand nine hundred thirty-five, so that capital stock of domestic corporation, limited partnerships, and joint-stock associations, organized for laundering, for the processing and curing of meats, their products and by-products, and for manufacturing purposes, shall pay the tax imposed for the calendar years one thousand nine hundred thirty-five and one thousand nine hundred thirty-six, or for the fiscal years, beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six in the same fashion as other corporations, limited partnerships, and joint-stock associations.

When effective.

Section 4. This act shall become effective immediately upon its final enactment, and its provisions shall be applicable to the settlements of franchise taxes on foreign corporations for the year ending the thirty-first day of December, one thousand nine hundred and thirty-five, or any fiscal years ending in the calendar year one thousand nine hundred and thirty-six.

Unemployment relief.

Section 5. The sum of eighteen million dollars (\$18,000,000), derived from the tax imposed under the provisions of this act on reports filed for the year one thousand nine hundred and thirty-five, shall be used only for unemployment relief and for such purposes is hereby appropriated.

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

GEORGE H. EARLE

No. 87

AN ACT

To amend section thirteen hundred and five of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds

of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring every person, copartnership, bank, national bank, bank and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank to report unclaimed deposits after certain years, and repealing certain acts.

Section 1. Be it enacted, &c., That section thirteen hundred and five of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," is hereby amended to read as follows:

Section 1305. Reports by Banks, Fiduciaries, Prothonotaries, Et Cetera.—In the month of January of each year, reports heretofore made to the Auditor General, shall hereafter be made to the Department of Revenue, as follows:

(a) Every person, copartnership, bank, national bank, *bank and trust company*, safe deposit company, trust

Taxation.

Section
1305, act
of April
9, 1929
(P. L. 343),
amended.

Reports.

company, association, and corporation, doing business in this Commonwealth, [except] *including* savings 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)] which receives or has received deposits of moneys, shall make a report of such deposits of money, which shall not have been increased or decreased, or, if not increased or decreased, on which interest is not known to have been credited on the pass-book or certificate of deposit of the depositor, at his request, within [fourteen] *ten* or more consecutive years next preceding the first day of said month *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 within a period of twenty-one, or more consecutive years, next preceding the first day of said month.* The said period of [fourteen] *ten* years or *twenty-one* years, *as the case may be*, shall be computed from the date when the deposit was first made, or was increased or decreased, or interest was entered in the pass-book or on the certificate of deposit of the depositor, whether the deposit was, at such date, in the possession of the depository holding the same at the expiration of said period of [fourteen] *ten* or *twenty-one* years, or was in the possession at said date of any other depository, the deposits of which were afterwards taken over by a depository holding such deposit at the expiration of said period of [fourteen] *ten* or *twenty-one* years.

(b) Every trustee, guardian, committee, executor, administrator, assignee, receiver, or other person, or corporation, acting in any fiduciary capacity whatever, shall make a report of all moneys, or other estate, held by him or it under a dry trust, or under or by reason of an active trust which has terminated, the beneficial owner or owners of which moneys or estate shall have been unknown, or the whereabouts whereof shall have been unknown, for a period of seven years next preceding the first day of said month.

(c) Every prothonotary of a court of common pleas, and every clerk of an orphans' court, shall make a report of any estate or effects which shall have been paid into and deposited in the court, of which he is an officer, or shall be in the custody of any depository, receiver, or other officer of said court, the rightful owner or owners of which estate or effects shall have been unknown, or the whereabouts of such owner or owners shall have been unknown, for the period of seven or more successive years next preceding the first day of said month.

(d) Every person, partnership, limited partnership, partnership association, bank, *bank and trust company*, national bank, trust company, safe-deposit company, or other corporation or association, engaged in the business of receiving moneys on deposit, or securities or other property for safe-keeping, which has received and holds, in any manner not elsewhere in this act mentioned, any money belonging to another person, or which has received and holds any other property or estate of another person for storage or safe-keeping or otherwise, in any manner whatsoever, shall make a report of all such money or property, so far as known, the amount of which money has not been claimed, or access to which property has not been had by the person for whom the same is held, within seven or more successive years next preceding the first day of said month.

(e) Every bank, national bank, *bank and trust company*, trust company, or other corporation, association, partnership, limited partnership, and partnership association, engaged in the business of receiving moneys on deposit, or securities or other property for safe-keeping, in this Commonwealth, except building and loan associations, shall make a report of all dividends or profits declared by it to any stockholder or member, and not paid for three or more successive years next preceding the first day of said month, and all debts and interest on debts due by it to any creditor, and not paid for three or more successive years next preceding the first day of said month, and of all property held by it for the benefit of another person, which property shall have been demandable by such other person for seven or more successive years next preceding the first day of said month and shall not have been received by such other person.

Every report required by this section shall show the names and addresses of the depositors of such money, or the owners of such property received for storage or safe-keeping, of the said stockholders, members, or creditors, and of the persons entitled to demand the property held for the benefit of another, in the cases respectively, and the nature and amount of such deposits of money, property, dividends, profits, debts, and interest on debts and property, held for the benefit of another, so far as known, and, if any such particulars be not known, it shall be so stated, and such particulars as are known shall be stated; and such reports shall be in the form prescribed by the Department of Revenue, and shall be verified by affidavit of the persons making the same, and, in the case of a corporation or other person not a natural person, shall be made and verified by affidavit of the treasurer thereof, or chief financial officer, if there be no treasurer, said affidavit to declare

Contents of reports.

that the report is true and contains all the facts required by law to be reported.

Every person liable to make such report shall permit the Department of Revenue, acting through any deputy, clerk, accountant, or attorney, designated by it for that purpose, to inspect the records, books, and papers of such person, relating to the subject matter of such report, and, when required by the Department of Revenue, by subpoena signed by the Secretary of Revenue, designating a certain time and place, any person, whether liable to make such report or not, shall attend as a witness before any deputy, clerk, accountant, or attorney, designated by it for that purpose, with such records, books, and papers, as the department may require, and shall answer fully such questions as may then be put to him concerning the subject matter of this section, and permit full inspection of such records, books, and papers.

No person shall be excused from answering, or from attending and testifying, or from producing books, papers, and records, in any proceeding under the provisions of this section, or in any proceeding, criminal or otherwise, relating to the subject matter thereof, for the reason that the answer or testimony, or evidence, documentary or otherwise, required of him, may tend to criminate him, or subject him to a penalty or forfeiture, but no person shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter, or thing, concerning which he may answer or testify, or produce evidence, documentary or otherwise, in any such proceedings: Provided, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

If any person or corporation shall fail to comply with any summons of the Department of Revenue for the attendance of persons, or for the production of books, accounts, documents, or papers, or shall refuse to be sworn as a witness, or refuse to testify fully as such, or if any person or corporation shall refuse to permit any person designated by the Department of Revenue to inspect books, accounts, documents, or papers, as required by this section, the Attorney General, acting for the Department of Revenue, may apply, by petition in the name of the Commonwealth, to the court of common pleas having jurisdiction, and the court shall make such order, on reasonable notice to such person or corporation, as shall compel compliance with the law, and the violation of such order shall be a contempt of such court, and punishable as such. The remedy herein provided shall be in addition to other remedies and penalties provided by law.

No fee or reward shall be paid to any person for information which shall result in the escheat of any property which is reported or required to be reported under

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.