REVIEW OF RECENT DECISIONS

BANKS—CONSTITUTIONAL RIGHTS NOT INFRINGED BY REQUIRING UNCLAIMED DEPOSITS TO BE TURNED OVER TO STATE.

Security Savings Bank v. California, U. S. Sup., Adv. Ops. Dec. 15, 1923:

A State statute provided that if a bank account has not been added to or drawn upon by the depositor for more than twenty years, and no one claiming the money, has, within that period, filed with the bank any notice showing his present residence, and the bank's president or managing officer does not know that the depositor is alive, then the bank shall, upon entry of a judgment establishing those facts, in a suit brought by the attorney general in which personal service is had upon the bank and service has been made upon the depositor by publication for four weeks, notice requiring all persons other than the named defendants to appear and show cause why the deposit involved should not be deposited with the State treasurer or pay said deposit over to the State Treasurer. In a proceeding by the State under said statute, held:

The contract of deposit does not give a bank a tontine right to retain the money in the event it is not called for by the depositor.

The liability of a State bank for unclaimed deposits is intangible property within the State, over which the State has the same dominion as it has over tangible property.

No right of the bank under the Federal Constitution is infringed by the State's requiring it to turn over to it deposits which have remained unclaimed for a long time, and it is immaterial whether the State will receive the money merely as depositary or take it as an escheat.

Such a proceeding is not one *in personam* so far as it concerns the depositor, within the rule governing service of process in actions *in personam.* Sufficient seizure of the res and notice to claimants to protect the bank, are effected by providing for personal service of notice on the bank and publication of summons to depositors, and of notice to all other claimants.

CONFLICT OF LAWS—STATE AND FEDERAL—STATE STATUTE REQUIRING LEASES, INVALID BY ACT OF CONGRESS, TO BE CONSIDERED TENANCIES AT WILL HELD INVALID.

Bunch v. Cole, U. S. Sup., Adv. Ops. Dec. 15, 1923:

Action by Bunch, an Indian allottee of land, to recover for a wrongful occupancy of his land. By Federal statute an adult allottee could lease his homestead for not exceeding one year, and the surplus land allotted to him for not exceeding five years, without any approval of the lease, but could not