

LAW -  
Committee Authority

310 HOLLY CORP., Appellant v. DOBELL.

Opinion of the Court. [401 Pa.

The plaintiff has no cause to complain. It was because of its instructions to the garnishee that the tender of the exercise of the option was not accepted; it was its action which prevented the stock certificates from becoming the property of the defendant. The court below, in the circumstances, could only decide that foreign attachment did not lie.

Order affirmed; costs to be borne by appellant.

Mr. Justice COHEN dissents.

McGinley v. Scott, Appellant.

*Constitutional law—Constitution of Pennsylvania—Article II, §4—Legislative powers—Senate—Investigation of district attorney.*

1. The Senate of Pennsylvania is without constitutional power to investigate the conduct of a particular district attorney; and a Senate resolution which assumes to direct committee members to investigate the actions of a specified district attorney with respect to charges of alleged crime in his county is invalid. [322-3]

2. A Senate resolution is not a "law" within the purview of Article II, §4 of the Pennsylvania Constitution (which provides that "At regular sessions convening in even-numbered years the General Assembly shall not enact any laws, except laws raising revenue and laws making appropriations."). [321]

3. Article II, §4 of the Pennsylvania Constitution has no reference to, nor does it limit, any power of either House of the General Assembly except in respect of the enactment of laws. [319-20]

4. The right to investigate in order to acquire factual knowledge concerning particular subjects which will, or may, aid the legislators in their efforts to determine if, or in what manner, they should exercise their powers, is an inherent right of a legislative body, ancillary to, but distinct from such powers. [320]

5. It is immaterial that laws drafted as a result of the legislative investigation cannot be passed at the session at which the committee was constituted. [320]

*Words and Phrases—Law—Resolution.*

6. A law is a bill that has been passed by a majority of the members of both Houses of the General Assembly and has either

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310, (1960).]

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SPEAR'S ESTATE.

199, (1939).]

Opinion of the Court.

can be salvaged would unduly extend the life of this trust after its real purpose has been accomplished. Moreover, the requested apportionment would defeat the clear intention of the testator that the life tenant was to receive the income under a spendthrift trust free of creditors' claims.

The court below correctly held that the purpose of the testator required the trust to be terminated as of the date of the death of James Spear, Jr. To hold otherwise would be to reverse the maxim, and compel remaindermen to starve so that creditors and heirs of life tenants, to whom the testator intended no benefit, should feast.

Decree affirmed.

Annenberg, Appellant, v. Roberts et al.

Annenberg, Appellant, v. Thompson et al.

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*Appeals—Orders—Equity—Dissolution of injunction—Scope of review—Act of June 12, 1879, P. L. 177.*

1. Where a preliminary injunction is granted subject to a motion to continue, and such motion is afterwards overruled and the injunction dissolved, the situation is treated on appeal as equivalent to the refusal of a preliminary injunction and the decree of dissolution as constituting an appealable order within the meaning of the Act of June 12, 1879, P. L. 177. [208]

2. In such cases the appellate court will look only to see if there were any apparently reasonable grounds for the action of the court below, and will not express an opinion on the merits except where the record discloses a fundamental error of law. [208]

*Constitutional law—Title of statute—Article III, section 3—Transmission of gambling information—Act of October 11, 1938, P. L. 77.*

3. The Act of October 11, 1938, P. L. 77, creating a commission to study and report on use of devices and methods of transmission

[333 Pa. it is therefore said: "The delay attendant upon the life tenant's estate... No... the circumstances."

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