

(a) In the case of stock companies, a capital of one hundred thousand dollars (\$100,000.00), and in addition thereto, has accumulated a surplus in the sum of at least twenty-five thousand dollars (\$25,000.00), or

(b) In the case of mutual companies, accumulated a surplus in the sum of at least one hundred thousand dollars (\$100,000.00).

Any such company may issue policies agreeing to pay in excess of the weekly limitations herein prescribed, but not exceeding [forty-five dollars (\$45)] *fifty-five dollars (\$55)* per week *and agreeing to pay an additional benefit for hospital and medical expenses for any one sickness or accident not exceeding one hundred fifty dollars (\$150)* in the event of disablement from sickness or accident, provided such policies limit payment of benefits to periods during which insured shall have been admitted as a patient into and as such be necessarily wholly and continuously confined within a duly licensed and incorporated hospital, provided it has:

(a) In the case of stock companies, additional capital of twenty-five thousand dollars (\$25,000.00), and has accumulated additional surplus in the sum of at least twenty-five thousand dollars (\$25,000.00), or

(b) In the case of mutual companies, accumulated additional surplus in the sum of at least twenty-five thousand dollars (\$25,000.00).

Such additional capital and additional surplus as required by clauses (a) and (b) of this paragraph shall be deemed to be capital and surplus additional to that required by any of the previous paragraphs of this section or by the act under which such company was incorporated or reincorporated.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 25th day of May, A. D. 1951.

JOHN S. FINE

No. 98

AN ACT

Relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation, including that conferring jurisdiction on courts of quarter sessions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Habeas corpus.

Jurisdiction conferred upon judges of court of common pleas.

Section 1. Any judge of a court of common pleas within this Commonwealth shall have jurisdiction, at any time, to issue a writ of habeas corpus upon application by, or on behalf of, any person (hereafter called the relator) alleged to be unlawfully imprisoned or detained in any penitentiary, prison, reformatory, house of detention, mental institution, or other place, (a) within the judge's judicial district, or (b) outside of his judicial district, if the relator was committed by action of any court of the judge's judicial district: Provided, That when relator's detention or confinement is by virtue of sentence after conviction for a criminal offense, only a judge of the judicial district of conviction and sentencing shall exercise such jurisdiction.

Proviso.

Judges of Orphans' Courts, of Municipal Court of Philadelphia and Allegheny County Court to retain present jurisdiction.

Section 2. The judges of the several Orphans' Courts, of the Municipal Court of Philadelphia and of the Allegheny County Court shall continue to exercise the jurisdiction in habeas corpus which they have under existing law.

Petition for writ.

Venue where relator is undergoing detention or confinement as the result of conviction and sentence upon a criminal charge.

Section 3. An application for a writ of habeas corpus shall be by petition, duly verified by the relator or by someone on his behalf. In all instances where relator is undergoing detention or confinement as the result of conviction and sentence upon a criminal charge, relator shall present his petition to a judge of the judicial district wherein he was convicted and sentenced; in all other instances, he may present his petition to any judge having jurisdiction.

Procedure.

Section 4. Upon the presentation of a petition, as aforesaid, to any judge having jurisdiction, he may, if he believes the circumstances justify it, direct the writ to issue forthwith, or he may allow a rule to show cause why the writ should not be issued, returnable in not more than twenty days. Service of the writ or the rule to show cause, as the case may be, shall be made forthwith in such manner as the judge shall direct, anywhere in the Commonwealth, upon the warden, superintendent or other person in charge of the penitentiary, prison, reformatory, house of detention, mental institution, or other place in which the relator is imprisoned or detained. Notice shall also be given to such other interested parties (including the district attorney, in proper cases), and in such manner as the judge shall direct. If a rule has been allowed, the judge who allowed it, or, in case of his absence or disability, any other judge of his court, may, upon or after the return day, order the writ to issue or discharge the petition.

Service.

Hearing.

Section 5. In ordering the writ to issue, or in awarding a rule to show cause, the judge shall fix a date for a hearing, which shall be held as promptly as may be, and may or may not order the relator to be produced at the

hearing, as the circumstances may warrant, and except when the relator is charged with a non-bailable offense or has been convicted and sentenced, the judge may, in his discretion, fix bail in such amount as he deems appropriate for the appearance of the relator at the time and place of hearing and may order his discharge meanwhile.

Section 6. After hearing, the judge shall dismiss the writ, order the discharge of the relator, or make such other order as shall be appropriate. He shall impose costs, which shall include the actual expenses, if any, of bringing the relator to the place of hearing.

Section 7. From the decision of any judge upon any petition for a writ of habeas corpus, or upon any order made pursuant to a hearing on the writ, an appeal may be taken as in other cases. When the basis of the petition is an alleged defect or illegality in a criminal proceeding, the appeal shall be to the court which has appellate jurisdiction in cases involving the crime with which the person imprisoned or detained is charged or of which he has been convicted. In all cases involving the custody of minors or of persons alleged to be mentally ill, appeals shall be to the Superior Court. In all other cases, appeals shall be to the Supreme Court.

Section 8. Section 2 of the act of April 4, *1837 (Pamphlet Laws 377), entitled "An act to alter the times of holding Courts in the county of Tioga, and for other purposes," is hereby repealed insofar as it relates to the allowance and issuance of writs of habeas corpus; and all other acts and parts of acts inconsistent herewith are hereby repealed.

Section 9. This act shall become effective immediately upon its final enactment.

APPROVED—The 25th day of May, A. D. 1951.

JOHN S. FINE

No. 99

AN ACT

To amend the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by further regulating health and accident insurance.

Proceedings
after hearing.

Appeals to
Superior or
Supreme Court.

Section 2, act of
April 4, 1837,
P. L. 377,
repealed
in part.

Inconsistent acts
repealed.

Act effective
immediately.

* "1873" in original.