

and including liquidation of the company. This certificate shall continue in effect until revoked as provided in this section. The president and secretary of the company shall file annually, on or before April 1, with the Insurance Commissioner, a certification that the resolution of the board of directors providing for the issuance of *nonassessable policies has not been modified or revoked and that the company has the surplus requirements as provided in section 806. The Insurance Commissioner may, after hearing, revoke the certificate of authority to issue a nonassessable policy if he finds that the company does not have the surplus as provided in section 806, and shall revoke said certificate upon receipt of certification by the president and secretary that the company no longer qualifies to issue nonassessable policies.

Section 806.2. Violations and Penalties.—Any officer or director who is guilty of wilfully making a false certification that the company possesses the surplus as required in section 806 shall, upon conviction thereof, be punished by a fine of not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) or imprisonment for not more than one year, or both.

APPROVED—The 3rd day of July, A. D. 1957.

GEORGE M. LEADER

No. 255

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," authorizing the courts to determine and make orders with respect to visitation rights of parents.

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

Section 1. Section 733, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended September 26, 1951 (P. L. 1494), is amended to read :

Section 733, act of June 24, 1939, P. L. 872, amended September 26, 1951, P. L. 1494, further amended.

Section 733. Desertion and Nonsupport.—If any husband, or father, being within the limits of this Commonwealth, separates himself from his wife or from his children, or from wife and children, without reasonable cause, or neglects to maintain his wife or children, (1) his wife or children may file a petition, prepared by the district attorney and joined in and consented to by the husband or father, in the court of quarter sessions

* "non-assessable" in original.

of the county in which the wife or children reside or in the county wherein the desertion or failure to maintain took place, setting forth the facts relating to the separation from or neglect to maintain his wife or children, or both, whereupon the court, or any judge thereof in chambers, shall enter an order fixing a time and place for hearing; or (2) any magistrate, upon information made before him under oath or affirmation, by his wife or children, or either of them, or by any person, may issue his warrant for the arrest of the person against whom the information shall have been made, and bind him over, with one sufficient surety, to appear at the court of quarter sessions or other court having jurisdiction, there to answer the said charge of desertion.

The said court, after hearing in a summary proceeding, may order the person against whom complaint has been made or petition filed, being of sufficient ability, to pay such sum as said court shall think reasonable and proper for the comfortable support and maintenance of the said wife or children, or both, and to commit such person to prison, there to remain until he shall comply with such order, or give security, by one or more sureties, to the Commonwealth, and in such sum as the court shall direct for the compliance therewith. The court may also issue the appropriate writ of execution against any property, real or personal, belonging to the defendant, and its writ of attachment execution against any money or property to which he may be in any way entitled, whether under what is known as a spendthrift trust or otherwise, which shall not exceed fifty per centum thereof, and shall remain a continuing levy until the order has been paid in full with costs. The person against whom an order is made shall not be entitled to the benefits of any exemption law now in force or hereafter passed.

The provisions of this section shall apply to any trust, whether it is known as a spendthrift trust or otherwise, whether such trust was created or came into existence before or after the passage of this act. Where an attachment execution is issued the further proceedings thereon shall be in the manner provided in the case of foreign attachments.

The court, after hearing as provided in this section, may also determine and make orders with respect to the right of parents to visit their children.

Any wife so deserted shall be a competent witness on the part of the Commonwealth, and the husband shall also be a competent witness.

Should any such person abscond, remove or be found in any other county of the Commonwealth than the one in which said warrant issued, he may be arrested by the

said warrant being backed by any magistrate of the county in which such person may be found.

Whenever the court of quarter sessions of any county in the Commonwealth commits the person complained of to the county prison, there to remain until he complies with their order or give security, etc., the court may at any time after three (3) months, if it shall be satisfied of the inability of such person to comply with the said order and give such security, to discharge him from imprisonment.

APPROVED—The 3rd day of July, A. D. 1957.

GEORGE M. LEADER

No. 256

AN ACT

Authorizing the Department of Forests and Waters to convey certain land in Hanover Township, Beaver County, in order to settle pending litigation.

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

Section 1. Upon the receipt of a duly executed deed conveying 57.8 acres of land situate in Hanover Township, Beaver County, to the Commonwealth of Pennsylvania, in confirmation of condemnation proceedings commenced on May 29, 1950, against Harry L. Burgun and Elizabeth M. Burgun, his wife, the Department of Forests and Waters, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to reconvey to the said Harry L. Burgun for a consideration of twelve thousand three hundred seventy-five dollars (\$12,375.00) a portion of said tract which is not required for park purposes, which reconveyance will permit settlement of all litigation which is now pending as a result of the aforementioned condemnation, that portion to be reconveyed being bounded and described as follows:

Beginning at an iron pipe in the center of the township road, said pipe being distant north 6 degrees 31 minutes east 1852.31 feet from a concrete monument in the east line of lands of the Commonwealth of Pennsylvania and on the north side of State Legislative Route 04054; thence in a northerly direction north 6 degrees 31 minutes east 663.19 feet, more or less, to a concrete monument; thence by land now or formerly of Harry L. Burgun north 87 degrees 38 minutes 30 seconds east 821.5 feet, more or less, to a point in the line of lands now or formerly of Harry L. Burgun and Joseph W.

Real property.

Authority to reconvey certain land in Beaver County for specified considerations by the Department of Forests and Waters with the approval of Governor.

Description.