

## HABEAS CORPUS.

### CHAPTER 85.

[S. B. 14.]

#### THE WRIT OF HABEAS CORPUS.

AN ACT to Amend Sections 8651 and 8653 of Chapter 20 of the Revised Codes, Relating to the Writ of Habeas Corpus.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 8651 of the Revised Codes is amended so as to read as follows:

"The writ of habeas corpus must be granted, issued, and made returnable as hereinafter stated:

1. The writ must be granted by the Supreme Court or any judge thereof upon petition by or on behalf of any person restrained of his liberty within this state. When granted by the court it shall in all cases be issued out of and under the seal of the Supreme Court, and may be made returnable, either before the Supreme Court, or before the district court or any judge of the district court.

2. The writ may be granted, issued, and determined by the district courts and the judges thereof upon petition by or on behalf of any person restrained of his liberty in their respective districts.

When application is made to the Supreme Court, or to a judge thereof, proof by the oath of the person applying or other sufficient evidence shall be required that the judge of the district court having jurisdiction by the provisions of sub-division 2 of this section is absent from his district or has refused to grant such writ, or for some cause to be specially set forth is incapable of acting, and if such proof is not produced the application shall be denied."

§ 2. AMENDMENT.] Section 8653 of the Revised Codes is amended so as to read as follows:

"The writ must be directed to the person having custody of or restraining the person on whose behalf the application is made, and must command him to have the body of such person before the court or judge before whom the writ is returnable, immediately, at a place therein specified (or at some specified time), regard being had to the circumstances and the distance to be traveled.

Every writ of habeas corpus issued under the provisions of this chapter shall be substantially in the following form:

State of North Dakota, }  
 County of .. ..... } ss.

The State of North Dakota to the sheriff of .....  
 etc., (or to .....).

You are hereby commanded to have the body of .....  
 by you imprisoned and detained, as is alleged, together with the  
 time and cause of such imprisonment and detention, by whatever  
 name the said ..... shall be called  
 or charged, before ..... judge of the  
 district court, (or before the district or Supreme court, as the  
 case may be), at ..... (naming the place),  
 on ..... (naming the date), (or immediately  
 upon the receipt of this writ), to do and receive what shall then  
 and there be considered concerning the said .....  
 and have you then and there this writ.

Witness, etc.

Such writ must be endorsed "By the Habeas Corpus Act," and  
 if issued by the court, it shall be under the seal of the court; if by  
 the judge it shall be under his hand."

Approved February 20th, 1897.

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## HOLIDAYS.

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### CHAPTER 86.

[H. B. 20.]

#### RELATING TO HOLIDAYS.

AN ACT to Amend Sections 5124 and 5125 of the Revised Codes Relating to  
 Holidays.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 5124 of the Revised Codes  
 be amended so as to read as follows:

"Holidays are every Sunday; the first day of January, which is  
 New Year's Day; the twelfth day of February, which is the birth-  
 day of Abraham Lincoln; the twenty-second day of February,  
 which is the birthday of George Washington; the fourth day of  
 July, which is the anniversary of the Declaration of Independence;  
 the twenty-fifth day of December, which is Christmas Day; the  
 thirtieth day of May, which is Memorial Day; every day on which  
 an election is held throughout the State, and every day appointed