

III. Removal of property of minor out of this state.

May be made when guardian and ward are both non-residents.

P. L. 1847, p. 143.
 " 1868, p. 122.
 " 1871, p. 10.
 Amended.

Ordinary or orphans' court may order.

Delivery of property, or payment in obedience to such order a legal discharge.

Before order made proof to be made.

In what manner.

Of appointment of guardian and security given.

Additional security may be required.

Notice of application.

Order may be refused.

And shall not be made if conflicts with limitation of minor's title, or prejudices interests of citizens of this state.

6. In case any guardian and his ward are both residents of another state or of a foreign country, and such ward is entitled to any property, real or personal, in which shall be included property or money in the hands of any resident guardian, any legacy or distributive share in the hands of any executor or administrator in this state, moneys in the hands of any commissioner, officer or other person, being the proceeds of the sale of lands under any judicial proceedings, or awarded as damages for the taking of lands under any legislative authority, or deposited in any court of this state, arising from the sale of any property of such ward or otherwise, and moneys or funds under the direction or control of the chancellor, it shall be lawful for the ordinary or the orphans' court of the proper county to make an order that such guardian may receive the rents, issues and profits of such real estate, and demand, sue for, collect and receive such legacy, distributive share, moneys or other personal property, and remove the same to the place of the residence of himself and ward; and the delivery, transfer or payment of such property or money to such guardian after the making of such order shall be a legal discharge and acquittance for the same.

7. Before any such order as is mentioned in the last section shall be made, proof to the satisfaction of the ordinary or orphans' court shall be made, by certificate, according to the acts of congress, in case the guardian and ward reside in another state, or by attestation under the seal of the court wherein, or officer before whom the proceedings were had, if their residence be in a foreign country, of the appointment of such guardian, and that he has given adequate security as such guardian in double the amount in value of such property, over and above the value of the property of such ward in the place of his residence; and in case the ordinary or orphans' court shall not be satisfied with the sufficiency of such security, additional security, to be given in this state, may be required in such form as the ordinary or court shall direct.

8. Twenty days' notice of an application for the removal of property under the preceding section shall be given to the resident guardian or the executor or administrator in whose custody such property shall be, and the ordinary or orphans' court may direct notice of such intended application to be given to other persons interested; *provided nevertheless*, that the ordinary or orphans' court may reject such application and refuse such order whenever it shall appear that it is for the interest of the ward that such removal shall not take place; and no order shall be made in any case where such removal will conflict with the terms or limitations attending the right by which the ward owns or is entitled to such property, or the interests of any citizen of this state in such property may be prejudiced.

Gunpowder.

1. Manufactory, where not to be erected.
2. Magazine, where not to be erected.

3. Fire-proof magazines, where they may be erected.

Rev. 549.

An act to regulate gunpowder manufactories and magazines within this state.

R. S. 574.

Passed February 7, 1811.

Manufactory, where not to be erected.

1. That from and after the first day of May next, no person or persons whatsoever, shall be permitted within this state to erect or establish, or cause to be erected or established, any manufactory which shall be actually employed in manufacturing gunpowder, either by himself or any other person, either on his own land or the land of another, within the distance of a quarter of a mile from any town or village, or house of public worship; or within the distance of a quarter of a mile from any dwelling house, barn or out-house, without the consent, under hand and seal, of all and every, the owner or owners of such dwelling house, barn or out-house.

as aforesaid; and any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined any sum not exceeding two thousand dollars; *provided*, nothing in this section shall be so construed as to prevent the completing, rebuilding or repairing any powder mill now erected or erecting in this state on the site on which the same shall be now erected or erecting.

2. That no person or persons hereafter shall be permitted to erect or cause to be erected any powder magazine within this state, either upon his own land or the land of any other person, and actually deposit gunpowder therein, within the distance of half a mile from any town or village, house of public worship, dwelling house, or out-house; and any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding the sum of two thousand dollars.

Supplement.

Approved February 23, 1850. P. L. 1850, p. 115.

3. SEC. 1. That the second section of the act to which this is a supplement, be so modified as to allow any person or persons to erect fire-proof magazines for storing not more in quantity than one hundred kegs of gunpowder, of twenty-five pounds each, at any one time, one-fourth of a mile from any town or village, house of public worship, dwelling house, or out-house.

Habeas Corpus.

I. WHO ENTITLED TO THE WRIT.

1. Who may sue out writ.
2. Who may not.

II. THE APPLICATION FOR THE WRIT, ITS FORM, ETC.

3. Application for writ.
4. Contents of petition for writ, and how verified.
5. Writ to be granted forthwith.
6. Form of writ.
7. Not to be disobeyed from defect of form.
8. How writs sealed and certified.

III. SERVICE OF THE WRIT.

9. Service of writ.
10. *Ib.* when person conceals himself.
11. Fees must be tendered; when bond required.
12. Last section not applicable when state is actor.
13. Officers, etc., to obey writs served on them.

IV. RETURN OF WRIT AND PROCEEDINGS THEREUPON.

14. Return, when to be made.
15. Contents of return.
16. Person making return may be examined.
17. Prisoner must be produced, unless in case of sickness.
18. Proceedings in case writ is disobeyed.
19. Proceedings if attachment is issued against sheriff.
20. Prisoner to be produced.
21. Power of the county when called in aid.

V. HEARING ON RETURN OF WRIT AND ORDER TO DISCHARGE OR REMAND.

22. The hearing on return.
23. When prisoner to be discharged and when remanded.
24. If committed on criminal charge, court, etc., may inquire into cause.
25. If process founded on contract, inquiry to be made.
26. The right to writ in such a case.
27. Notice to parties interested.
28. All persons bailable entitled to writ.
29. Production of person may be waived.

30. Proceedings to take bail.

31. Recognizance and certificate of commissioner to be filed.

32. Custody of prisoner pending proceedings.

33. In case of sickness of prisoner.

VI. EFFECT OF DISCHARGE, PENALTIES, ETC.

34. Prisoner not to be re-imprisoned for same cause.
35. Penalty for re-imprisoning.
36. Penalty for removing, etc., prisoner to elude writ.
37. Penalty for persons assisting.
38. Penalty for refusing to obey writ.
39. Punishment.

VII. MISCELLANEOUS PROVISIONS.

40. Duty of justice of supreme court to issue writ.
41. Warrant if prisoner is about being carried out of state.
42. Warrant for person detaining him.
43. Service of warrant.
44. Proceedings against person detaining prisoner.
45. Prisoners not to be removed from prison except by habeas corpus, etc.
46. To prevent and punish illegal imprisonments of citizens of this state carried out of state.
47. Limitation of suits.
48. General issue may be pleaded.
49. Prisoner not to be removed after opening of oyer and terminer.
50. Information not to be exhibited.
51. Discharge on criminal charge not to affect civil process.
52. Prisoner entitled to speedy trial.

VIII. RIGHT OF APPEAL.

53. In criminal cases the prisoner may appeal; in civil cases either party.
54. On appeal prisoner may be discharged or re-committed.
55. Act not to apply to habeas corpus ad testificandum.
56. Act to be liberally construed.

IX. FEES.

57. Fees of officers for services.