

such action is brought be in any way prejudiced or impaired thereby. The judgment in such actions shall, among other things determine the rights of the parties in and to the moneys so deposited and the interest thereon, and the validity of said execution sale and to such bond, and the said moneys and bond shall be paid over and delivered by such sheriff as directed by such judgment upon delivery to him of a certified copy thereof.

The remedy herein provided shall be deemed cumulative and in addition to other remedies now existing.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 652.

### CHAPTER 327.

Habeas corpus

*An act to provide a speedy hearing in special proceedings instituted upon a writ of habeas corpus and a review thereof in the supreme court by any party feeling aggrieved by the decision and order made by a district court, a district judge or court commissioner.*

95 C 327  
61-M - 530  
65-M - 454  
66-M - 291  
69-M - 105

Be it enacted by the Legislature of the state of Minnesota:

Appeals.

SECTION 1. Any party feeling aggrieved by any final order of the district court, district judge or court commissioner made in a special proceeding instituted upon a writ of habeas corpus may within thirty days after such order is filed in the office of the clerk of the district court appeal therefrom to the supreme court by serving notice of such appeal upon the adverse party or his attorney and upon the clerk of said district court and no bond or other proceeding shall be required to perfect such appeal.

95 C 327  
83-M - 252  
86-NW 89  
87-NW 770

95 c 327  
84-M - 204  
84-M - 237  
86-M - 311  
55-l r a 325

Return.

SEC. 2. The clerk of the said district court shall after the filing of such notice of appeal make true copies of the petition writ of habeas corpus return of the respondent and the answer of the relator if any to such return with a copy of the decision and order of the district court, district judge or court commissioner and shall duly certify and return the same to the supreme court and the clerk of said supreme court, shall file the same in his office as the return on such appeal.

C. 327 58-LRA932

SEC. 3. The appeal may be brought on for hearing <sup>Hearing.</sup> before the supreme court at any time when said court is in session by either party by application to said court or a judge thereof for an order fixing the time of hearing of said appeal which shall not be less than five days nor more than fifteen days from the time of such application and such party shall forthwith serve upon the adverse party his or her attorney a copy of such order with a notice that he will bring on such appeal for hearing at the time specified in said order and said appeal shall be heard on said day unless continued for cause. The said appeal shall be tried in the supreme court in the same manner as if the original writ of habeas corpus had been granted and issued out of that court, and upon such hearing said court shall make and give final judgment therein. And if the person in whose behalf the writ was applied for is a minor child of tender years the court shall as a part of its judgment determine the person or party who is entitled to control and direct the education and training of such child; *provided* that no costs and disbursements shall be allowed any party to such proceedings nor shall any party be required to print any paper or any of the proceedings had on such appeal.

SEC. 4. The provisions of sections two and three of this act shall apply to and govern all proceedings on appeals heretofore brought into this court from the order of a district court, district judge, or a court commissioner and which have not been brought to a hearing before the supreme court. <sup>Application.</sup>

SEC. 5. All acts and parts of acts in conflict with the provisions of this act be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.