

ted or detained for treason or felony plainly expressed in the warrant of commitment, or be not convict or in execution by legal process ; *and provided*, that if the person detained be so detained under color of a warrant of commitment, the petition presented by him or on his behalf be accompanied by a copy of the warrant of commitment or detainer or cause of commitment or detainer, or otherwise by an affidavit that a copy thereof was demanded by him of the person in whose custody the prisoner is detained, and the same was neglected or refused to be given ; *and provided*, that if the detainer is on any other color or pretence, there be probable ground shown to the court or judge that the person by or on whose behalf the said application is made, is detained without just cause ; but nothing herein shall prevent the issuing of a writ of habeas corpus at the instance of a person arrested on a charge of any offence which is bailable by law, in order that he may be discharged on bail in the usual course of law.

ARTICLE XLV.

Husband and Wife.

The Act of 1862, ch. 9, repeals section 8 of this Article, and substitutes the following :

SEC. 1. Any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, may cause to be insured for her sole use, the life of her husband for any definite period, or for the term of his natural life ; and any husband may cause his own life to be insured for the sole use of his wife, and may also assign any policy of insurance upon his own life, to his wife, for her sole use ; and in case of the wife surviving her husband, the sum or net amount of such insurance becoming due and payable by the terms of the insurance, shall be payable to her for her own use, free from the claims of the representatives of her husband, or any of his creditors.