

P. G. L., (1860,) art. 43, sec. 15. 1809, ch. 125, sec. 6.

15. If any judge, whether in court or out of court, shall refuse any writ of *habeas corpus* by this article required to be granted, he shall be liable to the action of the party grieved.

Ibid. sec. 16. 1809, ch. 125, sec 5.

16. No citizen of this State committed to the custody of an officer for any criminal matter, shall be removed from thence into the custody of another officer, unless it be by *habeas corpus* or by other legal writ, except where the prisoner shall be delivered to a constable or other inferior officer, to be carried to some common jail, or shall be removed from one place to another within the said county or an adjoining county, in order to his discharge or trial in due course of law; or in case of sudden fire or infection, or other necessity; or where the prisoner shall be charged by affidavit or other lawful evidence, with treason, felony or other crime alleged to be done in any other of the United States of America or territories thereof—in which last case he shall, on the demand of the executive authority of the State, district or territory from which he fled, be immediately delivered up.

1860, ch. 6, sec. 17.

17. Whenever any court in this State having jurisdiction in the premises, other than the court of appeals, or when any judge of any court in this State having jurisdiction in the premises, shall release or discharge any person brought before such court or judge, under the writ of *habeas corpus*, charged with the violation of the provisions of any act of assembly of this State, or section thereof, or of any article or section of the code of public general laws or public local laws of this State, upon the ground, or for the reason, that such act of assembly, or section thereof, or such article or section of the code of public general laws or public local laws, is unconstitutional and void, in whole or in part, because contrary to the constitution or bill of rights of this State, or because contrary to the constitution of the United States, it shall be the duty of the said court or judge ordering such release or discharge for said cause to reduce his opinion to writing within five days after ordering said release or discharge, and to