

judge which, or who, would originally have had power or jurisdiction to issue such writ, under the provisions of the first and third sections of this article, if application in the particular case had been originally made to such Court or judge.

Additional section added

SEC. 3. *And be it enacted*, That said article forty-three of the Code of Public General Laws of this State, title "Habeas Corpus," be amended by adding the following additional section thereto :

Unconstitutional and void.

Consider papers transmitted.

SECTION. 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 transmit the original papers in said case, together with a copy of its or his order of release or discharge, and of his said opinion, under his hand and seal, to the clerk of the Court of Appeals; and it shall be the duty of the said Court to consider the papers so transmitted to its said clerk, including said order of release, or discharge, and said opinion, at the earliest practicable period after the receipt thereof by its said clerk, and to give its opinion in writing upon the case so presented; and the said opinion so given shall have and possess the same authority as if the same was filed in a case formally heard and determined in said Court on appeal.