

able, or if it shall appear that such person is detained without any legal warrant or authority, such chancellor, judge or justice, shall immediately release and discharge such person from such illegal detention or restraint.

See 1816, ch. 193. See notes to sec. 1.

Penalty on the officer for neglect of duty.

SEC. 3. *And be it enacted*, That any officer or other person neglecting or refusing to make the return as aforesaid, or to bring the body of the prisoner or person detained, according to the command of the writ, within the time aforesaid, or not delivering a true copy of the warrant of commitment or detainer, if any there be, within six hours after demand thereof made, to the prisoner or person demanding it on his or her behalf, which copy the officer or other person is hereby required to deliver, shall forfeit to the prisoner five hundred dollars, to recover which the right of action shall not cease by the death of either or both of the parties.

Persons delivered upon a habeas corpus not to be imprisoned, &c.

SEC. 4. *And be it enacted*, That no person who shall have been delivered upon a habeas corpus shall afterwards be imprisoned or committed for the same offence, otherwise than by the order or process of the court wherein he or she shall be bound by recognizance to appear, or some other court having jurisdiction of the cause, or upon surrender by his or her bail.

Persons committed to prison in custody of an officer not to be removed to the custody of another, unless by writ, &c.

SEC. 5. *And be it enacted*, That a citizen of this state, committed to prison in custody of an officer for any criminal matter, shall not be removed from thence into the custody of another officer, unless it be by habeas corpus, or by other legal writ, or where the prisoner shall be delivered to the constable or other inferior officer to be carried to some common gaol, or shall be removed from one place to another within the said county, or any 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, with treason or felony alleged to be done in any other of the United States of America, or the territories thereof, in which last case he or she shall, on the demand of the executive authority of the state or territory from which he or she fled, be immediately delivered up in pursuance of such demand.

Chancellor, judge, &c. refusing a habeas corpus liable to an action.

SEC. 6. *And be it enacted*, That if the chancellor, or any judge or chief justice of the said court, in the vacation time, upon view of the copy of the warrant of commitment or detainer, or cause of commitment, or upon affidavit made that such copy was denied as aforesaid, shall refuse any writ of habeas corpus by this act required to be granted, being moved as aforesaid, such chancellor, judge or justice, shall be liable to the action of the party grieved.

SEC. 7. *And be it enacted*, That if any person who shall be committed for treason or felony, plainly expressed in the war-