

custody, to certify under the seal of the court, the writ of *Habeas Corpus*, the return thereto, and all and singular the affidavits, depositions, evidence, conviction and other proceedings returned to or had before the said Court, unto the Court of Error and Appeal; and the said Court of Error and Appeal shall thereupon hear and determine the said appeal without any formal pleadings whatever; And if the said Court of Error and Appeal shall adjudge or determine that such confinement or restraint is illegal, such court shall certify the same, under the seal of the said court, to the person or persons having the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

Court may order discharge.

Provisions of this Act to extend to cases where the writ issues under the English Act.

7. The several provisions made in this Act, touching the making Writs of *Habeas Corpus* issuing in time of vacation, returnable into the said courts, or for making such writs awarded in term time, returnable in vacation, as the cases may respectively happen, and also for making wilful disobedience thereto a contempt of the court, and for issuing warrants to apprehend and bring before the said Courts, Judge or any of them, any person or persons wilfully disobeying any such writ, and in all cases of neglect or refusal to become bound as aforesaid, for committing the person or persons so neglecting or refusing to gaol, as aforesaid, respecting the recognizances to be taken as aforesaid, and the proceeding or proceedings thereon,—shall extend to all Writs of *Habeas Corpus* awarded in pursuance of the said Act passed in England in the thirty-first year of the Reign of King Charles the Second, or otherwise, in as ample and beneficial a manner as if such writs and the said cases arising thereon had been hereinbefore specially named and provided for respectively.

Rules of practice may be made.

8. The said Court of Error and Appeal may from time to time and as often as it shall see occasion, make such rules of practice in reference to the proceedings on Writs of *Habeas Corpus* as to the said court may seem necessary or expedient.