

ARTICLE XLIII.

Habeas Corpus.

SEC. 1. The several Circuit Courts of this State, the Superior Court of Baltimore city, the Circuit Court for Baltimore city, and the Criminal Court of Baltimore, and the several and respective judges thereof, out of court, and each of the Judges of the Court of Appeals, shall have jurisdiction over the whole State in all matters relative to habeas corpus.

2. The writ of habeas corpus may and shall be granted by any of said courts, or by any of the judges mentioned in the preceding section, whether in term or vacation, upon application being made as herein directed.

3. If any person be committed, detained, confined, or restrained for any crime, or under any color or pretence whatsoever, he may complain to any of the courts or judges mentioned in the first section of this article, (or any one in his behalf may so complain,) and the said court or judge shall forthwith grant a habeas corpus, directed to the officer or other person in whose custody the party detained shall be, returnable immediately before the said court or judge granting the same.

4. The writ of habeas corpus shall be served by delivering it to the officer or other person to whom it is directed, or by leaving it at the prison or place in which the party suing it out is detained; and such officer or other person shall, within three days after such service, make return of the writ, and cause the person detained to be brought before the court or judge, according to the command of the writ, and shall likewise certify the true causes of his detainer or imprisonment, (if any,) or under what color or pretence such person is confined or restrained of his liberty.

5. But if the person detained is to be brought more than twenty miles, the officer or other person shall be allowed so many days more to bring him in, as will be equal to one day for every twenty miles of such further distance.