

The portion of this section conferring original jurisdiction upon the court of appeals and the chief judge thereof, is unconstitutional. *Sevinsky v. Wagus*, 76 Md. 335.

While the court of appeals can not issue *habeas corpus*, its jurisdiction being appellate, the individual judges thereof may issue it. *Ex Parte O'Neill*, 8 Md. 229. See also, *Ex Parte Maulsby*, 13 Md. 632.

1904, art. 42, sec. 2. 1888, art. 42, sec. 2. 1860, art. 43, sec. 2. 1798, ch. 106.
1853, ch. 238, sec. 2.

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.

Ibid. sec. 3. 1888, art. 42, sec. 3. 1860, art. 43, sec. 3. 1876, ch. 373.
1880, ch. 6, sec. 3.

3. Any person committed, detained, confined or restrained from his lawful liberty within this State for any alleged offense or under any color or pretense whatsoever, or any person in his or her behalf, may complain to the court or judge having jurisdiction and power to grant the writ of *habeas corpus*, to the end that the cause of such commitment, detainer, confinement or restraint may be inquired into; and the said respective courts or judges to whom such complaint is so made shall forthwith grant the writ of *habeas corpus*, directed to the officer or other person in whose custody or keeping the party so detained shall be, returnable immediately before the said court or judge granting the same.

The doctrine that where a special, limited jurisdiction is conferred on a court, its power to act must appear on the face of the proceeding, does not apply to *habeas corpus*. *Habeas corpus* is a common law writ; its object and the purpose of article 42, explained. *Deckard v. State*, 38 Md. 203.

From the action of a court on *habeas corpus*, no appeal lies. *State v. Boyle*, 25 Md. 520; *Coston v. Coston*, 25 Md. 506; *Ex Parte Coston*, 23 Md. 271; *Annapolis v. Howard*, 80 Md. 244.

Habeas corpus is not a writ of error. If a judgment of contempt is pronounced by a court of competent jurisdiction and the commitment is in due form, the prisoner can not be discharged by reason of any alleged error or irregularity in the antecedent action of the court. *Ex Parte Maulsby*, 13 Md. 636. See also, *Bell v. State*, 4 Gill, 301.

Any attempted restriction upon the power of judges over the writ of *habeas corpus*, is unconstitutional. This, however, does not affect other portions of the act of 1880, ch. 6. *State v. Glenn*, 54 Md. 596.

Ibid. sec. 4. 1888, art. 42, sec. 4. 1860, art. 43, sec. 4.
1876, ch. 373, sec. 4.

4. The writ of *habeas corpus* shall be served by delivering 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 forthwith or within such reasonable time (not exceeding three days after such service), as the court or judge shall direct, 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 pretense such person is confined or restrained of his liberty.