

bring the body of the person detained, according to the command of said writ, within the time hereinbefore limited, he shall forfeit to the person detained five hundred dollars.

1904, art. 42, sec. 10, 1888, art. 42, sec. 10. 1860, art. 43, sec. 10.
1809, ch. 125, sec. 3.

10. Any person committed or detained, or any person in his behalf, may demand a true copy of the warrant of commitment or detainer; and any officer or other person who shall neglect or refuse to deliver a true copy of the warrant of commitment or detainer, if any there be, within six hours after the same shall have been demanded, shall forfeit to the person detained five hundred dollars. The right of action to recover which or to recover the forfeiture in the next preceding section shall not cease by the death of either or both of the parties.

Ibid. sec. 11. 1888, art. 42, sec. 11. 1860, art. 43, sec. 11.
1809, ch. 125, sec. 2.

11. On the return of a writ of *habeas corpus*, and producing the person detained and the cause of detention before the court or judge who granted the writ, the court or judge shall immediately inquire into the legality and propriety of such confinement or detention, and if it shall appear that such person is detained without legal warrant or authority he shall immediately be released or discharged, or if the court or judge shall deem his detention to be lawful and proper he shall be remanded to the same custody, or admitted to bail if his offense be bailable, and if bailed the court or judge shall take a recognizance to answer in the proper court and shall transmit the same to such court.

If a prisoner is brought up on *habeas corpus*, and it appears that the offense was committed in another county, he may be recognized to appear before the court having jurisdiction. *Parrish v. State*, 14 Md. 245.

The facts being admitted, it is competent for the judge to decide whether there is sufficient legal cause for the detention of the prisoner. *McDonald v. State*, 45 Md. 98 (note).

See notes to sec. 3..

Ibid. sec. 12. 1888, art. 42, sec. 12. 1860, art. 43, sec. 12. 1813, ch. 175.

12. Any person at whose instance or in whose behalf a writ of *habeas corpus* has been issued may controvert by himself or his counsel the truth of the return thereto or may plead any matter by which it may appear that there is not a sufficient legal cause for his detention or confinement, and the court or judge, on the application of the party complaining or the officer or other person making the return shall issue process for witnesses or writings returnable at a time and place to be named in such process, which shall be served and enforced in like manner as similar process from courts of law is served and enforced, but before issuing such process the court or judge shall be satisfied by affidavit or otherwise of the materiality of such testimony.

The facts stated in the return may be controverted, and it may be shown that no judgment or execution in fact exists, or that the court had no jurisdiction; but if there is a judgment by a competent court, then there can be no inquiry as to whether the judgment is erroneous. The writ of *habeas corpus* is not a writ of error. *Ex Parte Maulsby*, 13 Md. 637. See also, *State v. Glenn*, 54 Md. 574.