

out of court, and the judge of the court of appeals from the city of Baltimore, shall have the power to grant the writ of *habeas corpus*, and to exercise jurisdiction in all matters pertaining thereto.

Courts and judges are clothed with jurisdiction to issue *habeas corpus* at all times and in all places throughout the state. *Deckard v. State*, 38 Md. 203.

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

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

While the court of appeals cannot 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.

See art. 3, sec. 55, and notes to art. 4, sec. 14, Md. Constitution.

An. Code, sec. 2. 1904, sec. 2. 1888, 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.

An. Code, sec. 3. 1904, sec. 3. 1888, 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 face of proceeding, does not apply to *habeas corpus*. *Habeas corpus* is a common law writ; its object and purpose of art. 42, explained. *Deckard v. State*, 38 Md. 203.

From action of 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 judgment of contempt is pronounced by a court of competent jurisdiction and commitment is in due form, prisoner cannot be discharged by reason of any alleged error or irregularity in antecedent action of 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.

An. Code, sec. 4. 1904, sec. 4. 1888, 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