

ARTICLE 42.

HABEAS CORPUS.

Jurisdiction and Procedure.

1. What courts and judges may issue.
2. In term or vacation.
3. Any person detained in custody may apply for.
4. Service and return.
5. In what cases immediate return may be ordered.
6. Duty of sheriff in such cases.
7. Penalty for failure to obey writ in such cases.
8. Penalty for failure to obey writ in ordinary cases.
9. Person detained entitled to true copy of commitment; penalty for refusal to furnish copy.
10. Hearing and order of court.
11. Return may be traversed; witnesses summoned.
12. When court not in session or judge absent, on return of writ, any other judge may hear case.
13. Person delivered not to be afterwards imprisoned for same offense; qualifications.
14. Penalty for refusing to grant writ.

15. Person committed to custody of officer not to be removed into custody of other officer; qualifications.
16. Judge discharging person on ground of unconstitutionality of law, shall file opinion and transmit papers to court of appeals for immediate review.
17. Notice of hearing so State's attorney may be present.
18. Return of commitment to magistrate for correction of errors under certain conditions.

Procedure in Relation to Minors.

19. Commitment of minors to juvenile institutions.
20. What is private custody within meaning of sec. 21.
21. Minors brought upon *habeas corpus* from private custody; what orders court may pass.

Uniform Act for Extradition of Persons of Unsound Mind.

- 22-27. Sub-title, how cited; explanation of terms. Persons subject to sub-title. Procedure. Limitation. Interpretation of sub-title.

Jurisdiction and Procedure.

An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. Const. art. 4, sec. 29. 1876, ch. 373. 1880, ch. 6, sec. 1.

1. The court of appeals and the chief judge thereof shall have the power to grant the writ of *habeas corpus*, and to exercise jurisdiction in all matters relating thereto throughout the whole State. The circuit courts for the respective counties of this State, and the several judges thereof, out of court, the superior court of Baltimore City, the court of common pleas of said city, the circuit court and circuit court No. 2 of Baltimore City, and the Baltimore City court, and the judges of said several courts, 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.