

Court, 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.

8 Md 227, 13 Md.
625, 23 Md 271,
25 Md 500, 509,
31 Md 329, 38
Md 186, 203

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.

Art 43, s 2
1798, c 106,
1853, c 238, s 2.
When writ to
be granted

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.

1876, c 373
Writ, how ob-
tained and
when issued and
returnable
13 Md 625,
14 Md 238,
38 Md. 186

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 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 pretence such person is confined or restrained of his liberty.

1876 c 373
service of writ
4 Gill 301,
7 Fet 568

Return.

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.

Art 43, s 5
1809, c 125, s 1.
Officer's allow-
ance for dis-
tance

6. On any application for a habeas corpus, if it shall be made appear, to the satisfaction of the court or judge, that there is probable cause for believing that the person who may be charged with confining or detaining the person making the application, or on whose behalf the same is made, is about to remove the person so detained from the place where he may then be confined or detained, for the purpose of evading any writ of habeas corpus, or for other purpose, or that the person charged as aforesaid would evade or not obey any such writ, then the court or judge shall insert in the writ of habeas corpus a clause commanding the sheriff of the county in which the person charged as aforesaid may be, to serve the writ on the person to whom the same may be directed, and to cause the said person immediately to be and appear before the said court or judge, together with the person so confined or detained.

Id s 6
1819, c 137, s 1
When removal
of party de-
tained appre-
hended, what
writ to contain.

7. It shall be the duty of the sheriff to whom the writ mentioned in the preceding section may be delivered, immediately to execute the same, and to carry the person charged with the detention, together with the person detained, before the court or judge, who shall proceed to inquire into the subject-matter.

Id s 7
1819, c 137, s 1.
Sheriff to exe-
cute such writ
immediately.