

court or judge shall be satisfied, by affidavit or otherwise, of the materiality of such testimony.

**13.** If the court or judge granting the habeas corpus shall not be in session, or absent at the return thereof, the said writ shall be returned before any other court or judge.

Id s 13  
1809, c 125, s 2  
To whom re-  
turnable, when  
court not in  
session.

**14.** No person, who shall be released upon habeas corpus, shall afterwards be imprisoned or committed for the same offence, unless he be surrendered by his bail, or convicted of the offence for which he gave bail.

Id s 14  
1809, c 125, s 4  
When person  
released may be  
imprisoned

**15.** If any judge, whether in court or out of court, shall refuse any writ of habeas corpus by this article required to be granted, he shall be liable to the action of the party grieved.

Id. s 15  
1809, c 125, s 6  
Judge refusing,  
liable to action

**16.** No citizen of this State, committed to the custody of an officer for any criminal matter, shall be removed from thence into the custody of another officer, unless it be by habeas corpus or by other legal writ, except where the prisoner shall be delivered to a constable or other inferior officer, to be carried to some common jail, or shall be removed from one place to another within the said county or an adjoining county, in order to his discharge or trial in due course of law; or in case of sudden fire or infection, or other necessity; or where the prisoner shall be charged by affidavit, or other lawful evidence, with treason, felony, or other crime, alleged to be done in any other of the United States of America or the Territories thereof; in which last case he shall, on the demand of the executive authority of the State, District, or Territory from which he fled, be immediately delivered up.

Id s 16  
1809, c 125, s 5  
When prisoner  
may be removed  
from custody of  
one officer to  
another  
42 Md 45.

## II.—MANDAMUS.

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| <p>1 To whom applications to be made</p> <p>2 Rule to show cause, service.</p> <p>3 Answer of defendant</p> <p>4 On second application, what not allowed by way of defence</p> <p>5 Petitioner to plead to or traverse, and defendant to take issue or demur, for their pleadings.</p> | <p>6 Trial of issue</p> <p>7 Damages for petitioner</p> <p>8 Where judgment for defendant.</p> <p>9 Proceedings, if defendant fail to answer</p> <p>10 Dismissal of petition</p> <p>11 Alternative mandamus not lawful</p> |
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Art 59, s 1.  
1806, c 90, s 9,  
1858, c 28  
To whom appli-  
cations to be  
made  
22 Md 167, 23  
Md 45, 296, 482,  
24 Md 202, 27  
Md 1, 820, 29  
Md 85, 32 Md 1  
32, 39 Md 386,  
42 Md 480, 46  
Md 500, 621, 47  
Md 145

**1.** All applications for granting writs of mandamus shall be made to the Circuit Courts of the several counties, and the Superior Court of Baltimore City, or to the judges of said courts respectively, during the recess of the court, and shall be commenced by petition, verified by the affidavit of the applicant, and setting forth fully the ground of his application.

**2.** Upon the filing of such petition, the judge to whom the same is addressed shall lay a rule requiring the defendant therein named to show cause, within such time as the judge may deem proper,

Id s 2  
1858, c 285, s 2.  
Rule to show  
cause.