

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 offence 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.

Farrish v. State, 14 Md. 238.

P. G. L., (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.

Ibid. sec. 13. 1809, ch. 125, sec. 2. 1880, ch. 6, sec 13.

13. If the court granting the said writ of *habeas corpus* shall not be in session at the return thereof, or if the judge granting the said writ of *habeas corpus* shall be absent at the return thereof, the said writ shall be returned before any court or judge, which or who would originally have had power or jurisdiction to issue such writ under the provisions of sections 1 and 3, if application in the particular case had been originally made to such court or judge.

Ibid. sec. 14. 1886, ch. 255.

14. No person who shall have been delivered upon a *habeas corpus* shall afterwards be imprisoned or committed for the same offence, otherwise than by the order or process of the court wherein he or she shall be bound by recognizance to appear, or some other court having jurisdiction of the cause, or upon surrender by his or her bail.