

possess the like rights and powers, and be amenable to the like regulations and duties, as the Baltimore and Strasburg company possess and are subject to, and shall have authority to appoint commissioners to take subscriptions, at such times and places as they may deem best, for a capital stock of sixty thousand dollars, in shares of fifty dollars each.

2. AND BE IT ENACTED, That in case the aforesaid Baltimore and Strasburg road company shall determine to lay out their road through Belle Air, but decline extending a branch of said road from thence to the scite aforesaid, in that event the said bridge company are hereby authorised to make and extend the aforesaid branch of said road.

DEC. SESS.
1813.

Branch.

CHAPTER 175.

An act declaratory of the law on returns to writs of habeas corpus, and for the better protection of the liberty of the citizen.

Passed Jan.
31, 1814.

Section 1. BE IT ENACTED by the General Assembly of Maryland, That it is of right, and shall in all cases be competent for the party complaining of illegal detention or confinement, in whose behalf a writ of habeas corpus hath been issued by the proper court, chancellor, chief justice or other judge, already authorized by law to issue the same, either during the sitting of the court or in vacation time, on return of said writ made by the officer or other person to whom it hath been directed, to controvert by himself or his counsel the truth of such return, or to plead any matter repugnant thereto, or to avoid the effect thereof, whereby it may appear from the circumstances to be proved, that there is not a sufficient legal cause for such detention or confinement.

Illegal confinement.
Remedy.

2. AND BE IT ENACTED, That it shall be the duty of the said court, chancellor, chief justice or other judge, on application in behalf of the party complaining, or the officer or other person making the return, to issue subpoena or subpoena duces tecum, and process of attachment if requisite, returnable at the day and place and in the manner therein directed, to be served by the sheriff of the county or his deputy, and to be enforced as the like process may now be enforced in courts of law, in order to compel the attendance of witnesses, whose testimony it may appear on affidavit or other reasonable cause shewn is necessary, for the purpose of proving all the circumstances of the detention or confinement aforesaid whereby such court, chancellor, chief justice or other judge, may be enabled truly and justly to decide and determine, whether there is any legal warrant or authority therefor, or whether the party restrained of his liberty shall not be forthwith released and discharged.

Party complaining subpoena may be issued, &c.