

CHAP. 137.

Passed Feb 9 1820

If court, &c are satisfied that person charged with confining, &c. is about to remove person confined, to command sheriff to serve writ, and cause person immediately to be brought before them

Penalty on sheriff neglecting or refusing to serve writ

CHAP. CXXXVII.

A Supplement to the act, entitled, An act respecting Writs of *Habeas Corpus*, passed at November session one thousand eight hundred and nine.

1. *Be it enacted, by the General Assembly of Maryland,* That whenever application, or complaint in writing, shall be made to the county court, or to the chancellor, the chief judge, or an associate judge, of any of the judicial districts of this state, or to the chief judge, or an associate judge of Baltimore city court, by or on behalf of any person in confinement or detained within their respective jurisdiction, if it shall be made appear to the satisfaction of the court, chancellor or judge, that there are strong grounds or probable cause for believing that the person who may be charged with confining or detaining the person making the application or complaint, or on behalf of whom the same is made, is about to remove the person so confined or detained from the place where he may then be confined or detained, for the purpose of evading any writ of *habeas corpus*, or for any other purpose, or that the person charged as aforesaid would evade or not obey any such writ if the same was notified to or served on him in the usual manner such writs are executed, then and in that case it shall and may be lawful for the court, chancellor or judge, to issue the said writ of *habeas corpus*, in the usual form, directed to the person charged as aforesaid, and also to insert in such writ a clause commanding and requiring the sheriff of the county in which the person charged as aforesaid may be, to notify to and serve the said writ on the person to whom the same may be directed, and to cause the said person immediately to be and appear before the court, chancellor or judge, together with the person so confined or detained, for the purpose of complying with the command contained in the said writ, and it shall be the duty of the sheriff, to whom the said writ may be delivered, immediately upon the receipt thereof, to execute the same, and to carry the person to whom the said writ may be directed, together with the person so confined or detained, before the court, chancellor or judge, as the case may be, who shall proceed to inquire into the subject matter, and there shall be the same proceedings had thereon as is directed by the act to which this is a supplement, and by the act, entitled, An act declaratory of the law on returns to writs of *habeas corpus*, and for the better protection of the liberty of the citizens, passed at December session one thousand eight hundred and thirteen.

2. *And be it enacted,* That if the sheriff, to whom any such writ of *habeas corpus* may be delivered, shall neglect or refuse immediately to proceed to execute the same, and when executed to make return thereof to the court, chancellor or judge, as the case may be, and take with him the person to whom the said writ may be directed, together with the person so confined or detained, or one of them, he shall upon conviction thereof, forfeit the sum of five hundred dollars, to be paid to the person in whose behalf such writ of *habeas corpus* shall have issued, and if the said person, or some one on his or her behalf, shall not prosecute for the same within six months after such neglect or refusal, then one half of the said forfeiture shall go to the state, and the other half to the person who may prosecute for the same.

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