

An ACT respecting Writs of *Habeas Corpus*.

BE IT ENACTED, by the General Assembly of Maryland, That whensoever a 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 gaol, prison or place, in which the party suing it out is detained, unless the warrant of commitment plainly and specially express the same to have been for treason or felony, such officer or other person shall, within three days after such service, make return of the writ, and cause the prisoner or person detained, restrained or confined, to be brought before the proper court, judge or judges, according to the command thereof, and shall likewise certify the true causes of his or her detainer or imprisonment, if any, or under what colour or pretence such person is confined or restrained of his or her liberty, but if the prisoner is to be brought more than twenty miles, the sheriff or other person shall be allowed so many days more to bring him or her in, as will be equal to one day for every twenty miles of such further distance, and every such writ shall be signed by him who awarded it.

II. AND BE IT ENACTED, That if any person in the vacation time shall be or stand committed or detained as aforesaid for any crime, or under any colour or pretence whatsoever, unless it be for treason or felony, plainly expressed in the warrant of commitment, the prisoner or person detained, not being convicted or in execution by legal process, or any one on his behalf, may complain to the chancellor, or any judge of the court of appeals, or of the county courts of this state, or to the chief justice of the court of oyer and terminer and gaol delivery for Baltimore county, who, at the request of such prisoner or person detained, or other person on his behalf, or upon a view of a copy of the warrant of commitment or detainer, or cause of commitment or detainer, or otherwise, upon affidavit made that a copy thereof was demanded of him in whose custody the prisoner was detained, and the same neglected or refused to be given, to award and grant a *habeas corpus*, to be directed to the officer or other person in whose custody the party committed or detained shall be, returnable immediately before the said chancellor, judge or chief justice, and upon service thereof as aforesaid, the officer or person in whose custody the party is so committed or detained, shall, within the times before respectively limited, bring the prisoner or person detained before the said chancellor, judge or chief justice, before whom the writ is made returnable, or in case of his absence, before any other of them, with the return of the writ, and the true causes, if any, of the commitment or detainer, and thereupon the chancellor, judge or justice, before whom the prisoner shall be brought, shall, within two days thereafter, discharge him or her from imprisonment, taking his or her recognizance, with security, in any sum, according to the direction of the chancellor, judge or justice, having regard to the circumstances of the prisoner and the nature of the offence, for his or her appearance in the county court the term following, or in some other court where the offence is properly cognizable, as the cause may require, and then also certify the same writ, with the return thereof, and the said recognizance, into the said court where such appearance is to be made, unless it appear to the chancellor, judge or justice, that the party so committed is detained upon a legal process, under a warrant out of some court that hath jurisdiction of criminal matters, or by some warrant signed with the hand of any of the said judges or justice, or some justice of the peace, for such matter or offence for which by law the prisoner is not bailable, or if it shall appear that such person is detained without any legal warrant or authority, such chancellor, judge or justice, shall immediately release and discharge such person from such illegal detention or restraint.

III. AND BE IT ENACTED, That any officer or other person neglecting or refusing to make the return as aforesaid, or to bring the body of the prisoner or person detained, according to the command of the writ, within the time aforesaid, or not delivering a true copy of the warrant of commitment or detainer, if any there be, within six hours after demand thereof made, to the prisoner or person demanding it on his or her behalf, which copy the officer or other person is hereby required to deliver, shall forfeit to the prisoner five hundred dollars, to recover which the right of action shall not cease by the death of either or both of the parties.

IV. AND BE IT ENACTED, That 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.

V. AND BE IT ENACTED, That a citizen of this state, committed to prison in custody of an officer for any criminal matter, shall not be removed from thence into the custody of another officer,