

remove him, or avoid the process, the judge shall issue the habeas corpus, and cause the person to be immediately brought before him.

By 1826, ch. 223, either of the judges of Baltimore city court may issue writs of habeas corpus.

SEC. 2. *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 convict 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 justices, or some justice of the peace, for such matter or offence for which by law the prisoner is not bail-

Person committed in vacation time, upon complaint to the chancellor, &c. entitled to a habeas corpus, returnable immediately.