

for the said Judge or the Court to let to bail the said person so confined or restrained, upon his or her entering into a recognizance, with one or more sureties; or in case of infancy or coverture, or other disability, upon security by recognizance in
 5 a reasonable sum to appear in the Court wherein the application is made, upon a day certain in the term following, and so from day to day as the Court shall require, and to abide such order as the Court shall make in and concerning the premises; and any Judge before whom such writ shall be returned shall
 10 transmit into the same Court the said writ and return, together with such recognizance, affidavits and affirmations; and thereupon it shall and may be lawful for the said Court to proceed to examine into the truth of the facts set forth in the return, in a summary way by affidavit or affirmation (in cases where by
 15 law affirmation is allowed,) and to order and determine touching the discharging, bailing, or remanding the party.

4. The like proceeding may be had in the Court for contro-
 verting the truth of the return to any such writ of *Habeas Corpus* awarded as aforesaid, although such writ shall be awarded by
 20 the said Court itself, or be returnable therein.

The same in the Court whence the writ issued.

5. In all cases, in which a writ of *Habeas Corpus* shall be issued under the authority of this Act or of the said Act of the thirty-first year of the reign of King Charles the Second or otherwise, it shall and may be lawful for the judge or court
 25 ordering the issuing of such writ or for the judge before whom such writ shall be returnable, either in term time or vacation, to direct the issuing of a writ of certiorari out of the court from which such writ of *Habeas Corpus* shall have issued, directed to the person or persons by whom or by whose
 30 authority any such person shall be confined or restrained of his or her liberty, or other person having the custody or control thereof, requiring him to certify and return to any Judge in Chambers or to the Court as by the said writ shall be provided, all and singular the evidence, depositions, convictions, and all
 35 proceedings had or taken, touching or concerning such confinement or restraint of liberty, to the end that the same may be viewed and considered by such judge or court, and to the end that the sufficiency thereof to warrant such confinement or restraint, may be determined by such judge or court.

Certiorari to bring proceedings and papers before the Court for Examination.

40 6. In case any person confined or restrained of his or her liberty, as aforesaid, shall be brought before the court in term time upon a writ of *Habeas Corpus*, and shall be remanded to custody again upon the original order or warrant of commitment, or by virtue of any warrant, order or rule of such court,
 45 it shall and may be lawful for such person to appeal from the decision or judgment of the said court, to the Court of Error and Appeal; And it shall be the duty of the Clerk of the Court whose decision or judgment shall be appealed from, upon notice to be given by or on behalf of the person so remanded to

Appeal from remandment.

Certifying proceedings to Court of Appeal.