

brought before them, the said chief justice, or such commissioner or judge of the court of king's bench, before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment; taking his or their recognizance, with one or more surety or sureties, in any sum which shall not be excessive, according to his or their discretion, having regard to the quality of the prisoner, and nature of the offence, for his or their appearance in the court of king's bench, at the next sessions or term, or general goal delivery of and for the district where the commitment was, or where the offence was committed, or in such other court where the offence is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof, and the said recognizance or recognizances into the said court where such appearance is to be made; unless it shall appear unto the said chief justice or commissioner or commissioners for executing the office of chief justice, or judge or judges of the said court of king's bench, that the party so committed, is detained upon a legal process, order, or warrant out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed, with the hand and seal, either of the chief justice or of one of the commissioners for executing the office of chief justice, or of one of the judges of the said court of king's bench, or of some justice or justices, commissioner or commissioners of the peace, for such matters or offences, for which by the law the prisoner is not bailable.

A R T. IV.

PROVIDED always and be it enacted, That if any person shall have wilfully neglected, by the space of two whole sessions or terms of the king's bench established by law for the district where such detention or imprisonment may be, after his imprisonment, to pray a writ of *Habeas Corpus* for his enlargement, such person so wilfully neglecting shall not have a writ of *Habeas Corpus* to be granted in vacation time; in pursuance of this Ordinance.

A R T. V.

AND it is further enacted, That if any officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers or deputy, or other person, shall neglect or refuse to make the return aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner, or person in his behalf, shall refuse to deliver, or within the space of six hours after demand, shall not deliver to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner [which he and they are hereby required to deliver accordingly] all and every the head goalers and keepers of such prisons and such other person or persons in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved