

dition to appear in the Court under the seal of which the writ issued, at a day in the ensuing term to be mentioned in the said warrant, to answer the matter of contempt with which he, she or they are charged; and in case of neglect or refusal to become bound as aforesaid, it shall be lawful for such Judge to commit such person or persons so neglecting 5 or refusing to the common gaol of the county wherein such person resides, there to remain until he, she or they shall have become bound as aforesaid, or shall be discharged by order of the Court in term time, or by order of a Judge in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the same Court, and 10 shall continue in force until the matter of such contempt shall have been heard and determined, unless sooner ordered by the Court to be discharged: Provided that if such writ shall be awarded so late in the vacation by any one of the said Judges, that, in his opinion, obedience thereto cannot be conveniently paid during such vacation, the same shall 15 and may, at his discretion, be made returnable in the Court wherein the application is made, at a day certain in the next term; and the said Court shall and may proceed thereupon, and award process of contempt in case of disobedience thereto, in like manner as upon disobedience to any writ originally awarded by the said Court: And if such writ shall 20 be awarded in term time so late that, in the judgment of the Court, obedience thereto cannot be conveniently paid during such term, the same shall and may, at the discretion of the said Court, be made returnable at a day certain in the then next vacation, before a Judge in Chambers, who shall and may proceed thereupon in such manner as by 25 this Act is directed concerning writs issuing in and made returnable during the vacation.

In certain cases the writ may be made returnable at day certain in the next term.

Judge to examine into the truth of the facts set forth in the Return.

3. In all cases provided for by this Act, although the return to any writ of *Habeas Corpus* shall be good and sufficient in law, it shall be lawful for the Judge before whom such writ may be returnable to proceed to examine into the truth of the facts set forth in such return, by affidavit or by affirmation, (in cases where an affirmation is allowed by law) and to do therein as to justice shall appertain; and if such writ shall be returned before any of the said Judges, and it shall appear doubtful to him on such examination, whether the material facts set forth in 35 the said return, or any of them, be true or not, in such case it shall and may be lawful for the said Judge 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 a reasonable sum, to appear in the Court 40 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 such Judge shall transmit into the same Court the said writ and return, together with such recognizance, affidavits and affirmations; and there- 45 upon 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 law affirmation is allowed) and to order and determine touching the discharging, bailing, or remanding the party. 40

Judge to transmit Writ and Return to the Court whence issued.

Like proceeding in Court for controverting truth of Return.

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