

of the Court, under the seal whereof such writ shall have issued, and it shall be lawful to and for the Judge before whom such writ shall be returnable, or any Judge in Chambers, upon proof made by affidavit of wilful disobedience of the said writ, to issue a warrant under his hand and seal for the apprehending and bringing before him or some other Judge of the said Courts, the person or persons so wilfully disobeying the said writ, in order to his, her or their being bound to the Queen's Majesty, with two sufficient sureties, in such sum as in the warrant shall be expressed, with the condition to appear in the Court under the seal of which the writ issued, at a day in the same or any 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 or Court to commit such person or persons so neglecting or refusing, to the common gaol of the county wherein such person resides, or may be found, 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 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 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 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 this Act is directed concerning writs issuing in and made returnable during the vacation.

Proviso.

Proviso.

Proceedings for inquiring into the truth of the matters alleged in the return: before judge before the writ is returnable.

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 Court or for any 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 upon such return it shall appear doubtful on such examination, whether the material facts set forth in the said return, or any of them, be true or not, in such case it shall and may be lawful