

not longer. But if such payment or tender shall not be made by the person bringing the writ to the sheriff, goaler, minister or other person as aforesaid, such sheriff, goaler, minister or other person, shall return the writ with the true causes of the imprisonment or detainer, without bringing or causing to be brought the body of the person committed or restrained as it may be thereby commanded; and shall certify on the back thereof, that a default of such payment or tender, is the reason and cause that the body of the person is not brought therewith; which shall be deemed a sufficient return.

A R T. III.

AND to the intent that no sheriff, goaler, or other officer, may pretend ignorance of the import of any such writ; Be it enacted, declared and ordained, by the authority aforesaid, That all such writs shall be marked in this manner "*By virtue of an Ordinance passed in the twenty-fourth year of the reign of His Majesty King GEORGE the Third*" and shall be signed by the person that awards the same; and if any person or persons shall be or stand committed or detained as aforesaid, for any crime [unless for felony or treason plainly expressed in the warrant of commitment] in the vacation time, and out of term or sessions, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convicted or in execution by legal process) or any one on his or their behalf, to appeal or complain to the chief justice, or any one of the commissioners for executing the office of chief justice, or any judge or judges of the court of king's bench; and they or any one of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise upon oath made that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorised and required upon request made in writing by such person or persons, or any one on his, her, or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an *Habeas Corpus* under the seal of the Court of king's bench, to be directed to the officer or officers, person or persons, in whose custody the party so committed or detained shall be returnable *immediate* before the said chief justice or such commissioner for executing the office of chief justice, or judge of the said court of king's bench; and upon service thereof as aforesaid, the officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or their deputy, in whose custody the party is so committed or detained, shall within the times respectively before limited, bring such prisoner or prisoners before the said chief justice, or such commissioners, or judges, or any one of them before whom the said writ is made returnable, and in case of his absence, before any other of them, with the return of such writ, and the true causes of the commitment and detainer; and thereupon, within two days after the party shall be brought