

of the judgment obtained in the said suit,) then, and in either of the said cases, it shall and may be lawful for the said Court to commit such defendant or defendants to the Common Gaol of any District until he or they shall comply with the order of the said Court, or finally for such period, not exceeding one year, as the said Court shall think reasonable in punishment of the fraudulent conduct of which they shall adjudge such defendant or defendants to have been guilty: Provided always, that such commitment shall not operate in matters founded on any contract as a discharge of the said judgment, but the same shall continue in force in like manner as if the defendant or defendants had not been committed for such fraudulent conduct;—And provided also, that it shall and may be lawful for the Court wherein any such recognizance of bail shall have been entered in term time, or for a Judge thereof in vacation, after any defendant or defendants shall have submitted to any such examination as aforesaid, or in case no such examination shall be had within one term after judgment shall have been signed in any such cause, when defendant shall be in custody for want of bail, then upon hearing the parties, either to order in their discretion an *exoneretur* to be entered upon such Bail-piece, or that the defendant shall thenceforth be discharged from custody and all future imprisonment on such judgment.

Proviso; imprisonment not to be a discharge.

Proviso; *exoneretur* may be granted in certain cases.

V. And be it enacted, That should any person have been or hereafter be committed to prison upon any attachment or other process issued by any Court of Law or Equity for a contempt or otherwise in not paying costs, or any other sum of money directed, adjudged or decreed by such Courts respectively, to be due from and to be paid by the party imprisoned, it shall and may be lawful for such person to give notice to the party at whose instance such attachment or other process shall have issued, that application for his discharge will be made to the Court or a Judge thereof, whence such attachment or other process shall have issued, whereupon it shall be lawful for the party at whose instance he shall have been committed as aforesaid, within ten days after the service of such notice, to examine such defendant *visà voce* or to exhibit Interrogatories to such person so applying for his discharge or to any witness or witnesses, in like manner as if such party were out upon bail on mesne process and had come up for examination, as in such case is hereinbefore provided.

Proceedings in cases where parties may be imprisoned for contempt in not paying moneys.

VI. And be it enacted, That upon such examination being had, it shall be lawful for such Court or Judge to make such order thereon as if such party had been out on bail and came up for examination as aforesaid: Provided always, that no such order of such Court or Judge so to be made as aforesaid, shall discharge the party so in cus-

What order the Judge may make.

Proviso; as to the effect of such order.