

ained, shall, within the times before respectively limited, bring the prisoner or person detained before the said chancellor, judge or chief justice, before whom the writ is made returnable, or in case of his absence, before any other of them, with the return of the writ, and the true causes, if any, of the commitment or detainer(a), and thereupon the chancellor, judge or justice, before whom the prisoner shall be brought, shall, within two days thereafter, discharge him or her from imprisonment, taking his or her recognizance, with security, in any sum, according to the direction of the chancellor, judge or justice, having regard to the circumstances of the prisoner and the nature of the offence, for his or her appearance in the county court the term following, or in some other court where the offence is properly cognizable, as the cause may require, and then also certify the same writ, with the return thereof, and the said recognizance, into the said court where such appearance is to be made, unless it appear to the chancellor, judge or justice, that the party so committed is detained upon a legal process, under a warrant out of some court that hath jurisdiction of criminal matters, or by some warrant signed with the hand of any of the said judges or justice, or some justice of the peace, for such matter or offence for which by law the prisoner is not bailable, or if it shall appear that such person is detained without any legal warrant or authority, such chancellor, judge or justice, shall immediately release and discharge such person from such illegal detention or restraint.

(a) See note to section 1.

3. AND BE IT ENACTED, That any officer or other person neglecting or refusing to make the return as aforesaid, or to bring the body of the prisoner or person detained, according to the command of the writ, within the time aforesaid, or not delivering a true copy of the warrant of commitment or detainer, if any there be, within six hours after demand thereof made, to the prisoner or person demanding it on his or her behalf, which copy the officer or other person is hereby required to deliver, shall forfeit to the prisoner five hundred dollars, to recover which the right of action shall not cease by the death of either or both of the parties.

Penalty on the officer for neglect of duty.

4. AND BE IT ENACTED, That no person who shall have been delivered upon a *habeas corpus* shall afterwards be imprisoned or committed for the same offence, otherwise than by the order or process of the court wherein he or she shall be bound by recognizance to appear, or some other court having jurisdiction of the cause, or upon surrender by his or her bail.

Persons delivered upon a *habeas corpus* not to be imprisoned, &c.

5. AND BE IT ENACTED, That a citizen of this state, committed to prison in custody of an officer for any criminal matter, shall not be removed from thence into the custody of another officer, unless it be by *habeas corpus*, or by other legal writ, or where the prisoner shall be delivered to the constable or other inferior officer to be carried to some common gaol, or shall be removed from one place to another within the said county, or any adjoining county, in order to his discharge or trial in due course of law, or in case of sudden fire or infection, or other necessity, or where the prisoner shall be charged, by affidavit, with treason or felony alleged to be done in any other of the United States of America, or the territories thereof, in which last case he or she shall, on the demand of

Persons committed to prison in custody of an officer, not to be removed to the custody of another, unless by writ, &c.