

CHAP. 221. to apply, by petition, to any judge of the court to which such writ shall be returnable, to appoint a time and place for producing before him such petitioning prisoner, to be discharged from imprisonment, unless cause shall be shewn to the contrary; and on such application, it shall be the duty of such judge to issue an order to the sheriff, or other officer, in whose custody such petitioner may be, to produce him before such judge, at a time and place in the said order specified, to do and receive whatsoever shall seem just, and also requiring such sheriff, or other officer, to give notice to the plaintiff or plaintiffs, at whose suit such petitioning prisoner shall have been arrested, or to the attorney or agent for the plaintiff or plaintiffs in such suit, to produce, at the time and place named in the said order, the cause of such suit or action; and it shall be the duty of the sheriff, or other officer, to whom such order shall be directed, to obey and execute the same, by delivering a copy thereof to the plaintiff or plaintiffs therein named, or to his or their agent or attorney, or by leaving such copy at the dwelling-house or usual place of abode or of business of either of them, within the time in such order limited, and by producing the body of such petitioning prisoner before the said judge, as directed by such order; and the sheriff, or other officer, who shall execute any such order, shall be entitled to receive from the applicant, such fees as are allowed by law for similar services, to be ascertained and allowed by the judge who shall decide on the application.

Who may decide  
on such applicati-  
on, &c

2. *And be it enacted*, That at the time and place appointed by the order of any judge for producing before him the body of any petitioning prisoner, the same judge, or any other judge of the same court, may immediately hear and decide on the application of such petitioner, if it shall appear that notice has been duly given to the plaintiff or plaintiffs, at whose suit such prisoner shall have been arrested, or to his or their attorney or agent, in such suit, or if either of them shall attend, or for want of such notice, or for such other cause as to the said judge may appear reasonable, may postpone the consideration of the petition of such prisoner to another time, and direct notice of such postponement to be given to the plaintiff, or his or their attorney or agent, if neither shall have attended; and on the consideration of every such application, the judge shall have full power to decide, whether any, and if any, what description and amount of bail shall be given by the petitioning defendant; to decide on the sufficiency and accept of special bail for such defendant in the action; to order the defendant to be discharged on common bail, or without bail, if no sufficient cause shall be produced for holding him to bail, and on his executing a power to some attorney of the court to appear for him on the return of the writ; and generally to do all other acts in relation to the application of the prisoner, the cause of action, the sufficiency, perfecting and justification, of bail, and the release of such prisoner, as if such judge were sitting in court; and all the acts of such judge, and all matters so transacted before him, shall be certified under his hand, and returned to the clerk of the county court to which the writ, under which the petitioner shall