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his husband until cohabitation to allow her  
separate maintenance.

14thly Whether a person committed for Contempt in  
obeying of the Decree of the Court of Chancery  
may upon Habeas Corpus and sufficient return  
of the Cause of such Commitment be bailed or  
remanded.

As to the first I humbly think that a Habeas  
Corpus issuing on and marked *Statute 31: Ed-  
2: Cap: 12* etc. is allowed in Criminal Cases only  
as will appear to any of an ordinary Bailor  
knowledge in the Law and that will take pains  
to read the title preamble Enacting part and  
proviso in the said Act wherein they will find a  
proviso that said Act shall not extend to Civil  
causes &c.

That an Habeas Corpus on said Statute must be  
allowed in Vacation as well as term time and that  
under the penalty therein mentioned. But an  
Habeas Corpus at Common Law in order to the bailing  
of any person and in a Civil Cause is not to be granted  
by any Court but the Chancery in Vacation  
time and by the other Courts in Term time and  
on a Motion for the same shewing the reasons  
to the Court why it should be granted.

15thly That an Habeas Corpus grounded on said Statute  
may be returnable immediately before the Judge  
or Judges that grant the same in Vacation time  
and such Judge or Judges may Judge of y<sup>e</sup> Return  
of such writ and thereon baily or remand the  
party to prison at discretion. But an Habeas Corpus  
at the Common Law which was in use before the  
said Statute and still is to be returned to the Court in  
Term time that all the Judges of such Court and not  
only may Judge of such Return and according  
thereto baily or remand the party as to them it  
shall seem meet.

16thly That only by approved English Authoritys former