



Habeas Corpus Act 1816

1816 CHAPTER 100 56 Geo 3

3 **Judges to inquire into the Truth of Facts contained in Return. Judge to bail on Recognizance to appear in Term, &c.**

In all cases provided for by this Act, although the return to any writ of habeas corpus shall be good and sufficient in law, it shall be lawful for the justice or baron, before whom such writ may be returnable, to proceed to examine into the truth of the facts set forth in such return by affidavit . . . ^{F1}; and to do therein as to justice shall appertain; and if such writ shall be returned before any one of the said justices or barons, and it shall appear doubtful to him on such examination, whether the material facts set forth in the said return or any of them be true or not, in such case it shall and may be lawful for the said justice or baron to let to bail the said person so confined or restrained, upon his or her entering into a recognizance with one or more sureties, or in cases of infancy or coverture, or other disability, upon security by recognizance, in a reasonable sum, to appear in the court of which the said justice or baron shall be a justice or baron upon a day certain in the term following, and so from day to day as the court shall require, and to abide such order as the court shall make in and concerning the premises; and such justice or baron shall transmit into the same court the said writ and return, together with such recognizance, affidavits, . . . ^{F1}; and thereupon it shall be lawful for the said court to proceed to examine into the truth of the facts set forth in the return, in a summary way by affidavit . . . ^{F1}, and to order and determine touching the discharging, bailing, or remanding the party.

Textual Amendments

F1 Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), Sch. 1 Pt. VIII](#)

Changes to legislation:

There are currently no known outstanding effects for the Habeas Corpus Act 1816, Section 3.