

peals, or where any diminution shall hereafter be suggested in any case now depending therein, or in any appeal which shall hereafter be prosecuted from any judgment obtained in the late general court, the court of appeals may direct the clerk to examine the same with the original papers and record in the late general court, and to correct and amend the record in said cases thereby in the several points wherein the diminution may be suggested, any law to the contrary notwithstanding.

45. AND BE IT ENACTED, That the fees now due to the respective clerks of the late general court and to the clerk of the court of appeals, shall be made out, collected and paid, in the manner, and within the time, heretofore prescribed by law, and as the said fees were heretofore made out, collected and paid, and for the purpose of making out said fees the same clerks may respectively have access to the records of said courts respectively.

Fees due to clerks of late general court to be collected, &c. as heretofore.

46. This section repealed by 1806, ch. 41, s. 3.

47. This section repealed by 1816, ch. 242.

48. AND BE IT ENACTED, That it shall and may be lawful for any judge of any district, or any justice of the peace in the several counties of this state, to take the bond or recognizance of any coroner, in the same manner, and shall have the same effect and operation, as bonds or recognizances heretofore taken by a chief justice of any district, or an associate justice of any county.

Coroner's bond may be taken by judge of the district or justice of the peace.

49. AND BE IT ENACTED, That no prosecution now depending, or hereafter to be instituted, shall be removed, unless, after indictment being found, the person or persons against whom said indictment shall be found, shall suggest, in writing, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in such court where such indictment is found, that then it shall be lawful for the said court, in their discretion, to order and direct the record of the proceedings in said prosecution to be transmitted to the judges of the adjoining county court, before whom the same shall be heard and determined, in the same manner as if such prosecution had been originally instituted therein.

No prosecution to be removed unless on suggestion supported by affidavit &c. that a fair trial cannot be had.

See 1804, ch. 55, s. 3, and November 1809, ch. 138, s. 20.

50. AND BE IT ENACTED, That all commissions which issue to civil officers shall be recorded by the clerk of the council, in a book to be furnished and kept by him for that purpose, and he shall be allowed the same fees for his trouble that have heretofore been allowed to the clerk of the general court, to be paid at such times as the governor and council may think proper, by orders drawn on the treasury of the western shore.

Commissions to civil officers to be recorded by clerk of the council.

51. AND BE IT ENACTED, That it shall not hereafter be lawful for any person or persons to sue, or be sued, in privilege, any law, usage or custom, to the contrary notwithstanding.

No person to sue or be sued in privilege.

52. This section was suspended till 1st January 1807, by ch. 96, and has been altered and supplied by 1806, ch. 41, s. 5.