

CHAP. 65.

days herein before mentioned, and shall be adjudged and taken, to all intents and purposes, to be in the same full and complete existence and operation, at the respective courts to be holden as aforesaid, as if no reform in the courts of common law had taken place, and the judges of the said respective county courts, at their said next term, may proceed to hear, try and determine, or further continue the said causes, pleas, process and proceedings respectively, as the case may require, as fully and effectually as the same might or could have been done in the late county courts and general court respectively, in case the said reform in said courts had not taken place, any law to the contrary notwithstanding.

All appeals and writs of error depending in late court of appeals or general court, revived and continued to, and to be heard in, the court of appeals for the shore.

39. AND BE IT ENACTED, That all actions, pleas, process and proceedings, of what kind soever, which were depending and undetermined in the court of appeals, or which were pending and undetermined upon the appeal and error docket of the late general court, on the aforesaid thirtieth day of November, shall be and they are hereby revived and continued to the next court of appeals which shall, under the provisions of this act, be held for the respective shores, and shall be then adjudged and taken, to all intents and purposes, to be in the same full and complete existence and operation, and the judges of the said court may then and there proceed to hear, adjudge, try and determine thereon, as fully and effectually as the same might or lawfully could have been done by the judges of the late court of appeals, or general court, in case the reform aforesaid had not taken place, any law to the contrary notwithstanding.

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 This section repealed by 1806, ch. 41, s. 3.

41. This section has been altered and supplied by 1806, ch. 90, s. 1.

Where writs of habeas corpus, &c and records not transmitted, county court to retain the actions.

42. AND BE IT ENACTED, That in all cases where writs of *habeas corpus* and *certiorari* have been produced in any action in any county court, and allowed, and the record has not been transmitted to the late general court, the courts to which the said writs were produced shall retain said actions, and the same are hereby reinstated and continued, and shall be proceeded upon as if such writs had not been produced and allowed, any law to the contrary notwithstanding.

Appeals, &c. may be prosecuted in the late general court—Stays of execution on certain judgments extended.

43. AND BE IT ENACTED, That appeals to the court of appeals of the respective shore may be prosecuted upon judgments obtained in the late general court, at the late September and October terms, in the manner, and according to the form, prescribed by law, and the writs of error therein shall be made returnable before the judges of the court of appeals, who shall thereupon have cognizance in such cases and shall proceed therein as in cases of appeals heretofore from the late general court to the late court of appeals, any law to the contrary notwithstanding; and in all cases where there has been a stay of execution on any judgment in the late general court, and the time of such stay had not expired on the said thirtieth day of November, the stay of execution shall be extended for one month from the passage of this act.

Writs of diminution in cases of appeals to the late general court, &c to be returnable to court of appeals

44. AND BE IT ENACTED, That in all cases where writs of diminution have been issued from the general court, in any appeal to the general court from any county court or orphans court, the same shall be returnable to the court of appeals of the respective shore, and in cases where the same hath issued from the late court of ap-