

C H A P.

X.

Court, in certain cases, to direct a transcript to be transmitted, &c.

V. AND BE IT ENACTED, That in all cases of writs of error *coram vobis*, which are depending in the court of appeals of either shore, and in all cases of writs of error *coram vobis* hereafter to be brought before the said court of appeals, where it shall appear to the court proper and necessary to try any matter of fact put in issue by the pleadings in the case, that it shall and may be lawful for the said court to direct their clerk to transmit a transcript of the record of the proceedings in such case, to the clerk of the county court of the county where the defendant named in the original action may reside, or was arrested upon the original writ, or to such other county as the parties in the said cause, or their attorneys, may consent to or agree upon; and the county court, in which any such transcript shall be transmitted as aforesaid, shall proceed in such action, and in a trial of the facts put in issue, in such manner as in other cases depending in the said county court.

Turner and wife's appeal to be proceeded on, &c.

VI. AND BE IT ENACTED, That the case on an appeal from the chancery court, and now standing on the docket of, and depending in, the court of appeals for the western shore, between John Turner, and Rachel his wife, appellants, and Slayter Bouchell and John Carnan, executors of Slayter Bouchell, and Jonathan Jester, appellees, be and the same hereby is placed in the same situation and shall be, to every legal intent, as valid as if the same had been depending in the late court of appeals previous to the abolition of the said court, and may be proceeded on, heard, tried and determined, by the court of appeals for the western shore, in the same manner as it would or might have been in case the late court of appeals had not been abolished.

Clerks to enter the courses, &c.

VII. AND BE IT ENACTED, That the clerks of the several county courts be and they are hereby directed and required, carefully and accurately to enter the courses, metes and bounds, in the records and entries which they are directed to make under and in virtue of the act, entitled, An act to aid conveyances of land improperly enrolled, and for other purposes, passed in the year one thousand seven hundred and eighty-five, chapter nine, and copies of which they are directed to transmit to the clerks of the court of appeals for the respective shores, in virtue of the twentieth section of the act to which this is an additional supplement, in every case where it is or may be expressed in the deed or conveyance from which the said entry shall be made, that the land or lot therein mentioned or described is part of a tract or lot of land, and where the courses, metes and bounds, are there particularly described.

Writs of error may be prosecuted, &c.

VIII. AND BE IT ENACTED, That writs of error may be prosecuted to the court of appeals for the respective shores, upon judgments which have been obtained in the late general court, in the same manner, and according to the form, prescribed by law; and such writs of error shall be directed to, and made returnable before, the said court of appeals, at the place prescribed by law for holding the said court for the respective shores, and the said court of appeals shall have cognizance in such cases, and shall proceed therein as in cases of writs of error prosecuted upon judgments returned in the county courts.

Courts to have certain powers, &c.

IX. AND BE IT ENACTED, That the county courts shall have, use and exercise, in their respective counties, all and singular the powers, authorities and jurisdictions, which the general court, at the time of the abolition thereof, might or could have used and exercised in cases of writs of *mandamus*; and where any record shall have been, or may hereafter be, transmitted from any county court in this state to an adjoining county court, by virtue of the second section of an act to provide for the trial of facts in the several counties of this state, passed at November session, eight hundred and four, it shall and may be lawful for such county court, on suggestion of diminution of the record transmitted being made to such court, and the said court being satisfied of the truth of such suggestion of diminution, to such county court from which the said record was transmitted, fully in every respect as records were heretofore transmitted from the late general court to the several county courts in this state.

Clerks to make up the whole proceedings, &c.

X. AND BE IT ENACTED, That it shall be the duty of the clerks of the county courts, and they are hereby directed and required, in all and every suit or action which has been transferred to the county courts, and the original papers and statements transmitted by the clerks of the late general court, in virtue of the original act to which this is an additional supplement, to make up at full length from such statement so transmitted, in case there shall be a judgment rendered in any such case, the whole proceedings which has taken place in any suit or action to which it refers, and so aforesaid transferred, according to the usual and accustomed mode of making up proceedings in the courts of law; and on any appeal or writ of error to be prosecuted or brought upon any such judgment, the said clerks respectively shall in like manner make up the whole proceedings, and transmit the same to the court of appeals, under and in virtue of such appeal or writ of error.