

C H A P.
LV.

it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the justices of any other county court for trial, and the justices of such county court shall hear and determine the same in the same manner as if such prosecution had been originally commenced therein.

Bills of ex-
ceptions to be
allowed.

XV. And be it enacted, That the justices of the said county courts shall in all cases civil, to be tried before them, sign and allow bills of exceptions, where the same shall be desired by the parties, or their counsel, or either of them.

In cases of ap-
peals, tran-
script to be
returned, &c.

XVI. And be it enacted, That in all cases of appeals or writs of error hereafter to be prosecuted or brought before the general court or court of appeals, as the case may be, by plaintiff or defendant, upon a bill or bills of exception, where the judgment shall be reversed, the general court, or court of appeals, shall direct their clerk to return the transcript of the record to the clerk of the county court that gave the judgment, with a writ of *procedendo* to such county court, directing them to proceed in such action, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted, or writ of error brought, and the opinion of the general court, in case there be no appeal therefrom, or writ of error brought thereon, or the court of appeals, as the case may be, shall be [conclusive in law as the question by them decided; and such county court, on receiving such writ of *procedendo*, shall proceed in such action to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted, or writ of error brought, and shall direct such action to be tried at the court to which the said writ of *procedendo* shall be returned, of the plaintiff or defendant shall give notice of trial at such court, above thirty days before the sitting thereof, to the adverse party, or to his attorney at law or in fact, and the trial can be had at such court with justice to the parties, and if not, such action may be continued in like manner as other actions, according to the discretion of the court, and the appellee on such reversal may be compelled to pay the costs in the general court, or court of appeals, by execution issued therefrom, returnable to the county court that gave the judgment, and all former and future costs in the county court of such action shall abide the final event thereof, and if the appeal or error shall be made for several exceptions, the general court, or courts of appeals, shall give judgment on every exception.

Court not to
summon any
jury.

XVII. And be it enacted, That as soon as the several suits, prosecutions and causes, now depending in the general court of this state, shall have been heard and determined, it shall not be lawful for the said court to summon any grand or petit jury upon any occasion whatsoever, any thing contained in the acts of assembly of this state to the contrary notwithstanding.

Acts, &c. re-
pealed.

XVIII. And be it enacted, That all acts of assembly, jurisdictions and authority, repugnant to, or inconsistent with, the provisions of this law, are hereby repealed, abrogated and annulled.

Act to be
published.

XIX. This act to be published at least three months before the next election of delegates, and to take place and be in force for the term of three years, on its being ratified and confirmed by the general assembly after the next election of delegates, in the first session after such new election, according to the constitution and form of government, any thing in the fifty-sixth section of the said constitution and form of government to the contrary notwithstanding.

Orig. 90.32.

C H A P. LVI.

Passed De-
cember 25.

A Supplement to the act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned.

Preamble.

WHEREAS from the wording of said act, in saying that certain roads should be opened from certain places to Elizabeth-town, in Washington county, and continued from said town to certain other places, the