

1805.

NOVEMBER.

L A W S O F M A R Y L A N D .

C H A P.
LXV.

actions, and the same are hereby reinstated and continued, and shall be proceeded upon as if such writs had not have been produced and allowed, any law to the contrary notwithstanding.

XLIII. 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.

XLIV. 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 appeals, 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.

XLV. 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.

XLVI. AND BE IT ENACTED, That where any writ of error has been brought, or exception taken, in any action which has been transmitted from the late general court to any county court under the provisions of this act, the court of appeals shall determine therein upon the points arising out of the real merits of the case, and not upon the legal form of the record, nor shall the judgment which may be in such cases entered, or the opinion given in the county court, be reversed for the want of legal form in such record.

XLVII. AND BE IT ENACTED, That during the recess of any county court, it shall and may be lawful for any justice of any orphans court of any county wherein no associate judge of the county court resides, to grant permits in all cases where an associate justice heretofore could or might have granted them, and in the same manner, and for the same time, and the money therefor shall be immediately paid by the party applying for the same to the clerk of the county court, to be accounted for as other monies received for licences, and within the same time, and under like penalties, and it shall be the duty of the justice of the orphans court, forthwith to return to the said clerk of the county court, the recognizance thereupon taken, who shall file the same, and enter the name of the principal therein named, and his securities, upon the list of persons licensed by the court.

XLVIII. 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.

XLIX. 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.

L. 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