

is defeated by the appearance of the defendant at the time and in the manner herein prescribed and directed, and not otherwise.

C H A P.
LXV.

XXXVI. AND BE IT ENACTED, That all and every the judicial acts, judgments and proceedings, of any county court, and all and every the official acts and proceedings of any chief justice, or associate justice, done, entered and performed, since the aforesaid thirtieth day of November last, shall be and the same are hereby confirmed, and shall be of the same avail in law as if the same had been done, entered and performed, at any time prior to that day, any law to the contrary notwithstanding.

XXXVII. AND BE IT ENACTED, That all deeds for land, or other property, as well as every other instrument of writing, that has been, since the said thirtieth of November, or that shall be, before the first day of March next, executed or acknowledged before any judge of the general court, or before any chief justice of a district, or before any one or more associate justices of the county court, shall have the same effect and operation, to all intents and purposes whatever, as if the general court, or county court, had not been changed or abolished, any law to the contrary notwithstanding.

XXXVIII. AND BE IT ENACTED, That all causes, pleas, process and proceedings, of every kind whatsoever, either civil or criminal, which were depending and undetermined on the aforesaid thirtieth day of November, in any county court, or in the general court, shall be and the same are hereby revived and continued until the next courts to be holden in the several counties on the respective 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.

XXXIX. 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.

XL. AND BE IT ENACTED, That no action commenced, or to be commenced in any county court, shall continue longer than the end of the first court after the imparlance court, unless by consent of the parties, at the discretion of the court, or such cause as the law may allow for the continuance of suits beyond the time limited shall appear to the satisfaction of the court, and unless the value of the thing claimed, or the real, not the nominal, damages demanded, or the sum really and actually due, exceeds one hundred dollars, in such case the court may continue such actions to the end of the second court after the imparlance court, any thing in any law to the contrary notwithstanding; provided, that such actions as are by this act transferred from the general court to the county court shall continue in the same manner, for the same time, and under the same circumstance, as they might have been continued in the general court, with one further term's continuance as herein before provided as to the court of appeals.

XLI. AND BE IT ENACTED, That in all cases where a judgment which has been obtained in the general court, and which has been appealed from, or excepted to, shall be reversed by the court of appeals of either shore, and a new trial shall be thereupon necessary, the writ of *procedendo* shall be directed, and the transcript of the record transmitted, to the county court of the county where the defendant named in the original writ was arrested, and if there were more than one defendant named herein, then the said writ of *procedendo* may be directed, and transcript transmitted, to the county court of the county where either of the defendants were arrested, at the discretion of the court.

XLII. 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