

entry of such appeal certify and state the questions in and decided by such court; and no question which shall not appear by such certificate to have been raised in said court shall be considered by the Court of Appeals.

14. The Court of Appeals shall have, on reversing any judgment or part of a judgment at law, power to give such judgment as ought to have been given by the court below, and may, in all cases, enforce their judgment by execution.

15. If an appeal shall be taken, or writ of error sued out for several exceptions, the Court of Appeals shall give judgment on every exception, if a procedendo is to be issued in the case.

16. In all cases where judgments shall be reversed or affirmed by the Court of Appeals, and it shall appear to the court that a new trial ought to be had, a writ of procedendo shall issue to the court from which the appeal was taken, commanding said court to try said cause again as if it never had been tried; and there shall be sent with the procedendo a transcript of the record, and the said case shall stand for trial at the first term after the receipt of the procedendo; *Provided*, thirty days' notice of trial be given to the opposite party.

17. When, on the reversal of a judgment, a writ of procedendo shall be awarded, the Court of Appeals, upon suggestion in writing by either of the parties, supported by affidavits or other proper evidence that a fair and impartial trial cannot be had in the court where the judgment so reversed shall have been rendered, shall direct their clerk to transmit a copy of the record to the clerk of the court of some other county or city, with a writ of procedendo to such 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, and as if such action had been originally instituted in such court.

18. If an appeal or writ of error be dismissed when taken on any order of the court antecedent to final judgment, and no final judgment shall have been rendered, it shall be the duty of the said court, on application of any of the parties, to order continuances in said case to be entered, and the same to be proceeded with in the same manner and with the same effect as if no such appeal or writ of error had been taken or sued out, and either party may make such suggestion and new parties as could have