

CHAPTER 203.

CHAP. 203.

*An act relating to Appeals and Writs of Error, and to proceedings in County Courts.* Passed Mar. 5, 1833

WHEREAS, doubts have been entertained whether a cause can be proceeded with in a county court, after a dismissal of an appeal or writ of error, prematurely and irregularly taken or sued forth, from or upon an interlocutory judgment, or any order or act of such court antecedent to and not followed by a final judgment in said cause.

Preamble.

Be it enacted by the General Assembly of Maryland, That in all cases where any appeal or writ of error has been or shall hereafter be dismissed by the court of appeals, when taken or sued forth, from or upon any interlocutory judgment of a county court, or any order or act of said court antecedent to any final judgment of such court, and no final judgment shall have been rendered by such county court, it shall be the duty of said county court, on application of any of the parties in such cases, and on such applicant filing in said county court, a certificate from the clerk, and under the seal of said court of appeals, of such dismissal, containing a short copy of the judgment of dismissal, or the docket entries of such cases of error or appeal, to order continuances in said cases, to be entered from term to term, from the term when such interlocutory judgment, order, or act, shall have been rendered or passed up, to the term when such application shall be made, and that thereupon it shall be the duty of said county court, to cause said cases to be proceeded in, and with, in the same manner and to every effect, intent and purpose, as if no such appeal or writ of error had intervened, and as if said cases had been actually continued term after term at every successive term as aforesaid, and it shall be lawful for any of the parties after the dismissal, and the continuances entered as aforesaid, to make such suggestion and such consequent change of parties, as by the circumstances and nature of the cases and causes of action respectively, according to the existing law, may be proper.

Case of dismissal of appeal.

Proceedings directed.