

**22.** When, on the reversal of a judgment, a new trial 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 certified copy of the opinion and judgment of the Court of Appeals to the clerk of the court of some other county or city, to the end that said cause may be again tried as if no trial had taken place and as if such action had been originally instituted in such court.

Art 5, s 17  
Rule 8  
1819, c 149  
Removal of  
reversed cases.

**23.** 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 allowed, and either party may make such suggestion and new parties, as could have been made if no appeal had been taken in the case; *provided*, the court shall be satisfied by the certificate of the clerk of the Court of Appeals, or other proper evidence, that the said appeal or writ of error has been dismissed.

Art 5 s 18  
1831, c 203  
Dismissal of ap-  
peal or writ of  
error

Proviso.

#### ISSUES ON WRITS OF CORAM VOBIS.

**24.** Where writs of error *coram vobis* are pending in the Court of Appeals, and it shall appear to the court necessary to try any matter of fact put in issue by the pleadings in the case, the court may direct a transcript of the record to the court where the defendant named in the original action may reside, or to such other court as the parties in the said cause may agree upon, and the court to which such transcript shall be transmitted, shall proceed in such action, and to a trial of the facts put in issue.

Art 5, s 19  
1806, c 90, s 5  
Trial of issue of  
fact in writs of  
error *coram*  
*vobis*, pending  
appeal

#### FERI FACIAS OR ATTACHMENT

**25.** A writ of *feri facias*, or attachment, may be issued upon any judgment of the Court of Appeals, directed to the sheriff of the county in which the original judgment appealed from was rendered, and returnable to the Circuit Court for such county; and there shall be sent with said writ a short copy of the judgment, and the said writ shall be proceeded on and renewed as if it had issued from the Circuit Court to which it is returnable.

Art 29, s 32  
1806, c 90, s 3.  
*Fieri fa* or attach-  
ment upon  
judgment

How issued and  
returned

**26.** Either of the writs mentioned in the last preceding section may be directed to the sheriff of the city of Baltimore; and if so directed, it shall be made returnable to the court from which the appeal was taken, and the same proceedings shall be had as provided in the said preceding section.

Id s 33  
1806, c 90, s 3  
May be directed  
to sheriff of  
Baltimore city,  
and made re-  
turnable to the  
court from  
which appeal  
taken.