

Rule 8. P. G. L., (1860,) art. 5, sec^o 16. 1790, ch. 42, sec 1. 1826, ch. 200, sec. 10. 1830, ch. 186, sec. 1. 1849, ch. 88, sec. 1.

20. 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, such new trial shall be awarded, and a certified copy of the opinion and judgment of the court of appeals shall be transmitted forthwith to the court from which the appeal was taken, to the end that said cause may be again tried as if it never had been tried; and no writ of *precedendo*, with transcript of record, shall be transmitted, as heretofore practised.

P. G. L., (1860,) art. 5, sec. 17. 1819, ch. 149.

21. 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 copy of the record to the clerk of the court of some other county or city, with an order 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.

Ibid., sec. 18 1831, ch. 203.

22. 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 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.