

36. Any scire facias against heirs or terre tenants, from the Court of Appeals, may be sent to the county or city where the defendant in the original judgment resided, or to the county or city where the land to be affected by such writ lies.

37. If the court shall be of opinion that there appears to be sufficient matter of substance on any appeal or writ of error to enable them to proceed thereon, the same shall not be reversed or dismissed for want of form, and the court may permit any entry to be made by either party during the pendency of the appeal, which might have been made by such party after verdict in the court below; nor shall any judgment or verdict be reversed, if there be one good count in the declaration.

38. All writs of error wherein there shall be any variance from the original record, or other defect, may be amended and made agreeable to such record.

39. No judgment shall be reversed in the Court of Appeals because the verdict was rendered for a larger sum than the amount laid in the declaration, but the plaintiff below or his legal representative may amend the record by entering a release of the excess above the sum laid in the declaration.

40. If any entry or amendments which the Court of Appeals may permit, would require an alteration of the judgment from which the appeal is taken, the court may, on deciding the appeal, give such judgment as the entry or amendment may require.

41. Upon the reversal or affirmance of the judgment of a court of law, the Court of Appeals shall award to the party in whose favor they shall decide, all the costs which accrued in the court below and in the Court of Appeals, and shall give judgment for the same, and may enforce such judgment by execution.

42. In appeals from equity and the Orphans' Court, the awarding of costs shall be in the discretion of the Court of Appeals.

43. The crier appointed by the Court of Appeals shall receive two dollars and fifty cents a day for his attendance, and the sheriff who shall be appointed to attend said court for the preservation of order therein, three dollars and fifty cents a day for his attendance, and the judges of said court shall, at the end of each session of said court, give the said crier and sheriff a cer-