

Generally.

This section permits amendments to cure matters of form, not of substance. *Wood v. Grundy*, 3 H. & J. 19; *Kiersted v. Rogers*, 6 H. & J. 286.

This section has no application to indictments in criminal cases. *Avirett v. State*, 76 Md. 531.

For a case within the equity, if not the letter, of this section, and deciding that the act of 1809, ch. 153, precludes an inquiry as to a variance between the writ and a count in trespass, see *Williams v. Bramble*, 2 Md. 319.

See notes to sec. 17.

An. Code, sec. 18. 1904, sec. 18. 1888, sec. 16. 1809, ch. 153, sec. 2.

20. 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.

See sec. 11, and notes to secs. 19, 21 and 22.

As to amendments at law, see art. 75, sec. 39, *et seq.*; in equity, see art. 16, secs. 17 and 18.

An. Code, sec. 19. 1904, sec. 19. 1888, sec. 17. 1811, ch. 161, sec. 3.

21. 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.

Where the lower court is without jurisdiction to enter the judgment, the appellate court cannot allow it to be amended so as to bring it within the jurisdiction of the lower court; the judgment must be reversed. *Armstrong v. Hagerstown*, 32 Md. 54.

The appellate court has no power to remit interest, same having been allowed by the jury under an erroneous instruction. *Frank v. Morrison*, 55 Md. 409; *Noel Construction Co. v. Armored Concrete Co.*, 120 Md. 256.

The action of the lower court in requiring a *remittitur* to be entered, held proper. *Attrill v. Patterson*, 58 Md. 260.

This section applied. *Finch v. Mishler*, 100 Md. 462; *Marburg v. Marburg*, 26 Md. 22; *Harris v. Jaffray*, 3 H. & J. 551.

An. Code, sec. 20. 1904, sec. 20. 1888, sec. 18. 1811, ch. 161, sec. 4.

22. 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.

This section applied. *Finch v. Mishler*, 100 Md. 462.

See notes to sec. 21.

An. Code, sec. 21. 1904, sec. 21. 1888, sec. 19. 1790, ch. 42, sec. 1.

23. 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 new trial is to be awarded.

If the judgment is reversed without a new trial, other exceptions in the record need not be passed upon. *Roberts v. Roberts*, 71 Md. 8; *Harris v. Register*, 70 Md. 122. And see *Boehm v. Carr*, 3 Md. 202.

Exceptions involving mere moot questions, need not be passed on. *Strouse v. American, etc., Co.*, 91 Md. 278.