This section gives the appellate court no power to modify criminal sentences, or direct inferior courts to modify them. McDonald *v.* State, 45 Md. 97. (See, however, sec. 87, passed to give the court such power.)

This section applied. Benzinger *v.* Gies, 87 Md. 709; McCormick *v.* Deaver, 22 Md. 195; Roberts & Co. *v.* Robinson, 141 Md. 55; Banking & Trust Co. v. Mitchell, 175 Md. 73.

This section held applicable. Howard *v.* Carpenter, 22 Md. 26.

As to judgments, see art. 26, sec. 15, *et seq.*

Cited but not construed in Powder Co. *v.* Campbell, 156 Md. 368.

An. Code, 1924, sec. 18. 1912, sec. 16. 1904, sec. 16. 1900, ch. 367, sec. 14A.

18. On reversing any judgment or part of a judgment at law where the case is remanded for a new trial the parties may, by agreement in writing, submit the said case to the court of appeals for final adjudication and judgment upon the fact set forth in the record, and upon such submission the court of appeals shall have power to pass upon all questions of fact and of law arising in the said case, and to give final judgment therein, and to enforce said judgment by execution.

An. Code, 1924, sec. 19. 1912, sec. 17. 1904, sec. 17. 1888, sec. 15. 1809, ch. 153, sec. 2.

19. 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.

Matters of form.

The form of a verdict as set out in the record being a clerical misprision, is amendable by the court of appeals. Smith *v.* Morgan, 8 Gill, 140.

The award of costs against the state in a judgment, is a clerical error which may be amended under this section. State *v.* Turner, 8 G. & J. 133.

For an example of an amendment of a judgment by the court of appeals, see Kent *v.* Lysles, 7 G. & J. 78.

One good count.

If a declaration has one good count, a demurrer which goes to the whole *narr.*, must be overruled. Gunther *v.* Dranbauer, 86 Md. 9.

Though there be one good count in the declaration, if the plaintiff offers no evidence to sustain that count, he cannot take judgment. Wilson *v.* Mitchell, 3 H. & J. 94. See also Noland *v.* Ringgold, 3 H. & J. 216.

Last clause of this section applied. Alvey *v.* Hartwig, 106 Md. 260; Huffer *v.* Miller, 74 Md. 457; Terry *v.* Bright, 4 Md. 434; Gordon *v.* Downey, 1 Gill, 52; Kiersted *v.* Rogers, 6 H. & J. 286; Harris *v.* Jaffray, 3 H. & J. 550.

The application of the last clause of this section, denied. Parks *v.* Griffith, 117 Md. 504.

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, 1924, sec. 20. 1912, 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.