

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. 18 and 19.

An. Code, 1924, sec. 21. 1912, 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 *remitter* 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, 1924, sec. 22. 1912, 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.

Cited but not construed in *MacNabb v. Haas*, 168 Md. 221.

See notes to sec. 21.

An. Code, 1924, sec. 23. 1912, 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.

An. Code, 1924, sec. 24. 1912, sec. 22. 1904, sec. 22. 1888, sec. 20. 1790, ch. 42, sec. 1. 1826, ch. 200, sec. 10. 1830, ch. 186, sec. 1. 1849, ch. 88, sec. 1. Rule 8.

24. (1) 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 had never been tried; and no writ of *procedendo*, with transcript of record, shall be transmitted, as heretofore practised.

(2) When an appeal is dismissed or a judgment or decree is affirmed or reversed without being remanded, the Clerk of this Court shall transmit a copy of the docket entries, under the seal of the Court, to the Court from which the appeal is taken, or writ of error granted, as soon as practicable, not later than thirty days after the case is disposed of by this Court.¹

¹ As revised by Court of Appeals, Oct. 5, 1933.