

cript any matter or thing not material to the full and fair presentation of the questions to be reviewed by the Appellate Court.

## JUDGMENTS.

**14.** The Court of Appeals shall have, on reversing any judgment, or part of a judgment at law, power to give such judgment as ought to have been given by the court below, and may, in all cases, enforce their judgment by execution.

**15.** Upon the reversal or affirmance of the judgment of a court of law the Court of Appeals shall award the costs which may have accrued in the court below, and in the Court of Appeals in such manner as to the said court seems right and proper, and shall give judgment for the same, and may enforce such judgment by execution.

**16.** 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.

**17.** All proceedings in the nature of writs of error wherein there shall be any variance from the record, or other defect, may be amended and made agreeable to such record.

**18.** 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.

**19.** 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.

**20.** If an appeal shall be taken or writ of error allowed for several exceptions, the Court of Appeals shall give judgment on every exception, if a new trial is to be awarded.

**21.** 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 *procedendo*, with transcript of record, shall be transmitted, as heretofore practiced. And the said cause shall stand for trial at the first term after the receipt of the certified copy of the opinion and judgment.

Art 5, s 14.  
1800, c 69, s 1.  
Judgment on  
reversal  
22 Md 187, 249,  
45 Md 97

1878, c 61.  
Court of Ap-  
peals to award  
costs on judg-  
ment  
21 Md 355, 37  
Md 620

Execution

Art 29, s 37  
1809, c 153, s 2.  
Judgment not  
to be reversed  
for want of  
form  
4 Md 430,  
30 Md 225.  
What entries  
may be made  
during pend-  
ency of appeal  
Judgment  
not to be  
reversed, if one  
good count in declaration

Rules of Court  
of Appeals,  
No 1.  
Id s 38  
1809, c 153, s 2  
Writ of error  
may be  
amended  
Id s 39  
1811, c 161, s 3  
Plaintiff may  
release excess of  
judgment  
26 Md 8  
3 H & J 543

Id s 40  
1811, c 161, s 4.  
Judgment to  
conform to  
entry or amend-  
ment  
32 Md 54.

Art 5, s 15 (as  
modified by  
rule)  
1790, c 42, s 1  
Judgment on  
exceptions

Rules of Court  
of Appeals,  
No 5

Art 5, s 16  
Rule 3  
1790, c 42, s 1,  
1826, c 200, s 10,  
1830, c 186, s 1,  
1849, c 88, s 1.  
New trial  
22 Md 249, 23  
Md 45, 220, 24  
Md 383, 25 Md  
575, 26 Md 81,  
29 Md 50, 512,  
35 Md 146, 37  
Md 249,  
46 Md 97.