

stating, in lieu thereof, the fact of such motion being made, and how disposed of by the court, unless, where any of the foregoing matters or proceedings may be used as evidence in the cause, or where some question may arise in regard thereto, reviewable by the court of appeals, then, so much only of any such matter or proceedings as may be used in evidence, or as appertain to the decision or determination desired to be reviewed, shall be incorporated in the transcript, and no more; the intent being to avoid incorporating in the transcript any matter or thing not material to the full and fair presentation of the questions to be reviewed by the appellate court.

Weir v. State, 39 Md. 434.

P. G. L., (1860,) art. 29, sec. 41. 1795, ch. 80, sec. 6. 1878, ch. 61.

13. 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.

Sellers v. Zimmerman, 21 Md. 355. *Price v. Nesbitt*, 37 Md. 618. *State v. Mayor & C. C of Balto.*, 52 Md 398. *State v. Malster*, 57 Md 314. *Attrill v. Patterson*, 58 Md. 261.

P. G. L., (1860,) art. 5, sec. 14. 1800, ch 69.

14. On reversing any judgment, or part of a judgment, at law, the court of appeals shall have 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.

McCormick v. Deaver, 22 Md 187. *Howard's Lessee v Carpenter*, 22 Md. 249. *McDonald v. State*, 45 Md. 90. *Frank v. Morrison*, 55 Md. 399.

P. G. L., (1860,) art. 29, sec. 37. 1809, ch. 153, sec. 2.

15. 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