

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.

Harris v. Jaffray, 3 H. & J. 543. Marburg v. Marburg, 26 Md. 8. Frank v. Morrison, 55 Md. 399. Attrill v. Patterson, 58 Md. 260. Harvey v. B. & O. R. R. Co., 70 Md. 318.

1888, art. 5, sec. 18. 1860, art. 29, sec. 4. 1811, ch. 161, sec. 4.

20. 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.

Armstrong v. M. & C. C. of Hagerstown, 32 Md. 54. Frank v. Morrison, 55 Md. 399.

Ibid. sec. 19. 1860, art. 5, sec. 15. 1790, ch. 42, sec. 1.

21. 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.

Winter v. Donovan, 8 Gill, 376. Owings v. Emery, 3 Md. 190. Boehme v. Carr, 3 Md. 210. Harris v. Register, 70 Md. 122. Roberts v. Roberts, 71, Md. 8.

Ibid. sec. 20. 1860, art. 5, sec. 16. 1790, ch. 42, sec. 1. 1826, ch. 200, sec. 10. 1830, ch. 186, sec. 1. 1849, ch. 88, sec. 1. Rule 8.

22. 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.

Earnshaw v. Sun Mutual Aid Society, 68 Md. 477. Archer v. State, 74 Md. 410. Lucke v. Clothing Asso. 77 Md. 411. State v. Balto. & L. E. R., 77 Md. 493. Creager v. Hooper, 83 Md. 504. Wiley v. Heaps, 89 Md. 47.

Ibid. sec. 21. 1860, art 5, sec. 17. 1819, ch. 149

23. When, on the reversal of a judgment, a new trial shall be awarded, the court of appeals, upon suggestion in writing by either of the parties, supported by affidavits or other proper evidence that a fair and impartial trial cannot be had in the