

under the provisions of this Act, but where any such appeals shall be standing for Judgment, Judgment may be given as if this Act had not been passed.

Court may quash proceedings in certain cases.

VI. The Court of Error and Appeal shall have power to quash proceedings in all cases brought before it, in which Error or Appeal does not lie, or where such proceedings are taken against good faith, or in any case in which proceedings might heretofore have been quashed in the said Court, according to the law and practice in England. 5

May give the judgment the Court below ought to have given: and award restitution, &c.

VII. The Court of Error and Appeal shall in all cases have power to dismiss the Appeal, or to give such Judgment or Decree, and to award such process or other proceeding as the Court whose decision is appealed against ought to have given, without regard to the party alleging Error, and may also award restitution and payment of costs; and the Judgment, Decree or Award shall be certified by the Clerk of the Court of Error and Appeal to the proper Officer of the Court below, who shall thereupon make all proper and necessary entries thereof, and all subsequent proceedings may be taken thereupon, as if the Judgment, Decree or Award had been originally given in and by the Court below. 10 15 20

Judgment to be executed as if given by the Court below.

Appellant may always discontinue proceedings.

VIII. The appellant shall in all cases be at liberty to discontinue his proceedings by giving to the respondent a notice headed in the Court and cause, and signed by the appellant or his Attorney, stating that he discontinues such proceedings; and thereupon the respondent shall be at once entitled to the costs of and occasioned by the proceedings in Appeal, and may either sign Judgment for such costs, or obtain an Order for their payment in the Court below, and may take all further proceedings in the Court below as if no appeal had been brought. 25 30

Consequence of such discontinuance.

Respondent may consent to reversal.

IX. The respondent shall in all cases be at liberty to consent to the reversal of the Judgment, decree or proceeding appealed against, by giving to the appellant a notice headed in the Court and cause, and signed by the respondent or his Attorney, stating that he consents to the reversal of such Judgment, decree or other proceeding, and thereupon the Court shall pronounce Judgment of reversal as of course. 35

Appeal not to abate by death of appellant after security given.

X. The death of the appellant after the security required by law to be given by him shall have been perfected, and have been, or shall stand allowed, shall not cause the appeal to abate, but it may be continued as hereinafter mentioned. 40

Nor by death of respondent.

XI. The death of the respondent shall not cause the appeal to abate, but it may be continued as hereinafter mentioned.

Nor by marriage of female party.

XII. The marriage of a woman appellant or respondent, shall not abate the appeal, but the proceedings in error and appeal 45