

not to give sufficient notice to the opposite party of the evidence to be offered in support of it.

PRACTICE.

23. In all suits and actions at law, any of the proceedings, including the writ or summons, may be amended so that such case may be tried on its real merits and the purposes of justice subserved; writs may be amended from one form of action to another, when the ends of justice require it; and any amendment may be made at any time before the jury retire to make up their verdict, in cases of jury trial, and in cases of demurrer and other trials before the court, at any time before judgment is entered.

24. No continuance shall be granted, upon amendments of the plots, writs or any of the proceedings, but the case shall proceed as if no amendment had been made, unless the court shall be satisfied that the ends of justice require a continuance.

25. No writ or action shall abate or be discontinued because of the misnomer of any defendant named therein, but the court, on suggestion supported by the affidavit of the plaintiff, or other proof to the satisfaction of the court, that the party summoned in virtue of said writ or action is in fact the party intended to be sued by such writ or in such action, may at any time before judgment, direct the writ or any of the proceedings to be amended by inserting therein the true name of any defendant, at the discretion of the court. This section to apply to foreign attachments, cases against corporations, and all other suits and actions.

26. If there be a non-joinder or misjoinder of plaintiffs, the court may allow an amendment by which a plaintiff may be added or stricken out, as the case may require.

27. If there be a misjoinder or non-joinder of defendants, the court may allow a defendant to be stricken out or added, as the case may require; but if a new defendant be added, he shall be summoned and have the same time to plead as if a new action were brought against him.

28. Amendments for misjoinder or non-joinder of either plaintiff or defendants may be made at any time before the jury retire,