v. Lyles, 10 G. & J. 326, the Court ordered a *scire facias* to be inserted in the record, which the clerk ought to have issued but did not, though the attorney furnished the clerk with no other instructions than a reference to the judgment intended to be revived.

But in Boyle v. Robinson, 7 H. & J. 200, it was held that a writ of *scire facias* could not be quashed for insufficiency, when it followed the original record, though the latter was mistaken, but that the original entry in which the error occurred was the matter to be amended, and see Clark v. Diggs, 5 Gill, 109. In McCoy v. Boyle, 10 Md. 391, a writ of attachment was dated the 22nd September, but professed to be founded on a warrant dated the 23d Sept., and was in fact issued on the latter day, and it was held that the date of the writ was manifestly a clerical error and ought to be amended; and see Code, Art. 10, secs. 28, 29.[8] Before the Act of 1852, ch. 177, sec. 1, (Code, Art. 75, sec. 23,)[9] it had been several times held, that the

[8] Sec. 29 was repealed and sec. 28 was repealed and re-enacted by the Act of 1888, ch. 507 and again by the Act of 1898, ch. 44. It is now as follows: "The affidavit, short note, declaration, voucher, pleadings, interrogatories, claim of property and all other papers in attachment proceedings may be amended in the same manner and to the same extent as the proceedings in any other suit or actions at law, so that all attachment cases may be tried on their real merits and the purposes of justice subserved; nor shall any attachment proceedings be quashed or set aside for any defect in mere matter of form." (Code 1911, Art. 9, sec. 28.) Warren v. Kendrick, 113 Md. 603; Kendrick v. Warren, 110 Md. 47; Booth v. Callahan, 97 Md. 317; Blair v. Winston, 84 Md. 356. See also the earlier cases of De Bebian v. Gola, 64 Md. 262; Halley v. Jackson, 48 Md. 254; Norris v. Graham, 33 Md. 56.

[9] Amended by the Act of 1888, ch. 235, which adds the words: "Amendments may in like manner be made before justices of the peace." Code 1911, Art. 75, sec. 35.

Under the Act of 1884, ch. 416, amendments may also be made on appeals from justices of the peace. Code 1911, Art. 5, secs. 97, 98.

Amendment of pleadings.—Under these and subsequent sections of the Code our courts have the amplest power to allow any amendment at any time (except to pleas of limitations, in abatement, to the jurisdiction and other dilatory pleas) before the jury retire to make up their verdict in cases of jury trial, and in cases of demurrer or other trials before the court at any time before judgment is entered. The amendment is made either by interlineation or by filing a new pleading; in the latter case the original pleading should be withdrawn. Scarlett v. Academy, 43 Md. 208; Norwood v. State, 45 Md. 68; Ritter v. Offutt, 40 Md. 207; Gisriel v. Burrows, 72 Md. 366; Lake v. Thomas, 84 Md. 608; Abott v. Bowers, 98 Md. 525. Cf. Spencer v. Trafford, 42 Md. 1; Blumhardt v. Rohr, 70 Md. 328; Spencer v. Patten, 84 Md. 414.

As to amendments under the Practice Act of Baltimore City, see Abbott v. Bowers, 98 Md. 525; Thorne v. Fox, 67 Md. 67; Knickerbocker Co. v. Hoeske, 32 Md. 324.

Right to plead limitations after amendment.—Where the declaration is amended the defendant may plead limitations if such plea was available