misjoinder of plaintiffs or defendants, see Barr. v. White, 22 Md. 265.[13]

It must be noticed here, however, that the Court of Appeals has expressly decided that the distinctive nature of actions still remains, although the old forms have been abolished and new ones adopted. It is impossible, it was observed, to disregard the substantial principles which underlie our system of jurisprudence, and to some extent govern the forms of action. These principles must still be recognized, however the new form may be changed or simplified. To disregard them would lead to endless confusion and tend to defeat the purposes of justice, Stirling v. Garritee, 18 Md. 468, and in Cook v. England, 21 Md. 14, it was held that under the Code the old forms of action were restored. Mistakes in this respect are consequently fatal after judgment.

Amendments of record.—The record under this Statute contains the count and all that is entered in the plea-roll, and misprisions of the clerk therein may be amended. It may be briefly observed, that here matters of substance cannot be amended, nor any amendment made unless the Court consider the error to have been a misprision of the clerk, see Blackamore's case *supra;* Hamon v. Lord Jermyn, 1 Ld. Raym. 189; Com. Dig. Amendment, K. L. M. In Chapman v. Davis, 4 Gill 196, the clerk omitted to enter on the record a plea in abatement, a rule to plead, and a *ne recipiatur* ordered by the Court, and it was held that the Court might after appeal and a writ of diminution issued correct the record, and certify it anew to the Court of Appeals. So mistakes of the clerk in entering the issue—in the jury process—in a writ of inquiry, see Kierstead v. Rogers, 6 H. & J. 282, and the like are amendable.[14] If a commission to take testimony be issued in an apparently different cause, it may, on proof that there is no such cause depending in the Court, be admissible in the case in which it was really issued, and the mistaken title will be treated as a misprision, Ellicott v. Peterson, 4 Md. 476.[15]

Amendments of verdict and judgment.—And the rule is general that a verdict, whether general or special, entered or taken wrongly by mistake of the clerk may be amended. Instances of such are Williams v. Jones,

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[13] **New parties.**—Code 1911, Art. 75, secs. 38-42. Under these sections plaintiffs and defendants may be added or stricken out but entire new parties, either plaintiffs or defendants, cannot be introduced, but some one of the original plaintiffs and some one of the original defendants must remain parties to the action. Anderson v. Stewart, 108 Md. 340, 351; Thillman v. Neal, 88 Md. 525; Western Un. Tel. Co. v. State, 82 Md. 294; B. & O. R. R. Co. v. State, 62 Md. 479; Wright v. Gilbert, 51 Md. 146. Cf. Smith v. Crichton, 33 Md. 103; Herzberg v. Sachse, 60 Md. 426.

A declaration may be amended by making a new party plaintiff without amending the writ; but if the form of action is changed an amendment of the writ may be necessary. Condon v. Sprigg, 78 Md. 330.

[14] See also Acklen v. Fink, 95 Md. 655; Charles Co. v. Mandanyohl, 93 Md. 150; De Bebian v. Gola, 64 Md. 262; Davis v. State, 39 Md. 355; State v. Logan, 33 Md. 1. As to remanding a record in a removed case for correction, see Rich v. Boyce, 39 Md. 314.

[15] Cf. May v. Wolvington, 69 Md. 117.