

plies, or any other circumstances upon which he ought to have stated the fact otherwise, or that when he swore to his original answer, he meant to swear in the sense in which he now desires to be at liberty to swear. (b)

A supplemental answer is only intended to correct the allegations of the original answer, or to remove from it dangerous admissions, so as to let in proof in the hearing of the real merits of the case.

An appeal does not lie from a mere interlocutory order, by which nothing is finally settled between the parties. (c)

The case referred, and a decree upon the award.

It appears, that Marcus Heyland, for the purpose of carrying on the business of a merchant in the City of Baltimore, went to \* England, and there, in the year 1810, purchased of sundry persons goods to the amount of about \$67,000; and, to secure **151** the payment for them, drew bills in favor of those from whom he purchased, on William & John Bell & Co. which they accepted; that some time after, William Bell died, and John Bell, by a letter of the 10th November, 1810, informed Heyland, that, in consequence of the death of his partner and other circumstances, his late firm had become somewhat deranged, and that he had made over all the amount due by him for those acceptances to Hugh Thompson of the City of Baltimore, which he was requested to notice, and to account with Thompson accordingly. In consequence of which, on the 20th of November, 1810, Heyland entered into an agreement, by which he bound himself to Thompson to the amount of what he should owe the firm of William & John Bell & Co., on account of their acceptances on his behalf, or otherwise, on the fate of those acceptances being known in this country. But, not being entirely satisfied with this arrangement, Heyland

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(b) See Rev. Code, Art. 65, sec. 38, as to amendment of equity pleadings. In *Calvert v. Carter*, 18 Md. 108, it was held that this provision merely enlarges the time within which amendments may be made; they are still to be made on application to the Court, which must judge of the propriety of the proposed amendment, and no appeal lies from its action. And that the propriety of allowing a supplemental answer to be filed depends upon its avowed object, as stated in the petition for leave to file it, and not upon other and distinct matters contained in the answer itself, and not referred to in the petition. See *Glenn v. Clark*, 53 Md. 602, to the same effect. As a general rule, a special case must be shown before the Court will allow a defendant to amend his answer. *Williams v. Savage Co.* 3 Md. Ch. 418. Amendments will be allowed where new matter has come to the knowledge of defendant since his answer was filed, or in a case of surprise or mistake, and in some other special cases. *Ibid.* A defendant has no right, under pretext of answering a supplemental bill, to add to or amend his answer to the original bill. *Swan v. Dent*, 2 Md. Ch. 111. Cf. *Murdock's Case*, 2 Bland, 463.

(c) See *Thompson v. McKim*, 6 H. & J. 303.