

As to amendment upon the death of parties, see sec. 230.

As to setting for hearing the question of the want of proper parties, and in case the plaintiff fails so to do, his not being entitled to amend as of course, see sec. 206.

As to amendments at law, see art. 75, sec. 39, *et seq.*

*Re* amendment of proceedings to enforce mechanic's liens, see art. 63, sec. 32.

This section and rule 17 give court very wide discretion in allowing or refusing amendments before final decree, but where amendment involves new party, he should have same right of review as original party. *Buckner v. Jones*, 157 Md. 247.

An appeal does not lie from order sustaining demurrer to bill of complaint for relief by way of injunction, with leave to plaintiff to amend within prescribed time, when plaintiff does not amend but takes appeal after expiration of prescribed time, without decree of court dismissing bill of complaint. *Mass v. Mass*, 165 Md. 344.

There is no appeal from the refusal of the Court to allow amendment. *Engle v. Fidelity & Guaranty Co.*, 175 Md. 185.

Cited but not construed in *Kiser v. Lucas*, 170 Md. 495.

An. Code, 1924, sec. 18. 1912, sec. 18. 1904, sec. 17. 1888, sec. 17. 1841, ch. 315.

**19.** In any suit in chancery where any of the parties are under age, *femes covert*, of unsound mind or non-residents, the proceedings may be amended by making new parties or otherwise, and it shall not be necessary to have any new pleadings or proofs in such cases of amendment, unless the court shall deem such new pleadings and proofs necessary to promote the ends of justice, or unless such new party desires to plead or objects to the proof.

See sec. 300.

### Auditor.

An. Code, 1924, sec. 19. 1912, sec. 19. 1904, sec. 18. 1888, sec. 18. 1814, ch. 94, sec. 4. 1870, ch. 74. 1875, ch. 72, sec. 17.

**20.** Every judge of a court of equity may appoint, during his pleasure, a person of integrity, judgment and skill in accounts, to be auditor for the court of which he is judge, who shall, before he enters upon the duties of his appointment, take an oath, to be administered by the judge making the appointment, well and faithfully to execute the duties of his office, without favor, affection, partiality or prejudice; and all accounts to be stated, audited, or settled by such court, shall be referred for such purpose to the auditor, who shall have power to administer oaths to all witnesses and persons proper to be examined upon such accounts, and shall audit, state and settle such accounts agreeably to the order of the court, and shall return the same to the court to be done with as the court shall think just; and in all cases where the regular auditor of any circuit court of this State may be interested in any cause, or connected therewith as counsel, or in case of sickness, or absence of such auditor, or for other cause existing where it may not be proper for such auditor to act, it shall and may be lawful for the said court, or the judges or judge thereof holding the same to appoint by order of a special auditor, to whom references shall be made instead of the regular auditor; and the powers, duties and compensation of such special auditor shall be in all respects the same as those of the regular auditor of said court, and such special auditor shall in all cases, before acting as such, take the oath prescribed to be taken by the regular auditor.

As the special auditor to whom a case has been referred was fully authorized by this and the following sections to conduct an investigation looking to an accounting by the trustee, including the examination of witnesses and the enforcement of the production of documentary evidence, and as the right of the petitioner and others interested to have such action is similarly secured, and not questioned, an order of court to accomplish such object is superfluous. *Morris v. Bright*, 126 Md. 289.

Where the decree directs a special auditor to take the oath before proceeding to act, it must appear in his report that he took the oath accordingly. *Walker v. House*, 4 Md. Ch. 40.

There is nothing in this section which withholds from the auditor any other authority which necessarily or properly belongs to his office, or which abrogates powers or duties