

87. 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.

Id s 25
1828, c 199,
1845, c 54,
1846, c 6, 324,
328
No abatement
for misnomer of
defendant
26 Md 446,
44 Md 410
Amendment.
Attachments.

88. 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

Id s 26
1856, c 112, s 27
Non-joinder or
misjoinder of
plaintiffs
23 Md 58,
33 Md 103

89. 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.

Id s 27
1856; c 112, s 30
Same of defend-
ants
22 Md 289, 29
Md 398, 30 Md
463, 41 Md 124.

90. Amendments for misjoinder or non-joinder of either plaintiff or defendants may be made at any time before the jury retire to make up their verdict, or before judgment given on demurrer, as the case may be, and the court may grant such continuances, and may award such costs against the party making the amendment as may be deemed just and reasonable.

Id s 28
1856, c 112, ss.
26, 30
Amendments
for misjoinder
or non-joinder.
Costs.
29 Md 398,
33 Md 103,

91. In amendments for non-joinder or misjoinder, 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; and in no case of amendment can entire new parties, either plaintiffs or defendants, be made.

Id s 29
1856, c 112, ss
26, 30
Entire new
parties not to be
made

92. When an heir-at-law or devisee has been omitted as a defendant, the plaintiff may amend by making such heir or devisee a party, and such proceedings shall be had as will produce a fair trial.

Id s 30
1785, c 80, s 1
Heir or devisee
omitted may be
joined

93. Nothing in the preceding sections of this article, relating to amendments, shall affect any plea of limitations, in abatement, to the jurisdiction or other dilatory plea.

Id s 31
1852, c 177, s 11.
What pleas not
amendable
28 Md 495
43 Md. 246.

94. Where an amendment is allowed after the jury is sworn, and the court shall consider a continuance necessary to a fair trial of the cause, a juror shall be withdrawn; but, if the court considers that a continuance is not necessary to a fair administration of justice, the jury may proceed and try the case after the amendment.

Id s 32
1785, c 80, s 4,
1809, c 153, s 1.
Continuance
after amend-
ment

95. In all cases of amendment, the allowance of costs shall be in the discretion of the court.

Id s 33
1785, c 80, s 4,
1809, c 153, s 1
Costs in dis-
cretion of court.
42 Md 1.

CONTINUANCE.

96. No cause shall be continued beyond the second term after process has been served on the defendant, unless by consent of parties, or upon good cause shown by the party asking the continuance.

Art. 75, s 34
1787, c 9, s 1;
1806, c 41, s 1,
1829, c 166,
1844, c 5, 19
How long cause
may be con-
tinued.