

day of the second term of the said court after such service, in person or by attorney, and defend such action, the said court, on motion, shall order and direct a judgment to be entered for the plaintiff in such action, by default "*nisi*," to become absolute on the third day of the succeeding term of said court, if the said heir, executor or other proper person shall fail by that day to appear; and if the said heir, executor or other proper person, shall appear on or before the third day of said succeeding term, in person or by attorney, upon application to the said court, the said judgment shall be stricken out, and the said heir, executor or other proper person, as the case may be, shall be permitted to appear and defend such action.

Burch v. Scots, 1 Bl. 113.

P. G. L., (1860,) art. 2, sec. 12. 1843, ch. 40.

33. No action in any of the courts of this State, either original or upon appeal, shall abate by reason of the marriage of any of the parties, but on application of any of the parties, the court, upon such terms and notice as to it shall seem proper, may allow and order any amendment of the pleadings and the making of any new and additional parties that such marriage may render proper.

Rowland v. Prather, 53 Md. 241.

Amendment.

P. G. L., (1860,) art. 75, sec. 23 1785, ch. 80, sec. 4. 1809, ch. 153. 1852, ch. 177, sec. 1. 1888, ch. 235.

34. In all suits and actions at law, any of the proceedings, including the writ of summons, may be amended so that such case may be tried on its real merits and the purposes of justice subserved; writs may be amended from one form of action to another when the ends of justice require it; and any amendment may be made at any time before the jury retire to make up their verdict, in cases of jury trial; and in cases of demurrer and other trials before the court, at any time before judgment is entered. Amendments may in like manner be made before justices of the peace.

Proprietary v. Pearce, 1 H. & McH. 223. *Kirwan v. Raborg*, 1 H. & J. 296. *Hazeldine's Admr. v. Walker's Ex'rs*, 1 H. & J. 487. *Dyson v. West*, 1 H. & J. 567. *Wood v. Grundy*, 3 H. & J. 13. *Roseberry v. Seney's Lessee*, 3 H. & J. 228. *Hutchings v. Talbot's Lessee*, 3 H. & J. 378. *Frazier v. Hall*, 5 H. &