

Saving in certain cases. not affect the right of any party to amend or re-amend his Bill of Complaint, or file a supplemental answer, in order to rectify any error or defect therein, according to the present practice of the Court.

Amendment of pleadings by order of Court. **6.** The Court shall, at any time, upon a proper application for that purpose, direct such amendments of any pleading as the furtherance of justice or the due conduct of the suit or matter may require, upon such terms as the Court shall deem meet; but any error or defect of pleading which has not misled or injured the adverse party, shall be amended without costs. 5

All evidence pertinent to question at issue, receivable. **7.** Upon every examination of witnesses, all the evidence of either party, pertinent to the real subject at issue, shall be received, although, owing to some error or defect of pleading, the same, or some portion thereof, may be inadmissible by the present practice of this Court; the erroneous or defective pleading shall be amended accordingly, as directed by the last preceding section of this Act. But nothing herein contained shall authorize the admission of any evidence irrelevant to the real question intended to be raised for decision, and wherever, in the opinion of the Court, the adverse party has been surprised, or his rights might otherwise be injuriously affected by the admission of any evidence of which, owing to the said defect or error in the pleading, he may not have been duly forewarned, he shall be allowed to give further evidence, at such time and place, and on such terms, as the Court may think fit. 15 20

Time for arguing causes. **8.** After the parties have closed their respective cases upon an examination of witnesses, if the evidence involve difficult questions of fact or law, the Court shall defer hearing the argument thereon till the witnesses in all the other causes have been examined: and the cause shall be argued at such time and place as the Court may direct. 25

Orders under this Act. **9.** The Court of Chancery is hereby empowered to make such orders as they may deem expedient for the purpose of carrying this Act into effect. 30

Appeal. **10.** The decisions of the Court, under this Act, shall be subject to appeal as in other cases.

Powers of the Court in appeals from Chancery. **11.** Upon the hearing of any appeal from the Court of Chancery, the Court of Error and Appeal shall have and exercise the same powers relative to amendments of pleadings and future proceedings in suits, as shall be possessed by the Court of Chancery, either under this Act or otherwise. 35

Commencement of Act. Proviso. **12.** This Act shall take effect from the time of the passing thereof; but it shall not affect the validity of anything done previously to that time. 40