

Case No. 5,799.

{4 McLean, 208.}<sup>2</sup>

GREGG ET AL. V. GIER.

Circuit Court, D. Illinois.

June Term, 1847.

MOTION TO AMEND PLEADINGS.

Motion by plaintiffs' counsel to increase the damages laid in the declaration. Mat. p. i. 153.

{This was a suit by Gregg and Wald against Gier.}

OPINION OF THE COURT. Under the act of congress, as well as in pursuance of the state practice, this court has always exercised a liberal discretion in giving leave to amend the pleadings. This power of the court is not limited, as by the common law, to permit amendments only where there was something in the proceedings to amend by. The motion is granted.

<sup>2</sup> [Reported by Hon. John McLean, Circuit Justice.]