

61. Married women, infants, idiots, and lunatics may sue and defend by a guardian, *ad litem*, admitted for that purpose by the Court or a Judge. Married women may also, by leave of the Court or a Judge, sue or defend without their husbands, and without a guardian, *ad litem*, on giving security for costs.

62. Before any person shall be allowed to act as a guardian, *ad litem*, under the last preceding rule, he shall first be admitted for that purpose by the Court or Judge upon a petition signed by him.

63. The guardian, *ad litem*, shall be a person not interested in the result of the action, and, in the case of a lunatic, shall be his committee, if one have been appointed, unless the Court or Judge see fit to allow some other person to act as guardian, *ad litem*.

64. The writ of summons and statement of claim may be served in manner hereinbefore provided, upon a married woman, an infant, an idiot, or a lunatic, although a guardian, *ad litem*, has not been admitted to defend for such married woman, infant, lunatic, or idiot, but no further step shall be taken in the action until a guardian, *ad litem*, has been admitted.

65. If no application is made for admission as guardian, *ad litem*, to any defendant who is a married woman, an infant, an idiot, or a lunatic, within five days after service of the writ of summons, the Court or a Judge, on the application of the plaintiff, may order that a solicitor of the Court do act as guardian, *ad litem*, of such defendant, and such defendant shall be liable to pay to the solicitor so appointed his costs of defending the action. Provided that in the case of a lunatic defendant, the Court or a Judge may order his committee, if one have been appointed, to act as guardian, *ad litem*.

66. A solicitor, appointed under the last preceding rule, may, by leave of the Court or a Judge, decline to continue the defence of the action unless he be prepaid by the defendant for whom he has been appointed to act the amount of all necessary disbursements.

67. The guardian, *ad litem*, may be removed by the Court upon sufficient cause being shown.

68. The guardian, *ad litem*, shall be liable for costs, and will not be allowed to retire without giving security for the costs already incurred, if such security be required by the opposite party. Provided that a solicitor appointed guardian, *ad litem*, under Rule 65, shall not be so liable.

69. In case of the death, or retirement, or removal of a guardian, *ad litem*, a fresh guardian shall be appointed in the same manner as the original guardian, *ad litem*. Provided that a guardian, *ad litem*, shall not be permitted to retire without leave of the Court.

70. When an action has been commenced in the name of an infant, and he, upon coming of age, shall elect to go on with it, all subsequent proceedings shall be carried on in his own name, and in such case he will be liable to all the costs of the action in the same manner as if he had commenced it after coming of age.

71. Any two or more persons claiming, or being liable as partners, may sue, or be sued, in the name of their respective firms (if any), and the opposite party may in such case apply for the names of the persons who are partners in any such firm, and until an affidavit has been filed stating the names and addresses of such partners, all proceedings in the action shall be stayed.

72. Any person carrying on business in the name of a firm, apparently consisting of more than one person, may be sued in the name of such firm.

73. When there are numerous parties having the same interest in an action, one or more of such parties may sue, or be sued, or may be authorized by the Court to defend in such action on behalf of or for the benefit of all parties so interested.

74. Any residuary legatee, or next of kin, may, without joining as parties the remaining residuary legatees, or next of kin, sue for the administration of the personal estate of a deceased person.

75. Any legatee interested in a legacy charged upon land, and any person interested in the proceeds of land directed to be sold, may, without joining as parties any other legatee or person interested in the proceeds of the land, sue for the administration of the estate of a deceased person.

76. Any residuary devisee may, without joining as a party any co-residuary devisee, sue for the administration of the estate of a deceased person.

77. Any one of several *cestuis que trust*, under any deed or instrument may, without joining the other *cestuis que trust* as parties, sue for the execution of the trusts of the deed or instrument.

78. In all actions for the protection of property pending litigation, and in all cases, in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

79. Any executor, administrator, or trustee may sue any one legatee, next of kin, or *cestui que trust* for the administration of the estate or the execution of the trusts.

80. In the cases provided for by Rules 74 to 79, both inclusive, the Court or a Judge may require any other person or persons to be made a party or parties to the action, and may give the conduct of the action to such person as may seem proper, and may make such order in any particular case as may seem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matter in question.

81. In the cases provided for by Rules 74 to 79, both inclusive, such persons as the Court or a Judge may direct shall be served with notice of the judgment, and, after such notice, they shall be bound by the proceedings in the same manner as if they had been originally made parties to the action, and they may, by an order, of course, have liberty to attend the proceedings under the judgment, and any party so served may, within such time as shall in that behalf be prescribed by the judgment, apply to the Court to rescind, add, or to vary the judgment.

82. In all actions concerning real or personal estate which is invested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust in the same manner, and to the same extent, as the executors or administrators in actions concerning personal estate, represent the persons beneficially interested in such personal estate, and in such cases it shall not be necessary to make the persons beneficially interested under the trust parties to the action, but the Court may, upon consideration of the matter on the hearing, if it shall so think fit, order such persons, or any of them, to be made parties.

83. No action shall be defeated by reason of the misjoinder of parties, and the Court may, in every action, deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.