

or for the benefit of all parties so interested on such terms as to costs and security for costs as the parties may be ordered by the Court.

58. In any case in which the right of an heir-at-law, or the next of kin, or of a class, shall depend upon the construction which the Court may put upon an instrument, and it shall not be known or be difficult to ascertain who is or are such heir-at-law, or next of kin, or class, and the Court shall consider that, in order to save expense, or for some other reason, it will be convenient to have the question or questions of construction determined before such heir-at-law, or next of kin, or class, shall have been ascertained by means of inquiry, or otherwise, the Court may appoint some one or more person or persons to represent such heir-at-law, or next of kin, or class.

59. 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.

60. 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.

61. 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.

62. The Court or a Judge may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court or a Judge to be just, order that the name or names of any party or parties, whether as plaintiffs or as defendants, improperly joined, be struck out, and that the name or names of any party or parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the Court may be necessary to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added.

63. No person shall be added as a plaintiff without his own consent thereto.

64. Any application to add, or strike out, or substitute a plaintiff or defendant, may be made to a Judge at any time before trial or at the trial of the action in a summary manner.

65. When a defendant is added, unless otherwise ordered by the Judge, the plaintiff shall serve on such defendant a copy of the order joining him as a party, and of the statement of claim in the action, and may, before service, amend the statement of claim in such manner as the making of such new defendant a party shall render desirable.

66. If the statement of claim be amended before service under the last preceding rule, the statement of claim filed in Court and served upon the original defendant shall be amended in the same manner, or copies of such amended statement of claim shall be filed in Court and served upon the original defendant.

CHAPTER III.

JOINDER OF CAUSES OF ACTION.

67. Subject to the following rules, the plaintiff may unite in the same action, and in the same statement of claim, several causes of action; but, if it appear to the Court or a Judge that any such causes of action cannot be conveniently tried or disposed of together, the Court or Judge may order separate trials of any such causes of action to be had, or may make such other order as may be necessary or expedient for the separate disposal thereof.

68. No cause of action shall, unless by leave of the Court or a Judge, be joined with an action for the recovery of land, except claims in respect of mesne profits, or arrears of rent in respect of the premises claimed, or any part thereof, and damages for breach of any contract under which the same or any part thereof are held.

69. Claims by a trustee in bankruptcy as such shall not, unless by leave of the Court or a Judge, be joined with any claim by him in any other capacity.

70. Claims by or against husband and wife may be joined with claims by or against either of them separately.

71. Claims by or against an executor or administrator as such may be joined with claims by or against him personally, provided the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator.

72. Any defendant, alleging that the plaintiff has united in the same action several causes of action which cannot be conveniently disposed of in one action, may at any time apply to the Court or a Judge for an order confining the action to such of the causes of action as may be conveniently disposed of in one proceeding.

73. If, on the hearing of any such application as in the last preceding rule mentioned, it shall appear to the Court or to a Judge that the causes of action are such as cannot all be conveniently disposed of in one action, the Court or the Judge may order any of such causes of action to be excluded, and may direct the statement of claim to be amended, and may make such order as to costs as may be just.

PART II.—PROCEEDINGS PRELIMINARY TO DISPOSAL OF ACTION

CHAPTER I.

STATEMENT OF CLAIM.

74. If the plaintiff sue, or the defendant or any of the defendants is sued, in a representative character, the statement of claim shall show in what capacity the plaintiff sues or the defendant is sued.