may be improperly joined or included therein, so as to relieve the bill or petition of the objection of being multifarious. And the court may, according to the special circumstances of the case, to meet the requirements of justice and to prevent a multiplicity of suits, decree as between the plaintiffs, as if they occupied positions of plaintiff and defendant upon the record, and may so decree as between co-defendants to the cause; provided, such decrees shall be founded upon the allegations of the pleading between the plaintiffs and defendants, and have immediate connection with the subject-matter of the suit.

Where a bill is multifarious, a demurrer should be sustained and the bill, as to the matter misjoined, dismissed under this section. The complainants may then proceed as to the subject-matter retained. Belt *v.* Bowie, 65 Md. 354.

The improvident joinder of one subject in a cross-bill, will not affect the jurisdiction of the court to decree relief as to other subjects properly included. Hooper *v.* Central Trust Co., 81 Md. 582.

Relief may be given to plaintiffs against co-plaintiffs, and to defendants against co-defendants. Whitridge *v.* Whitridge, 76 Md. 62 (opinion of the lower court concurred in by dissenting opinion).

As to a decree against the plaintiff, see sec. 216.

1904, art. 16, sec. 175. 1888, art. 16, sec. 162. Rule 34.

184. If the defendant shall, at the hearing of the cause, object that the suit is defective for want of parties, not having by plea or answer taken the objection, and therein specified by name or description the parties to whom the objection applies, the court or judge thereof, if it be deemed proper, shall be at liberty to make a decree, saving the rights of the absent parties, or may require the plaintiff to bring in such absent party, upon such terms as the court may prescribe as to costs.

Ibid. sec. 176. 1888, art. 16, sec. 163. Rule 35.

185. Where the defendant shall, by his answer, suggest that the bill is defective for want of parties, the plaintiff shall be at liberty, within fifteen days after answer filed, to set down the cause for argument upon that objection only; and the clerk, at the instance of the plaintiff, shall make entry thereof in his docket in the following form: "Set down upon the defendant's objection for want of parties." And if the plaintiff shall not set down the cause, but shall proceed therewith to a hearing, notwithstanding the objection for want of parties taken by the answer, he shall not, at the hearing of the cause, if the defendant's objection for want of parties be then allowed, be entitled, as of course, to an order for liberty to amend his bill by adding parties; but the court or judge thereof may, if it be thought fit, dismiss the bill. If, however, the cause be set down upon the objection taken, and, upon hearing, the objection be allowed, the plaintiff shall have liberty to amend, upon paying the cost of amendment.

Where the answer sets up a want of proper parties, and the plaintiff fails to have the matter specially set for hearing as provided in this section, if the court finally holds that proper parties have not been made, the bill may be dismissed. How the failure of the answer to point out what parties have been omitted, should be taken advantage of. Mishler *v.* Finch, 104 Md. 185.

The question of whether proper parties have been made, must be determined before the bill is dismissed under this section, and that question is reviewable on appeal. Ridgely *v.* Wilmer, 97 Md. 728.

As to amendment in equity, see sections 17, 161 and 172.