

the same manner and to the same extent as the executors or administrators in suits 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 suit; but any party interested may, upon his own application, be allowed to come in and be made a party to such proceeding, and the court or judge thereof may, upon consideration of the matter on the hearing, if it should be deemed proper, order such persons, or any of them, to be made parties.

1888, art. 16, sec. 161. Rule 33.

174. It shall not be necessary to dismiss the entire bill or petition in any suit, because simply of the misjoinder of parties or the subject-matter of the suit; but the court may dismiss the bill or petition as to such of the parties, plaintiff or defendant, as may be improperly joined, and may dismiss the bill or petition as to such of the subject-matter as 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.

Belt v. Bowie, 65 Md. 350. *Whitridge v. Whitridge*, 76 Md. 62. *Hooper v. Central Trust*, 81 Md. 582.

Ibid, sec. 162. Rule 34.

175. 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. 163. Rule 35

176. Where the defendant shall, by his answer, suggest that the bill is defective for want of parties, the plaintiff shall be at