

in such cause, shall be so joined, or that any person or persons, originally joined as plaintiff or plaintiffs, shall be struck out from such cause, if it shall appear to the Court that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid, consent, either in person or by writing under his, her or their hands, to be so joined, or that the person or persons, to be struck out as aforesaid, were originally introduced without his, her or their consent, or that such person or persons consent in manner aforesaid to be so struck out; and such amendment shall be made upon such terms as to the amendment of the pleadings, (if any,) postponement of trial, and otherwise, as the Court shall think proper; and when any such amendment shall have been made, the liability of any person or persons who shall have been added as co-plaintiff or co-plaintiffs shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in the cause.

27. In case it shall appear at the trial of any action, that there has been a misjoinder of plaintiffs, or that some person or persons not joined as plaintiff or plaintiffs ought to have been so joined, such misjoinder or non-joinder may be amended as a variance at the trial, if it shall appear to the Court that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid consent either in person or by writing, under his, her or their hands, to be so joined, or that the person or persons, to be struck out as aforesaid, were originally introduced without his, her or their consent, or that such person or persons consent in manner aforesaid to be so struck out, and such amendment shall be made upon such terms as the Court shall think proper; and when any such amendment shall have been made, the liability of any person or persons, who shall have been added as co-plaintiff or co-plaintiffs, shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such action.

Mis-joinder
may be amended.

28. In all cases where a plea in abatement of nonjoinder of a person or persons as co-plaintiff or co-plaintiffs shall be pleaded, the plaintiff shall be at liberty without any order of the court, to amend the writ and other proceedings before plea, by adding the name or names of the person or persons named in such plea, and proceeded in the action

May amend
writ.