

without any further appearance, on payment of the costs of, and occasioned by such amendment only, and in such case, the defendant shall be at liberty to plead *de novo*.

¶ In an action brought by a man and his wife.

29. In any action brought by a man and his wife, in respect of which she is necessarily joined as co-plaintiff, it shall be lawful for the husband to add thereto claims in his own right; and separate actions brought in respect of such claims may be consolidated, if the court shall think fit; provided, that in the case of the death of either plaintiff, such suit, so far only as relates to the causes of action, if any, which do not survive, shall abate.

#### ARTICLE 2ND.

#### JOINDER OR DEFENDANTS.

¶ Lawful for the court.

30. It shall and may be lawful for the court in the case of the joinder of too many defendants in any action on contract, at any time before the trial of such cause, to order the name or names of one or more of such defendants to be struck out, if it shall appear to such court that injustice will not be done by such amendment; and the amendment shall be made upon such terms as the court by whom such amendment is made shall think proper; and in case it shall appear at the trial of any action on contract, that there has been a misjoinder of defendants, such misjoinder may be amended, as a variance at the trial, in like manner as the misjoinder of plaintiffs has been before directed to be amended, and upon such terms as the court shall think proper.

¶ May amend the writ of summons.

31. In any action on contract where the non-joinder of any person or persons as a co-defendant or co-defendants has been pleaded in abatement, the plaintiff shall be at liberty, without any order, to amend the writ of summons and the declaration by adding the name or names of the person or persons named in such plea of abatement as joint contractors, and to serve the amended writ upon the person or persons so named in such plea in abatement, and to proceed against the original defendant or defendants, and the person or persons so named in such plea in abatement: provided that the date of such amendment shall, as between the person or persons so named in such plea in abatement and the plaintiff, be considered for all purposes as the commencement of the action.