

32. In all cases after such plea in abatement and amendment, if it shall appear upon the trial of the action that the person or persons, so named in such plea in abatement, was or were jointly liable with the original defendant or defendants, and resided in the county or city where the action is brought, the original defendant or defendants shall be entitled as against the plaintiff to the costs of such plea in abatement and amendment: but if at such trial it shall appear that the original defendant or any of the original defendants is or are liable, but that one or more of the persons named in such plea in abatement is or are not liable as a contracting party or parties, or does or do not reside in the county or city where the action is brought, the plaintiff shall nevertheless be entitled to judgment against the other defendant or defendants who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs as against the plaintiff, who shall be allowed the same, together with the cost of the plea in abatement and amendment, as costs in the case against the original defendant or defendants who shall have so pleaded in abatement the non-joinder of such person: provided that any such defendant who shall have so pleaded in abatement shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such plea in abatement, and of their residence in the county or city where the action is brought.

## CHAPTER 1ST.

## TITLE THIRD.

## JOINDER OF CAUSES OF ACTION.

33. Causes of action of whatever kind, provided they be by and against the same parties, and in the same rights, may be joined in the same suit; but this shall not extend to replevin or ejectment: but the court shall have power to prevent the trial of different causes of action together, if in the opinion of the court, such trial would be inexpedient; and in such case, the court may, when the case comes up for trial, or before, direct separate cases to be docketed, and separate trials to be had, in their order of priority, either immediately or at such time or times as the court shall deem most equitable and just.

May be joined  
in same suit.