

the time thenceforward until and including the day on which such security is given, is not to be reckoned in the computation of time allowed a defendant to answer or demur.

#### PARTIES TO SUITS.

VI. The practice of setting down a cause on an objection for want of parties merely, is abolished.

Séc. 2.—It shall not be competent to any defendant in any suit to take any objection for want of parties to such suit, in any case to which the rules next hereinafter set forth extend.

Defendant not to take objection for want of parties in any of the following cases:

Rule 1.—Any residuary legatee, or next of kin, may have a decree for the administration of the personal estate of a deceased person, without serving the remaining residuary legatees or next of kin.

Rule 2.—Any legatee interested in a legacy charged upon real estate; or any person interested in the proceeds of real estate directed to be sold, may have a decree for the administration of the estate of a deceased person, without serving any other legatee or person interested in the proceeds of the estate.

Rule 3.—Any residuary devisee or heir, may have the like decree, without serving any co-residuary devisee, or co-heir.

Rule 4.—Any one of several *cestuis que trust*, under any deed or instrument, may have a decree for the execution of the trusts of the deed or instrument, without serving any other of such *cestuis que trust*.

Rule 5.—In all cases of suits for the protection of property pending litigation, and in all cases in the nature of *waste*, one person may move on behalf of himself, and of all persons having the same interest.