

obligor last summoned at the same term as against the obligors first summoned, and in no case shall delay be occasioned by such consolidation.

58. Where two or more actions on obligations conditioned for the payment of any money, or two or more actions on the case arising *ex contractu* by and between the same plaintiff and the same defendant, shall be brought at the same term, the court in which such actions are pending shall, on motion of the defendant, order the said actions to be consolidated, and when consolidated shall direct the clerk to tax the cost of but one action.

Id s 8
1825, c 167, s 6
Where actions
consolidated,
but one action
to be taxed.

59. Any plaintiff in a judgment rendered on a joint and several bond, penal, or single bill, may levy the amount of said judgment upon either of the defendants therein.

Id s 9
1825, c 167, s 6.
May l vy exe-
cution on either
defendant

60. A judgment rendered against one or more members of a partnership, or one or more persons jointly liable on any bill, bond, covenant, promissory note, bill of exchange, contract, or agreement whatsoever, less than the whole number of partners or persons so bound, shall not work an extinguishment or merger of the cause of action on which such judgment may have been rendered, as respects the liability of the partners or persons not bound by such judgment; and they shall remain liable to be sued as if their original responsibility had been joint and several; *provided*, that but one satisfaction of the debt or demand shall be made.

Id s 10
1839, c 14
Judgment
against one, not
to merge cause
of action
25 Md 36, 38
Md 345, 44 Md
319.

61. If any joint defendant in an action *ex contractu* dies either before or after judgment, his executor and heirs shall be bound in the same manner as if a separate action had been pending, or a separate judgment been rendered against such defendant.

Id s 11
1825, c 167
Where joint de-
fendant in ac-
tion *ex contractu*
dies

62. Any married woman may be sued jointly with her husband in any of the courts of this State, or before any justice of the peace, on any note, bill of exchange, single bill, bond, contract, or agreement, which she may have executed jointly with her husband, and may employ counsel and defend such action or suit separately or jointly with her husband, and judgments recovered in such cases shall be liens on the property of defendants, and may be collected by execution or attachment in the same manner as if the defendants were not husband and wife; *provided*, that in all cases where a married woman has made such contract or agreement as a feme sole, under section 23 of article LI of this Code she may be proceeded against as therein provided.

1872, c 270
Husband and
wife jointly
sued
38 Md 529,
43 Md. 569

PLEADING.

63. Whatever facts are necessary to constitute the ground of action, defence, or reply, as the case may be, shall be stated in the pleading and nothing more; and facts only shall be stated, and not arguments, or inferences, or matter of law or of evidence, or of which the court takes notice *ex officio*.

Art 75, s 2.
1856, c 112, s 52
What necessary
to be stated in
pleadings.
11 Md 471, 21
Md 167, 399, 26
Md 380, 453, 27
Md 27, 43, 124,