

against the obligors first summoned, and in no case shall delay be occasioned by such consolidation.

Mitchell v. Smith, 4 Md. 403 *Prestman v. Beach*, 61 Md. 205.

P. G. L., (1860,) art. 49, sec. 8. 1825, ch. 167, sec. 5.

8. 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.

Ibid.

Ibid. sec. 9. 1825, ch. 167, sec. 6.

9. 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.

Ibid. sec. 10. 1839, ch. 14.

10. 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.

Williams v. Hodgson, 2 H. & J. 474. *Moale v. Hollins*, 11 G. & J. 11.
Davidson v. Kelly, 1 Md. 500 *Thomas v. Mohler*, 25 Md. 36. *Loney v. Bailey*,
43 Md. 10 *Gott v. State*, 44 Md. 319. *Cruzen v. McKaig*, 57 Md. 461.

Ibid. sec. 11. 1825, ch. 167.

11. 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.