

LAWS OF MARYLAND.

CHAPTER 167.

Det. Ses 1833.

Passed March 4, 1836.

More than one suit on one instrument prohibited—penalty.

Case of one obligor being dead.

An obligor dying pending a suit.

An obligor dying after judgment & before payment.

An act to prevent the unnecessary accumulation of Costs in civil suits.

Sec. 1. *Be it enacted by the General Assembly of Maryland,* That from and after the first day of May next, it shall not be lawful to institute more than one suit on a joint and several bond, penal or single bill, where the persons executing the same are alive, and reside in the same county; and that if more than one suit be instituted on any such bond, penal or single bill, judgment of non pros. shall be entered against the plaintiff or plaintiffs on such suits.

2. *And be it enacted,* That if either of the said obligors shall be dead, then and in that case, it shall be the duty of such clerk to docket one action against the surviving obligor or obligors, and if requested so to do by the plaintiff or plaintiffs, or by his, her or their attorney, it shall be the duty of such clerk, to docket also an action against the executors or administrators of such deceased obligor, and to issue a summons against the executors or administrators of such obligor, and the same proceedings shall be had and the same judgment entered thereon, as if separate actions had been brought against each and every obligor, in such joint and several bond, penal or single bill.

3. *And be it enacted,* That if either of the said obligors against whom a joint action shall have been brought, shall die, pending the same, then and in that case, it shall and may be lawful for the plaintiff or plaintiffs, to suggest such death, and it shall be the duty of the court to cause such suggestion to be entered of record, and to cause the clerk of the court to docket an action, as of the same term in which the suggestion aforesaid, shall be entered of record as aforesaid, in the name of the plaintiff or plaintiffs in the said action, against such obligor so dying as aforesaid, and in the action so docketed, such and similar proceedings shall be had to make the executors or administrators of the obligor so dying, parties to the action so docketed as aforesaid, and the same judgment shall be had thereon against such executor or administrator as if the original action had been brought separately against all such obligors.

4. *And be it enacted,* That if any of the obligors, against whom a joint action shall have been brought and judgment obtained thereon, under the provisions of this act, shall die after the rendition of such judgment, and before the said judgment shall have been paid or satisfied, it shall and may be lawful for the plaintiff or plaintiffs, his, her or their executors or administrators to cause a scire facias to issue on the said judgment, so remaining unsatisfied, against the executors or administrators of such defendant so dying, and such judgment shall be had on the said scire facias, as if the said judgment upon which the said scire facias shall have issued, had been rendered up against such defendant so dying, up-