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JOSEPH KENT, ESQUIRE, GOVERNOR.

Dec 25 1825.

Actions may be consolidated.

on separate actions brought against him, and the other co-obligors, in such joint and several bond, penal or single bill.

5. *And be it enacted*, That in all cases where two or more actions of debt or obligations, conditioned for the payment of money, or two or more actions on the case arising ex-contrac-to, by and between the same plaintiff or plaintiffs, and the same defendant or defendants shall hereafter be brought at one and the same term, the court in which the said actions are pending, shall on motion of the defendant or defendants, order the said actions to be consolidated, and when the said actions shall be consolidated, the court shall order and direct the clerk to tax the costs of but one action.

Defendants not exempt from levy.

6. *And be it enacted*, That nothing contained in this act shall be construed to prevent any plaintiff or plaintiffs in any judgment rendered on any joint and several bond, penal or single bill, from levying the amount of said judgment upon either of the co-defendants to said judgment.

Obligors residing in different counties.

7. *And be it enacted*, That in case the obligors in any bond, penal or single bill, shall reside in different counties, then and in that case it may be lawful for the clerk of the county court to docket one action and to issue one writ of capias ad respondendum against the obligor or obligors in such bond, penal or single bill who reside in the same county, and for the clerk of another county court, to docket another action, and to issue another writ of capias ad respondendum against the obligor or obligors who may reside in that county and such judgments shall be entered as if several writs of capias ad respondendum had issued and separate actions had been brought before the passage of this act.

Case of writ being served on one and not on other obligor.

8. *And be it enacted*, That when any writ of capias ad respondendum issued under the provisions of this act shall be returned cepi as to one or more of the obligors and non est inventus as to the others, it shall and may be lawful for the clerk of the county court from which such writ issued, to renew the said writ against those upon whom it had not been served, and upon service of the same upon the other obligor or obligors, and return thereof, the said obligor or obligors may pray the court to consolidate the actions, and it may be lawful for the court so to consolidate the actions against all the obligors, so that no delay shall arise by reason of the consolidation; but judgment shall be entered up against the obligors last taken in virtue of the writ of capias ad respondendum, at the same term that judgment is or can be obtained against the obligor or obligors first taken as aforesaid, and in no case shall delay be occasioned to the recovery of the plaintiff by reason of the consolidation of the actions as aforesaid.