

ARTICLE L.

JOINT OBLIGATIONS AND JOINT TENANCY.

Joint Obligations.

1. Death of joint obligor.
2. Institution of more than one suit.
3. Death of joint obligor before suit brought.
4. Death pending joint action.
5. Death after judgment.
6. Joint obligors residing in different counties.
7. Summons.

8. Consolidation of actions.
9. Execution against either defendant.
10. Judgment against less than the whole number bound, effect of.
11. Executor and heirs bound.
12. Failure to prove joint liability; judgment.

Joint Tenancy.

13. Must be expressly created.

Joint Obligations.

1904, art. 50, sec. 1. 1888, art. 50, sec. 1. 1860, art. 49, sec. 1. 1811, ch. 161, sec. 1.

1. Where two or more persons are jointly bound by bond, promissory note or by any other writing, whether sealed or unsealed, to pay money or do any other thing and one or more of such persons shall die, his or their executors and heirs shall be bound in the same manner and to the same extent as if the person so dying had been bound severally as well as jointly.

Since the act of 1811, ch. 161, separate actions can not be maintained on a joint promissory note. *Pike v. Dashiell*, 7 H. & J. 467. (See section 2.)

This section referred to as a removal of technical grounds of discharge. *Zollickoffer v. Seth*, 44 Md. 378.

See sec. 3.

Ibid. sec. 2. 1888, art. 50, sec. 2. 1860, art. 49, sec. 2. 1825, ch. 167, sec. 1. 1837, ch. 211. 1870, ch. 329.

2. No person shall institute more than one suit on a joint and several bond, promissory note, penal or single bill when the persons executing the same are alive and reside in the same county; and if more suits than one be instituted on any such bond, promissory note, penal or single bill, judgments of *non pros.* shall be entered against the plaintiff in such suits.

The object of the act of 1825, ch 167, is to prevent costs. Where one of the defendants is dead, separate actions may be brought against the survivor and the representative of the deceased. Nor does this section prevent only one of the obligors being sued, although all the obligors are alive and reside in the same county. In such case, however, the plaintiff will be non-suited if he brings a second suit. (See section 3). *Blizzard v. Jacobs*, 3 G. & J. 70.

Where a declaration shows that there is a co-obligor, the non-joinder must be accounted for, or the declaration is bad. *Kent v. Holliday*, 17 Md. 393; *State v. Wheeler*, 14 Md. 109; *Merrick v. Bank of Metropolis*, 8 Gill, 60. See also, *Annapolis, etc., Institution v. Bannon*, 68 Md. 461.