

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.

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

1888, art. 50, sec. 9. 1860, art. 49, 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. 1860, art. 49, 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. Westheimer v. Craig, 76 Md. 399.

Ibid. sec. 11. 1860, art. 49, 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.

Ibid. sec. 12. 1888, ch. 492.

12. In suits brought against alleged joint debtors in actions *ex contractu* it shall not be necessary for the plaintiff to prove their joint liability as alleged in order to maintain his action; but he shall be entitled to recover as in actions *ex delicto* against such one or more of the defendants as shall be shown by the evidence to be indebted to him; and judgment shall be entered in his favor against such one or more of said defendants as fully as if the defendant or defendants against whom he