

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.

An obligor dying after judgment and before payment.

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

Actions may be consolidated.

SEC. 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 contracto, 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.

SEC. 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.

SEC. 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*