Legislation in Maryland.—By the Act of Oct. 1778, ch. 21, sec. 7, it was provided that execution might be issued on any judgment with stay of execution at any time within one year next after the expiration of such stay, provided that the stay of execution be entered upon the clerk's docket at the same Court when the judgment shall be rendered, and also after the dissolution of any injunction of the Court of Chancery, or the discharge or expiration of any *supersedeas* on appeal or any writ of error, at any time within one year after dissolution of such injunction, or discharge or expiration of such *supersedeas*. And by the Act of 1823, ch. 194, it was enacted that on all judgments thereafter to be rendered by any County Court, or by any justice of the peace, or in the Court of Appeals, a *fieri facias*, or *ca. sa.* might issue at any time within three years from the dates of such judgments. And by the Act of 1834, ch. 189, Code, Art. 10, sec. 30,[2] any plaintiff may instead of any other execution take out an attachment, &c. But by the Code, Art. 57, sec. 3, (*Code* 1911, *Ibid. as now amended*) no judgment shall be good and pleadable or admitted in evidence against any person in this State, ... after the principal debtor and creditor have been both dead twelve years, or the debt or thing in action above twelve years standing, saving the impediments of infancy, coveture, insanity of mind, or imprisonment, for six years after the disability, &c., removed.

And now by the Act of 1862, ch. 262, which amends Art. 29, secs. 16 and 17[3] of the Code, it is provided that execution may issue at any time within

---

court has power on proper cause shown to amend the titling to the writ so that the rights of the real parties in interest may be made to appear on record by a proper entry to their use. Garey v. Sangston, 64 Md. 31. Cf. Bowie v. Neal, 41 Md. 124.

Defendant may plead or demur directly to the writ. Bish v. Williar, 59 Md. 382. But he cannot set up any matter which might have been relied on as a defense to the original action; else there would be no end to litigation. Downey v. Forrester, 35 Md. 117; Shupp v. Hoffman, 72 Md. 359.

If defendant is summoned, the judgment of *fiat* operates as a conclusive estoppel upon him against thereafter asserting any defense to the original judgment which he neglected to plead to the *scire facias*. Hadaway v. Hynson, 89 Md. 305; Starr v. Heckart, 32 Md. 267. While the judgment of *fiat* is considered a new judgment, it has all the attributes of the original judgment and effects no change in the nature or character of the original judgment. Weaver v. Boggs, 38 Md. 255; Hoffman v. Shupp, 80 Md. 611.

Where a *fi. fa.* is sued out after a judgment of *fiat*, the *fi. fa.* must be grounded on and contain a proper recital of the *fiat* even though the *scire facias* is sued out unnecessarily, as the *fiat* is the effective judgment. Hall v. Clagett, 63 Md. 57. After a judgment of *fiat* the plaintiff cannot issue execution on the original judgment. Wright v. Ryland, 92 Md. 645. The remedies for any errors or irregularities in the *scire facias* judgment are the same as in the case of the original judgment. Jones v. George, 80 Md. 294.

[2] Code 1911, Art. 9, sec. 29 (as now amended).

[3] The Act of 1862 was repealed and re-enacted by the Act of 1874, ch. 320,