or other execution,[4] to be laid in different hands, or levied on other property than that taken under the first, though the first be outstanding; provided but one satisfaction shall be made, and costs shall be in the discretion of the Court. And by the following section, if a stay of execution be entered at the rendition of the *judgment, or it be **146** stayed by injunction, *supersedeas*, appeal or writ of error, an execution may issue at any time within three years after the expiration or removal of such stay, &c.

Before this Act the law here was as in England, that whenever a new party was to be benefitted or charged after the judgment, a *scire facias* was first necessary; as in case of the death of the plaintiff, see Trail v. Snouffer, 6 Md. 308, or of the marriage of a female plaintiff, as in Townsend v. Townsend, 10 G. & J. 373. So in Boyd v. Talbott, 7 Md. 404, it was held that under the Act of 1834, ch. 189, Code, Art. 10, sec. 30,[5] an attachment by way of execution was on the same footing as to the necessity of the revival of the judgment after the lapse of three years as a *fieri facias* or *capias ad satisfaciendum*. The Act makes changes in these respects in some measure, for now it is not necessary for the representatives of a *plaintiff* dying, or a female *plaintiff* marrying, within three years after the date of the judgment, to issue a *scire facias* in order to have execution by *fieri facias*, but the personal representative or "other person," &c., may become party to the judgment by suggestion, and proceed as if the death or marriage had not occurred. And an attachment may issue at any time within twelve years, subject after the lapse of three years to such defences as might be made in cases of *scire facias*. The reason of the difference is, that an attachment contains a clause of *scire facias* which virtually gives the defendant an opportunity of resisting the particular execution.[6] It is presumed that the Act was in-

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on other property or effects than that taken under the first, though the first be still outstanding; provided, that but one satisfaction of the debt or demand shall be made, and that it shall be in the discretion of the court in all such cases, whether any costs, and if any, what amount of costs shall be allowed on the subsequent attachments or other executions; the provisions of this section shall apply also to attachments or executions directed to a county different from that where the judgment or decree was rendered, or to or from the city of Baltimore." Code 1911, Art. 26, sec. 20.

See also as to *scire facias* on judgments of justices of the peace, Code 1911, Art. 52, secs. 54, 55.

[4] Whether the judgment creditor may have more than one execution at the same time in the same county, *quaere?* Mitchell v. Chesnut, 31 Md. 521.

[5] Code 1911, Art. 9, sec. 29.

[6] **Clause of *scire facias* in writ of attachment.**—The omission of the clause of *scire facias* does not, however, render the writ of attachment void but voidable only. Johnson v. Lemmon, 37 Md. 336. And where three years had not elapsed since the rendition of the judgment, it was held not necessary to insert the clause of *scire facias* in the writ. Anderson v. Graff, 41 Md. 601. But whether under the present law it is necessary