

shall proceed to try such replevin *ex parte* on the day so fixed, if the defendant does not appear, or, if the summons is returned *non est*, the justice shall renew the same returnable not less than ten days from the issuing thereof, and if such renewed summons be returned *non est*, the justice shall proceed as if the defendant had been returned summoned and had failed to appear.

The right to proceed to judgment after two *non-ests*, upheld and discussed. *Heinekamp v. Beaty*, 74 Md. 393 (Individual opinion).

Scire Facias.

1904, art. 52, sec. 52. 1888, art. 52, sec. 50. 1860, art. 51, sec. 34.
1801, ch. 62, sec. 4. 1823, ch. 194. 1888, ch. 235.

54. Judgments rendered by justices of the peace may be revived at any time within twelve years from their date by *scire facias* returnable on a certain day not less than twenty nor more than thirty days from the issuing thereof. And whenever any plaintiff shall die his personal representatives shall have the right upon application to the justice to appear and be made a party to said judgment, and whenever any defendant shall die within twelve years from the date of any judgment a *scire facias* may be sued out upon the application of the plaintiff to revive said judgment against the personal representatives of said defendant.

Ibid. sec. 53. 1888, art. 52, sec. 51. 1860, art. 51, sec. 35. 1801, ch. 62, sec. 4.

55. Such *scire facias* may be issued by any justice of the peace of the county or city where the judgment was rendered, either on the original judgment or upon an authenticated copy thereof and shall be returnable before the justice issuing the same or before any other justice who may be named therein.

Supersedeas and Execution.

Ibid. sec. 54. 1888, art. 52, sec. 52. 1860, art. 51, sec. 45. 1791, ch. 67, sec. 4.
1826, ch. 194. 1860, ch. 132, sec. 3. 1896, ch. 207.

56. No execution shall issue upon any judgment or decree obtained in any circuit court for any county of this State, provided the defendant therein shall come before a justice of the peace of the county where such judgment or decree was rendered within two months after the rendition of such judgment or decree, and, together with two other persons such as the said justice shall approve of, confess judgment for his debt and costs of suit, adjudged or decreed, with stay of execution for six months thereafter, which confession shall be made in manner and form following—that is to say: “You, _____, do confess judgment to _____, for the sum of _____ and costs, which were recovered by the said _____, against _____, on the _____ day of _____, in the _____ court; the said _____ to be levied of your goods and chattels, lands or tenements, for the use of the said _____, in case the said _____ shall not pay and satisfy to the said _____, the said _____ so as aforesaid recovered against him, with the additional costs