

tiff might have had if no such death had taken place; and in the case of the marriage of a female plaintiff in any such judgment or decree, she may suggest in writing her said marriage, and have execution or attachment thereon, in her new name acquired by such marriage; and in case of the death or marriage of any of the defendants in any judgment or decree herein mentioned, the plaintiff in any such judgment or decree shall, at any time within twelve years from the date of the judgment or decree, upon a suggestion supported by affidavit of the death or marriage of any of said defendants, be entitled to have an execution or attachment issued against the defendant still alive, and such execution or attachment may be laid on any goods, chattels, lands and tenements of any of said remaining defendants; provided, that at any time before the expiration of twelve years from the date of any such judgment or decree, or in case of the death or marriage of any defendant in the judgment, the plaintiff shall have the right to have a writ of *scire facias* to renew or revive the same, and on judgments of justices of the peace duly recorded in the clerk's office, such writ of *scire facias* may be issued out of the superior court of Baltimore city, or the circuit court for the county, as the case may be, as if said judgment had been originally rendered by said court, and on all such judgments or decrees the plaintiff may have more than one attachment or execution to be laid in the hands of different persons, or levied 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.

Judgments of justices of the peace.

This section referred to as giving authority to the circuit court to issue execution upon recorded judgments of justices of the peace. *Union Natl. Bank v. Shriver*, 68 Md. 437.

A judgment of a justice of the peace is not a judgment within the meaning of the act of 1874, ch. 320. *Weikel v. Cate*, 58 Md. 110.

As to execution on judgments of justices of the peace, see art. 52, section 56, *et seq.*

Generally.

A judgment can not be revived by *sci. fa.* after the lapse of twelve years. An outstanding execution does not prevent the bar of the statute, unless it is renewed from term to term. *Johnson v. Hines*, 61 Md. 128. See also, *Mullikin v. Duvall*, 7 G. & J. 355

The lien of a judgment which has lapsed, can not be revived so as to overreach an intervening lien. *Post v. Mackall*, 3 Bl. 518. See also, *Hodges v. Sevier*, 4 Md. Ch. 382.

It is a general principle that where a new person is benefited or charged by the execution of a judgment, there ought to be a *sci. fa.* to make him a party; qualification of this principle. *Hanson v. Barnes*, 3 G. & J. 359.

Neither the act of 1874, ch. 320, nor the prior acts comprising this section, deal directly with the writ of *scire facias*; there is nothing in the act of 1874, ch. 320, to prevent the judgment creditor from resorting to a *scire*