

*facias* within the twelve years, there being no change of parties to the judgment. *Lambson v. Moffett*, 61 Md. 429. And as to the act of 1874, ch. 320, see *Brown v. C. & O. Canal Co.*, 4 Fed. 772.

Under the act of 1862, ch. 262, the defendant is entitled to the same defences to an execution issued eleven years after a judgment, as if a *sci. fa.* had been issued. *Manton v. Hoyt*, 43 Md. 264. See also, as to the act of 1862, ch. 262, *First Natl. Bank v. Weckler*, 52 Md. 38; *Anderson v. Graff*, 41 Md. 606; *Johnson v. Lemmon*, 37 Md. 343; *Goldsborough v. Green*, 32 Md. 92; *Mitchell v. Chestnut*, 31 Md. 526; *Hardesty v. Campbell*, 29 Md. 536; *Brown v. C. & O. Canal Co.*, 4 Fed. 772.

The act of 1834, ch. 189, places attachments on judgment on precisely the same footing so far as their issue is involved, as a *fl. fa.* *Boyd v. Talbott*, 7 Md. 407.

The act of 1785, ch. 80, section 1, does not apply to cases in the court of appeals. It provides against an action abating by the death of either party after suit brought, and authorizes the appearance of those interested, but makes no provision for the case of suit brought in the name of a dead person. *Owings v. Owings*, 3 G. & J. 3. See also, *Gist v. Cockey*, 7 H. & J. 138.

Land levied upon by a *fl. fa.* during a debtor's lifetime, may be sold after his death. *Jones v. Jones*, 1 Bl. 443. See also, *Hanson v. Barnes*, 3 G. & J. 359.

Requisites of a *scire facias*. *Nesbitt v. Manro*, 11 G. & J. 261.

Nature of the judgment obtained upon a *scire facias*. *Mullikin v. Duvall*, 7 G. & J. 355.

For cases relative to the act of 1823, ch. 194 (declaring that a *fl. fa.* might issue on all judgments at any time within three years), see *Miles v. Knott*, 12 G. & J. 452; *Coombs v. Jordan*, 3 Bl. 324.

A number of the acts comprising this section, discussed. *Wright v. Ryland*, 92 Md. 661 (dissenting opinion).

As to sales under execution, see art. 83, sec. 1, *et seq.* As to execution out of the court of appeals, see art. 5, sec. 70, *et seq.*

As to attachments on judgments, see art. 9, sec. 29, *et seq.*

As to claimants of property taken in execution, see art. 9, sec. 47, *et seq.*

1904, art. 26, sec. 21. 1888, art. 26, sec. 21. 1860, art. 29, sec. 18. 1839, ch. 14.

21. A judgment rendered against one or more members of a partnership, or one or more persons jointly liable on any bill, bond, covenant, promissory note, bill of exchange, contract or agreement whatsoever, less than the whole number of partners or persons so bound shall not work an extinguishment or merger of the cause of action on which such judgment may have been rendered, as respects the liability of the partners or persons not bound by such judgment, and they shall remain liable to be sued as if their original responsibility had been joint and several; provided, that but one satisfaction of the debt or demand shall be made.

Where a covenant is joint or joint and several, it is no defense that judgment has been entered against a co-covenantor, unless the judgment has been satisfied. *Cruzen v. McKaig*, 57 Md. 461; *Gott v. State*, use of *Barnard*, 44 Md. 337; *Thomas v. Mohler*, 25 Md. 45.

This section and section 14, recognize the right to recover judgment against one of several obligors. *Gott v. State*, use of *Barnard*, 44 Md. 337.

This section apparently grew out of the decision in *Moale v. Hollins*, 11 G. & J. 14.

This section is identical with art. 50, sec. 10—see notes thereto.

*Ibid.* sec. 22. 1888, art. 26, sec. 22. 1888, ch. 474.

22. Every order of court, whether in an action, cause or matter, may be enforced in the same manner and by the same writs as a judgment or decree to the same effect.