

authorizes the appearance of those interested, but makes no provision for the case of suit brought in 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 *fi. 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 act of 1823, ch. 194 (declaring that a *fi. 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. 75, *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.*

See art. 23, sec. 125. See notes to sec. 19 (art. 26).

An. Code, sec. 21. 1904, sec. 21. 1888, sec. 21. 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 sec. 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.

An. Code, sec. 22. 1904, sec. 22. 1888, 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.

An. Code, sec. 23. 1904, sec. 23. 1888, sec. 23. 1829, ch. 166, sec. 1. 1830, ch. 80. 1834, ch. 126. 1864, ch. 49.

23. Upon all judgments rendered at the second term after the defendant has been summoned, the defendant shall be entitled to a stay of execution until the first Thursday of the ensuing term, with the privilege of superseding the same in the manner allowed by law at any time within two months after the expiration of said stay and with the power of prosecuting an appeal or suing forth a writ of error, as authorized by law; this section not to apply to judgments recovered in the courts of Baltimore city.

This section applied. *Goldsborough v. Green*, 32 Md. 92.