

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, sec. 61, *et seq.*

Generally.

A judgment cannot 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, cannot 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 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 act of 1862, ch. 262, defendant is entitled to same defenses 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 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.

This section expressly authorizes more than one attachment on judgment or decree; hence if a sheriff's return is defective, another attachment should be issued and the company properly served. See notes to art. 23, sec. 109. *Sharpless Separator Co. v. Brillhart*, 129 Md. 92.

Where a judgment is rendered on October 19, 1899, and the writ of *scire facias* is issued on October 19, 1911, the writ is in time. *Parker v. Brattan*, 120 Md. 433.

This section referred to in construing art. 93, sec. 123—see notes thereto. *Newcomer v. Beehler*, 116 Md. 651.

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

Act of 1785, ch. 80, sec. 1, does not apply to cases in the court of appeals. It provides against an action abating by 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 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 notes to sec. 20.

The provisions of this section are not exclusive and do not deprive the plaintiff of the remedies theretofore existing for the enforcement of execution or attachments against living dependents. *First Nat. Bank v. Equitable Soc.*, 157 Md. 252.

A decree of divorce requiring monthly payments to be paid during life or until remarriage is beyond the purview of this section; the judgments and decrees contemplated by this section are those which may survive the death or marriage of the person for whose benefit they were originally entered. *Marshall v. Marshall*, 164 Md. 115.

This section construed with sec. 20. See notes thereto. *Messinger v. Eckenrode*, 162 Md. 68.

This section referred to in construing art. 5, sec. 2. *Ruth v. Durendo*, 166 Md. 84.

Cited but not construed in *Bass v. Standard Acc. Ins. Co.*, 70 Fed. (2nd), 88.

Cited in *O'Neill v. Schulze*, *Daily Record*, July 8, 1939.

See notes to sec. 15.

See notes to sec. 20.