

thereto as such justice would have had if he were living and acting as a justice of the peace.

Id s 63  
1845, c 379.  
Constable to  
notify plaintiff,  
when returns  
are made.

**33.** If any constable or other officer returns process before another justice by reason of the death or disqualification of the justice before whom the same was returnable, he shall give notice previous to the return thereof, to the plaintiff or his agent, and the defendant, of the justice before whom he intends returning the same.

#### SCIRE FACIAS

Art 51, s 34  
1801, c 62, s 4,  
1823, c 194  
When *scire fac*  
may be issued

**34.** Where any judgment rendered by a justice of the peace, or any supersedeas on such judgment, shall have continued for more than three years without being satisfied, the same may be revived by a *scire facias*, returnable on a certain day not exceeding forty days from the issuing thereof; and *scire facias* may be issued by a justice when either of the parties die or marry after a judgment has been rendered by a justice.

Id s 35  
1791, c 68, s 6,  
1801, c 62, s 4  
How issued and  
made return-  
able

**35.** 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.

#### LIEN OF EXECUTION ON JUSTICE'S JUDGMENT.

1868, c 443  
How execution  
made a lien on  
real or lease-  
hold estate.  
11 Md 332

**36.** No execution issued upon a judgment rendered by any of the justices of the peace within any of the counties of this State, or in the city of Baltimore, and levied upon any real estate or leasehold property of the defendant in such judgment, shall be a lien upon the real estate or leasehold property upon which it is so levied, unless at or before the time of issuing such execution the plaintiff in such judgment shall file the same with the clerk of the Circuit Court in which the defendant resides, or with the clerk of the Superior Court of Baltimore City, if the defendant resides in said city, to be recorded by him in a book kept for that purpose, for which he shall receive twenty-five cents in each case, which sum shall be recovered by the plaintiff as part of the costs of his execution

Costs

1868, c 443.  
Judgment  
recorded

**37.** The said clerk shall record the said judgment forthwith, and shall indorse thereon the time and place of its record, and may then deliver the same to the plaintiff.

1868, c 443.  
When sale  
under execu-  
tion valid.

**38.** No sale of any real or leasehold property made by any constable under any execution issued upon any judgment rendered by any justice of the peace of this State shall be valid unless it shall appear that the provisions of the two preceding sections have been complied with.