

P. G. L., (1860,) art. 9, sec. 2. 1830, ch. 165, sec. 2.

2. The equitable assignee of a judgment may issue *scire facias* in his own name, to revive the same without administration upon the estate of the legal plaintiff.

Kent v. Somervell, 7 G. & J. 265. Bank U. S. v. Lyles, 10 G. & J. 333. Clarke v. Digges, 5 Gill 118. Goldsborough v. Cradie, 28 Md. 408.

Ibid. sec. 3. 1839, ch. 51. 1830, ch. 165, sec. 3.

3. Any defendant may make the same legal or equitable defences as might or could have been had and maintained against the assignor at the time of such assignment and before notice thereof, and to the same extent.

Balto Ins Co. v. McFadon, 4 H. & J. 45. Kemp's Exrs. v. McPherson, 7 H. & J. 320. Harwood v. Jones, 10 G. & J. 420. Phalen v. State, 12 G. & J. 18. Job v. Walker, 3 Md. 129. Cox v. Sprigg, 6 Md. 274. Robinson v. Marshall, 11 Md. 251. Timms v. Shannon, 19 Md. 297. Huston v. Ditto, 20 Md. 331. Lucas v. Byrne, 35 Md. 485. McAleer v. Young, 40 Md. 439.

Ibid. sec. 4. 1830, ch. 165, sec. 2. 1830, ch. 161, sec. 4.

4. When the legal plaintiff in any suit entered for the use of any person shall die before or after judgment, the person for whose use the same may be entered, or who may be entitled to the same, or his representative, may prosecute the same to judgment and satisfaction, as if the legal plaintiff had not died.

McAleer v. Young, 40 Md. 439.

Ibid. sec. 5. 1763, ch. 23, sec. 7.

5. The surety in any bond or other obligation, for the payment of money or promissory note, or the endorser of any protested bill of exchange, who shall pay or tender the money due thereon, whether the whole be due or part has been previously paid, shall be entitled to an assignment thereof; and may, by virtue of such assignment, maintain an action in his own name against the principal debtor.

Norwood v. Norwood, 2 H. & J. 238. Sotheren v. Reed, 4 H. & J. 307. Ghiselin v. Ferguson, 4 H. & J. 522. Creager v. Brengle, 5 H. & J. 234. Merryman v. State, 5 H. & J. 426. Hollingsworth v. Floyd, 2 H. & G. 91. Williamson v. Allen, 2 G. & J. 344. Colegate v. Fredericktown Savs. Ins., 11 G. & J. 114. Semmes v. Naylor, 12 G. & J. 358. Hall's Admr. v. Cresswell, 12 G. & J. 36. Carroll v. Bowie, 7 Gill, 34. Neptune Ins Co. v. Dorsey, 3 Md.