

EVANS *vs.* WHITE ET AL.

The statute of limitation is not a good plea to a *scire facias* to revive a judgment. *Brown, Robb & Co. vs. Byrd*, 5 Eng. R. 534.

*Writ of Error to Pulaski Circuit Court.*

FOWLER, for the plaintiff.

ENGLISH, contra.

Mr. Justice WALKER delivered the opinion of the Court.

In this case a *scire facias* issued to revive a judgment. The defendants plead the statute bar of limitation of five years. A motion was made to strike the plea from the files as interposing no defense to the action. The motion should have been sustained. The plea is no bar to an action of *sci. fa.* *Brown, Robb & Co. v. Byrd*, 5 Eng. 534.

Let the judgment be reversed with costs, and the cause remanded to be proceeded in according to law.

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