

CHAP. 145. Wherein any of the said heirs or terre-tenants shall or may reside, a duplicate of the said writ of *scire facias*, returnable to the county court to which the original writ of *scire facias* shall be made returnable; and it shall be the duty of each sheriff to serve the said duplicate writ of *scire facias*, and return the same to the county court to which it shall be made returnable according to the tenor and command thereof; and the person or persons so summoned by means of any such duplicate writ of *scire facias*, may appear there-to, and the like proceedings shall and may be had against them in the said county court in the same manner as if they were residents of the county to which the said writ of *scire facias* shall be made returnable.

See 1806, ch. 90, s. 2, 3.

Joint writs of capias ad respondendum.

3. AND BE IT ENACTED, That in all cases wherein a joint writ of *capias ad respondendum* hath issued, or shall issue, and if any county court of this state, against heirs or devisees, named and included in the said writ, shall be resident in any other county than that in which the said writ shall have issued, or may issue, it shall and may be lawful for the clerk of the county court who shall have issued or may issue any such writ, to issue and direct to the sheriff of each and every other county wherein any of the said heirs or devisees shall reside, a duplicate of the said writ, returnable to the county court out of which the same hath issued or shall issue; and it shall be the duty of such sheriff to serve the said writ, and make return thereof to the county court whence the same shall have issued, according to the tenor and command thereof; and the parties so taken, under and by virtue of the said duplicate, shall appear thereto, and have the like proceedings against them in the said county court, in the same manner as if they were residents of the county in which the said original writ hath issued or shall issue; and such sheriff shall also be liable to be amerced upon such duplicate in the same manner as upon all other original writs; *Provided*, that if there be any one or more of the heirs or devisees of any deceased person residing in the county in which the said person was resident at the time of his death, or in which his real estate, or some part thereof, was situated, then and in such case the *capias ad respondendum* shall issue forth out of the county court of the county in which the deceased died, or in which his real estate, or some part thereof, is situated.

Proviso.

Death of defendants while actions are pending.

4. AND BE IT ENACTED, That the defendant in any suit or action now depending, or which may hereafter be brought in any county court of this state, shall die pending such suit or action, and his executor or administrator shall reside in a different county than that in which suit or action may be depending, and it shall and may be necessary to make such executor or administrator a party to such suit or action, it shall and may be lawful for the clerk of the county court of the county in which such suit or action shall be depending, to issue a summons, directed to the sheriff of the county in which the executor or administrator of the deceased defendant may reside, returnable to the county court from which the same issued, and the sheriff of the county to whom any such summons shall be directed and delivered, shall serve the same, and make return thereof to the court from which it issued, and the