

same were entered, have been struck out if the said court had not been changed or abolished, it shall and may be lawful for such sheriff or coroner, against whom such judgment was entered, to produce the defendant or defendants, for the nonproduction of whom such default was entered, to the next county court that shall sit in the county in which such judgment was entered, during the first three days of the sitting thereof, and such defendant or defendants shall thereupon, by the said court, be committed, or the execution entered not called by consent, in the same manner as might or could have been done at the court from which the same issued, or to which the same was returnable, and thereupon such judgment by default shall be struck out.

27. AND BE IT ENACTED, That in all cases either on the original or judicial docket of any late county court, where no return has been made of writs in the hands of any sheriff, or where after return the party defendant has not appeared to the suit, or satisfied the execution, and no commitment has been prayed, or amendment or default entered against the sheriff, the same proceedings may be had at the next county court of the county wherein such writs were issued or returnable, as if the courts to which they were returnable had still continued in session; and the several sheriffs shall have the same power to produce the defendants in court, and all other legal remedies against them for not appearing, as he might or could have had at any time during the session of the court to which such writs were returned or returnable.

Where no return of process, or defendant has not appeared, &c. proceedings to be had at the next county court.

28. AND BE IT ENACTED, That until the clerks of court of appeals shall be respectively appointed and qualify, the late clerks of the court of appeals and the general court respectively, shall be and they are hereby authorised and empowered, upon application of the party, his agent or attorney, to issue execution upon any judgment obtained in the late general court, or in the late court of appeals, upon which the respective clerks of the said courts could have issued, and not otherwise, and in the same manner and form, and tested as writs which issued prior to the said thirtieth day of November, and shall be made returnable to the court of appeals holden for the respective shore at the place and time herein before prescribed, and the said executions shall be of the same force and validity in law, and shall be proceeded upon in like manner, as executions which have heretofore issued out of the late general court or court of appeals by the respective clerks thereof, any law to the contrary notwithstanding.

Clerks of the late court of appeals and general court to issue executions until the clerks of the court of appeals are appointed, &c.

See 1806, ch. 41, s. 4.

29. AND BE IT ENACTED, That in all cases where *scire facias* is necessary to be issued upon any judgment or proceeding in the late general court of either shore, or in the late court of appeals, the late clerks, and the clerks hereafter appointed, respectively, shall, upon application as aforesaid, issue the said *scire facias*, directed to the sheriff of the proper county, and shall transmit therewith a short copy of the said judgment or proceeding under the seal of the late courts, or of the court of appeals hereafter, as the case may be, and it shall be made returnable to the place, and at the time, herein prescribed for holding the court for said county, and shall be tested in the name of the late presiding judge of the respective court, or in the name of the chief judge of the court of appeals, as the case

*Scire facias* may be issued on judgments in the late general court or court of appeals, returnable to the county court—How to be tested.