

ner provided by the act of November session, one thousand seven hundred and ninety, entitled, An act directing new trials in certain cases where judgments shall be reversed on appeal or writ of error, that the court of appeals for the respective shores shall, in the case of a writ of error to, or appeal from, the county court to the late general court, and so as aforesaid transferred, and in the case of a writ of error to, or appeal from, the county court to the court of appeals for the respective shores, direct their clerk to return the transcript of the record to the clerk of the county court which gave the judgment, with a writ of *procedendo* to such county court, directing them to proceed in such action, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted, or writ of error brought; and in the case of a writ of error to, or appeal from, the late general court to the late court of appeals, and so as aforesaid transferred, then the court of appeals for the respective shores shall direct their clerk to return the transcript of the record to the clerk of the county court of the county where the defendant named in the original action may reside, or was arrested upon the original writ, and if there shall be more than one defendant in any such action, then at the discretion of the court, to the clerk of the county court of the county where either of the defendants may reside or were arrested, with a writ of *procedendo* to such county court, directing them to proceed in such action as is herein before mentioned; and there shall be the same proceedings had upon the transcript and writ of *procedendo* as is provided by the said last herein before mentioned act.

II. AND BE IT ENACTED, That in all cases where an attachment, with clause of *scire facias*, may be required to be issued upon any judgment or proceeding in the late general court of either shore, the clerks of the court of appeals for the respective shores shall, upon application of the party, his agent or attorney, issue the said writ of attachment, directed to the sheriff of the proper county, and shall transmit therewith a short copy of the said judgment or proceeding under seal, and if the said judgment shall be for attachment, then the said clerks respectively shall transmit to the county court the original papers upon which such judgment was entered, together with a statement of the docket entries, and costs which may have accrued thereon in the late general court, and such writ shall be made returnable at the place and on the day prescribed for holding the court for said county, and shall be of the same effect, and be valid in law, to every legal intent, and may be proceeded upon in like manner, as writs of attachment which have or may issue from the county courts, on judgments obtained therein in similar cases; and if any writ of *scire facias* or attachment, which have been or may be issued upon any judgment or proceeding in the late general court, shall not be executed by the sheriff to whom the same has been or may be directed and delivered, it shall be lawful for the clerk of the county court to whom such writ shall be returned, to renew any such writ upon application of the party, his agent or attorney, in the same manner as if such writ had originally issued upon a judgment or proceeding in such county court.

Clerks, upon application, to issue attachment, &c.

III. AND BE IT ENACTED, That in all cases where a *scire facias*, or attachment with clause of *scire facias*, may be required to be issued upon any judgment which has been, or which may be, rendered in the court of appeals of either shore, the clerks of the court of appeals for the respective shores shall in like manner issue the said writ of *scire facias*, or attachment with clause of *scire facias*, directed to the sheriff of the proper county, and shall transmit therewith a short copy of the said judgment under seal, and such writs shall be made returnable at the place, and on the day, prescribed for holding the court for such county, and shall be of the same effect, and be valid in law, to every legal intent, and may be proceeded upon in like manner, as writs of *scire facias* and attachment which have or may issue from the county courts, on judgments obtained therein in similar cases; and if any such writ shall not be executed by the sheriff to whom the same may be directed and delivered, it shall be lawful for the clerk of the county court to which such writs shall be returned, to renew the same upon application of the party, his agent or attorney, in the same manner as if such writs had originally issued upon judgments in such county court.

And also *scire facias*, &c.

IV. AND BE IT ENACTED, That if any case which may have been transferred from the late general court of either shore to the county courts, costs of the term has been awarded by the late general court against any party, or any allowance made to a witness for his attendance in any case, and the same has not been paid to the party in whose favour such costs were awarded, or to any witness to whom such allowance may have been made, it shall and may be lawful for the county court of the county where the party liable to pay such costs or allowance may reside, to order and direct an attachment against such party, upon satisfactory evidence of a demand having been made of and from such person for such costs or allowance, and of his neglect or refuse to pay the same, in the same manner as if such costs had been awarded, or such allowance had been made, in the county court of said county.

In certain cases an attachment may be ordered, &c.