

Case No. 1,723. BOWEN ET AL. V. HOWARD ET AL.  
[5 Cranch, C. C. 308.]<sup>1</sup>

Circuit Court, District of Columbia.

March Term, 1837.

EXECUTION—PROPERTY SUBJECT TO LEVY.

A judgment of a justice of the peace cannot be seized and sold under a fieri facias issued by a justice of the peace.

Bowen & Dowling filed their bill in equity for an injunction to prevent the present defendant, Howard, from issuing execution against them, upon a judgment for \$33.50, which he had recovered against them, and which they had paid and satisfied to one Thomas Lloyd, who purchased the judgment at a sale thereof, by a constable who had seized it upon a fieri facias issued by one against the said Howard, and sold it under that execution. These facts being stated in the bill, an injunction was granted by the chief judge, in vacation, on the 2d of November, 1833. The bill was taken for confessed, for want of the answer of the defendants, and upon the complainants' motion for a decree for a perpetual injunction.

THE COURT (THRUSTON, Circuit Judge, absent), upon considering the bill, was of opinion that the judgment could not be seized and sold under a fieri facias against the creditor in the judgment, and dissolved the injunction; whereupon the complainants dismissed their bill.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]