

Case No. 8,769. MCDONALD ET AL. V. WHITE.  
[1 Cranch, C. C. 149.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1803.

EXECUTION—WITHIN WHAT TIME MAY ISSUE.

After the year has elapsed, execution cannot issue here upon a judgment in Maryland, without a scire facias, notwithstanding the 13th section of the act of congress of 27th Feb., 1801 [2 Stat. 107].

[Action by McDonald & Holmes against Jane White.]

Motion by Mr. Peacock to quash a ca. sa.

The judgment was rendered in Montgomery county court in Maryland, in March, 1800. No execution issued in Montgomery. The transcript was brought into this court and the ca. sa. issued 29th September, 1803. By the act of congress of 27th February, 1801, § 13 (2 Stat. 107), upon a transcript of the proceedings and judgment in Maryland filed, execution may issue here and shall be proceeded on in the same manner as if the judgment had been rendered here. But an execution, could not issue upon such a judgment obtained here, without a scire facias.

Execution quashed with costs.

CRANCH, Circuit Judge, declined giving an opinion, having been counsel for the plaintiff in the original action in Montgomery county.

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