

RECTOR vs. HARRIS, NORTON & Co.

A writ of error will not lie to the original judgment, where an execution has been issued on it, a delivery bond given and forfeited, and so returned by the sheriff. (14 Ark. 595, 597.)

Error to the Circuit Court of Pulaski County.

GARLAND, for the plaintiff.

WATKINS & GALLAGHER, for the defendants.

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Mr. Justice SCOTT delivered the opinion of the Court.

To the writ of error in this case, the defendants in error interposed a plea, setting up that a writ of execution was issued upon the judgment herein, which was levied upon the property and a forthcoming bond given and forfeited, and so returned by the sheriff. To which plea there was a demurrer and joinder. As heretofore several times held in this Court, under such circumstances, a writ of error does not lie to the original judgment. (*Phillips et al. vs. Wills, Pease & Co.*, 14 Ark. R. 595; *Daugherty vs. McDonald*, *ib.* 597, and other cases since decided.)

The demurrer will therefore be overruled, and the writ of error quashed at the costs of the plaintiff in error.

Absent, Mr. Justice HANLY.
