

seem to be allowable to infer, that some such practice had prevailed here, as in England, as that of removing a judgment from a county court to the General Court, and suing out a *scire facias* for the purpose of obtaining an execution from that court, as upon its own judgment. (*d*)

But however that may have been, it is clear, that no execution, of any kind, could be issued under this act upon any judgment rendered in a county court, and be executed in another county, or made returnable into another county court, unless in pursuit of a defendant who had himself given a proper foundation for such a course of proceeding by flying, removing, or absenting himself from the jurisdiction of the county court in which the judgment had been obtained. And therefore, it is sufficiently clear, that this law, which was intended to meet a peculiar and extraordinary state of things, cannot be considered as having prescribed any regular course of proceeding whereby the lands of a debtor might be made liable to be taken in execution. And besides it must be borne in mind, that the statute subjecting lands to be taken in execution by a *feri facias*, did not pass until the year 1732; (*e*) that at that time lands could only be taken in execution by a writ of *elegit*; and that this act specifies only such executions as could then only go against the person, or the personal property of the defendant. Whence it is clear, that there is nothing in this law which can be considered as having so enlarged the force of a judgment of a county court, as to render any lands liable to be taken in execution under it which were not liable before; and consequently, it gave no lien upon any lands of the defendant lying beyond the jurisdiction of such county court.

By an act of Assembly, passed during the revolution, it is declared, that the clerk of a county court shall, on application of the plaintiff in any judgment of his court; issue execution against any defendant who hath removed from the county in which such judgment is had to another county; which execution shall be directed to and served by the sheriff of the county where such defendant may reside, and returned to the court of that county; and it shall be sufficient for the plaintiff to entitle himself to the benefit of such execution to produce before the court to which the same shall be returnable, a short copy of his judgment attested by the clerk. (*f*)

The course of proceeding prescribed by this act does, in like

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(*d*) 2 Inst. 23; *Guilliam v. Hardy*, 1 Ld. Raym. 216.—(*e*) 5 Geo. 2, c. 7.—(*f*) October, 1777, ch. 12, s. 3.