

*McH.* 407; *Coombs v. Jordan*, *ante*, 321; and yet it was never doubted here, that a judgment rendered in the General Court gave rise to a lien upon the defendant's lands in every county of the State.

But according to these laws, in those cases where the suit could be brought no where else than in the Court of the county in which the defendant resided; and, in all other cases where it was in fact brought there, all the process of the County Court, being, by the general principles of the common law, confined within its local limits, it followed, as a necessary consequence, that no property of the defendant, not to be found within such county, could be taken in execution, in satisfaction of such a judgment; and therefore, that no judgment of a County Court could operate as a lien upon any of the lands of the defendant lying out of that particular county; unless there was here, as in England, some means of removing the judgment into some superior Court from which a more general and comprehensive scope of executive process might be taken.

It seems to be not altogether improbable, that some such course of proceeding, at one time, might have been allowed and pursued here. For, it is declared, by one of the Provincial Acts of Assembly, that when any person against whom any judgment shall be given, in any County Court, shall fly, remove, or absent himself out of the jurisdiction of that Court, that then the plaintiff, for the more easy obtaining of the fruit of such judgment, may take the transcript of the record of such judgment, under the seal of the Court, and lay the same before the County Court where the defendant shall happen to be, which transcript shall be entered upon the records of such County Court, who shall award execution thereon by a *capias ad satisfaciendum*, *fieri facias*, or attachment for the debt, damages, and costs, together with the additional costs of such Court, "without suing out any writ of *scire facias*." 1715, ch. 41, s. 8, probably re-enacted from 1701, ch. 1. From which last expression, dispensing with a *scire facias*, it would \* seem to be allowable to infer, that some such practice had prevailed here, as in England, as that of removing a judg- **666**  
ment 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. 2 *Inst.* 23; *Guilliam v. Hardy*, 1 *Ld. Raym.* 216.

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