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 *fieri facias*, did not pass until the year 1732; 5 Geo. 2, c. 7; 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 to 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 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. October, 1777, ch. 12, s. 3.

The course of proceeding prescribed by this Act does, in like
667 * manner, altogether depend upon the movement of the defendant; and his thus, of himself, laying that foundation of fact which alone can authorize a plaintiff to proceed in the manner pointed out by it. *Harden* v. *Moores*, 7 *H. & J.* 4. But, as at this time lands were liable to be taken in execution under a *fieri facias;* and as this Act authorizes a plaintiff, in such manner, to sue out any kind of execution he may think proper, it may be considered, that such a judgment would give rise to a lien upon the lands of the defendant, lying in the county to which he had reremoved, from the time of his having become a resident of it, as well as upon all his lands lying within the jurisdiction of the County Court of that county in which the judgment had been rendered. But although it might be so held, in regard to the lands of the defendant lying within those two counties; yet, as, under this Act, no execution could be sent to any other county, the judgment could not therefore, operate as a lien upon any lands of the defendant lying elsewhere.