

September, 1848, and as the trustee's report of the sale was not ratified until the 2d of October following, the mutation from real to personal estate was not complete at the former period, and, therefore, independently of the views presented by the counsel for the bank, it must be regarded as having had the character of real estate when the judgments were rendered. *Leadenham vs. Nicholson*, 1 H. & G., 266.

But these judgments were not rendered in the county in which the land lay, and the very important question is presented as to the effect of a judgment under such circumstances. Whether a judgment rendered in one county is a lien on land lying in another, is a question of great practical importance, and it is to be regretted that no cause has yet arisen in which the Court of Appeals has been called upon to put it at rest.

In the case of *Cape Sable Company*, (3 *Bland*, 606,) the late Chancellor decided that the judgments and decrees of the County Courts, the Court of Chancery and the Court of Appeals, gave a lien upon the lands of the defendant every where in the state; and if this is to be regarded as settling the law upon the subject, no farther examination of it need be made.

The doctrine of the Chancellor in the same case, with regard to the lien of a judgment on real estate, being but an incident of its liability to be taken in execution, and that there can be no lien where there is no direct or indirect mode of having an execution founded on such judgment, has been, as was conceded in the argument, overruled by the Court of Appeals, and can, of course, no longer be considered as the sound doctrine upon that subject.

The authority of the case, therefore, is weakened, and it appears to me, that so much mischief and inconvenience would result from following the decision upon the other point, that I am not prepared to give my assent to it. The difficulties already existing in the examination of titles are, I think, sufficiently perplexing, but it is manifest they would be aggravated to a most alarming extent, if the doctrine contended for is to prevail.

The 9th section of the act of 1794, chap. 54, authorizes the