

This had been introduced as the law of Maryland and was in regular and constant operation, (*w*) when it was declared, by a British statute passed in the year 1732, (*x*) that real estates, situate in the plantations, belonging to any person indebted, should be subject to the like process for selling and disposing of the same towards the satisfaction of debts as personal estate. This British statute appears to have been first introduced as the law of Maryland about the year 1740. (*y*) This statute, however, specified no mode of judicial proceeding, nor designated any form of execution, but, like the previous English statute, under which the proceeding by *elegit* had been framed, it merely declared the rule, leaving its application to be made by the courts of justice in such manner and form as they deemed best.

In Maryland, for the purpose of executing and conforming to this British statute, the writ of *feri facias* was so altered as to command, that the debt should be levied of "*the lands and tenements*" as well as of the goods and chattels of the defendant. And as an English statute passed in the year 1676, (*z*) and which had been then adopted here, had declared, that no estate or interest in lands, exceeding the term of three years, should be assigned or granted unless by deed or note in writing; and as the acts of Assembly required all conveyances of any estate, for above seven years, in lands to be in writing and recorded; (*a*) it seems to have been always considered and held, that, although the title to land, as in case of a levy of the *feri facias* upon personalty, passed by the sale made by the sheriff; yet some *written* evidence of the sale was necessary, and that such evidence should be *recorded*. Hence although no inquisition was required, as under the English statute giving the *elegit*; yet, it seems to have been always understood, that, in all cases, where real estate was levied upon and sold, it was necessary, as an evidence of the title which had been so passed by the sale, that the *feri facias* should be returned, that the sheriff should specify with sufficient certainty in his return the real estate which he had so sold, and that the return so made by him should be recorded. (*b*)

Upon these general principles it has been laid down, that a return of a sale of lands under a *feri facias* should regularly, for

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(*w*) Kilty's Rep. 144.—(*x*) 5 Geo. 2, c. 7.—(*y*) Davidson's Lessee v. Beatty, 3 H. & McH. 612.—(*z*) 29 Car. 2, c. 3, s. 3.—(*a*) 1715, ch. 47.—(*b*) Bull v. Sherdine, 1 H. & J. 410; Boring v. Lemmon, 5 H. & J. 223; Barney v. Patterson, 6 H. & J. 204.