

ments. The lien was considered as necessarily arising from the liability of the land to be taken in execution; and, therefore, the statutes which gave the *elegit*, the statute staple, statute merchant, and recognizance, all alike carried with them this lien, as an inseparable incident of the liabilities they imposed. Hence it was regarded as a general rule, that no such lien could be fastened upon any species of property which was not so liable to be taken in execution. And, consequently, upon the same principles, that no such lien could attach upon any lands lying out of the jurisdiction of the court in which the judgment was rendered, and beyond the reach of any execution which could be issued from it. (o) And this was, in truth, the general rule of the common law in relation to this lien.

The jurisdiction of all courts of common law is confined within certain prescribed territorial limits. They are either themselves, in this respect, circumscribed within particular local divisions; or, if their jurisdiction embraces the whole state, they can only act through the agency of such officers as sheriffs, whose powers extend only over certain counties or districts of the state; and all their process has an express reference to such territorial divisions of the state. (p) Hence it is, that at common law, even criminal process was not allowed to run from county to county; nor was there any civil process emanating from any court, however comprehensive its jurisdiction, which could be directed indiscriminately to all, or to any sheriff, or any executive officer of any other class, to be executed wherever the party or his property might be found within the state.

In England, in all actions instituted in the courts of Westminster, the plaintiff was obliged to give to his cause of action a venue or locality, as well with a view to its being placed in the most suitable situation for trial, as that he should thereby designate those territorial executive officers by whom alone the law could be enforced; and a jury convened for the trial of the disputed facts. (q) And, therefore, although the general jurisdiction of those courts extends over every county of the realm, yet that jurisdiction is nothing more than an aggregation of the several county jurisdictions; for, nothing is within their reach which is not to be found within the body of some one of those counties; and which cannot

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(o) *Harris v. Saunders*, 10 Com. Law Rep. 373.—(p) *Kames' Prin. Eq. b. 3, c. 7* and 8.—(q) *Tidd's Prac.* 370; *Mortyn v. Fabrigas*, Cowp. 176.