

be taken in execution by an executive officer of a county to whom alone they can direct their process. A writ of *capias* from those courts either to answer, or to make satisfaction, must, in all cases, be directed to an officer of a county where the venue has been laid, or where the cause of action is said to have arisen; and only, on its actually, or by a fiction being supposed to have failed, can a *testatum capias* be sent to any other county. And so, too, a writ of *feri facias* must really, or in form be first sent to the proper county, and if that fails, then a *testatum fieri facias*, or an *elegit* may go to any other county where the property of the defendant may be found. (r)

It is by this course of proceeding only that any lands in England can be considered as lying within reach of the process of the several courts of Westminster, as liable to be taken in execution; and, therefore, as being bound by a lien arising from a judgment rendered there. This liability, it is obvious, is, as often as otherwise, by a secondary, and not by a primary and immediate execution; by a *testatum fieri facias*, after an antecedent real or *pro forma* writ; and yet it is admitted, on all hands, that a judicial lien immediately fastens from the date of such a judgment upon all the lands of the defendant in every county of the realm. (s) This lien, therefore, is a uniform consequence of the liability, without regard to the mode, direct or indirect, of that liability.

But where the power of the court is confined to certain specified subjects, or within some particularly designated territorial limits its process can reach nothing not falling within the specification of the objects of its power, or which cannot be found within the local limits of its jurisdiction. Hence it is, that the judgment of an inferior court cannot be executed upon any lands or goods out of its jurisdiction; and, consequently, it cannot give rise to any lien upon such land; because it is not, in fact, as to such judgment, in any way liable to be taken in execution under it, either directly or indirectly. (t) For, even if it should be removed into the King's Bench, by *certiorari*, the party must there sue out a *scire facias* to have execution, and therein set forth the nature of his judgment, and specify the particular limits of the inferior jurisdiction, and pray execution only within those limits. If, however, it be removed by writ of error, and is affirmed, it is otherwise, be-

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(r) Tidd's Prac. 929, 938; 1 Sellon's Prac. 518.—(s) 1 Sellon's Prac. 519.—(t) Com. Dig. tit. Execution, (I. 1); Holt v. Murray, 2 Cond. Chan. Rep. 243.