

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. (g) But, as at this time lands were liable to be taken in execution under a *feri 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 removed, 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.

But, whatever doubts or difficulties may have previously existed upon this subject, all, or the greater part of them, have been removed by an act of Assembly, which declares, that the clerks of the county courts shall, on application of the plaintiff in any judgment in their courts, upon return of *nulla bona* on a *feri facias*, in the county where such judgment hath been obtained, issue execution thereon against the goods and chattels, land and tenements of any defendant lying and being in any other county than that in which such judgment was obtained; which execution shall be directed to and served by the sheriff of the county in which such goods and chattels, lands and tenements may be; and that 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 the judgment attested by the clerk. (h) And it is further provided by another act of Assembly, that the same proceedings may be had upon the return of such execution in the county court of the county to which it has been sent, as if it had been issued on a judgment obtained therein; and may if necessary be renewed from that court. (i)

These legislative enactments were manifestly and expressly intended, so to enlarge the force and operation of judgments, obtained in the county courts, as to make all the property of the

---

(g) *Harden v. Moores*, 7 H. & J. 4.—(h) 1794, ch. 54, s. 9.—(i) 1795, ch. 23, s. 1; *Harden v. Moores*, 7 H. & J. 4.