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* COOMBS v. JORDAN.

PRACTICE IN CREDITORS' SUITS.—LIEN OF A JUDGMENT OR DECREE ON LAND.—ORIGIN, NATURE AND EXTENT OF.—WHAT MAY BE SEIZED UNDER A F. FA.—SEEING TO APPLICATION OF PURCHASE MONEY.—TACKING.

In a creditor's suit the purchaser may be directed to pay a creditor out of the unpaid purchase money. (a)

The administrator of a deceased trustee ordered to bring into Court the bonds given by the purchaser, with the purchase money which had been collected, and also to account.

The administrator and heir of a deceased purchaser ordered to pay the purchase money.

The estate ordered to be re-sold to pay the balance of the purchase money.

The origin and nature of a judicial lien which fastens upon all the real estate then held, or thereafter acquired by the defendant from the date of the judgment. (b)

This judicial lien is a consequence of the real estate being liable to be taken under an execution issued upon such judgment. (c)

In the case of an obligee against the heir of the obligor, in respect of real assets descended, the lien attaches upon such assets from the day the suit was commenced.

Lands in Maryland were, in some cases, liable to be taken in execution and sold for debt before the year 1732.

The adoption of the British Statute of 1732, making lands liable to be taken in execution and sold for debt; and its construction considered.

What is to be considered as real estate upon which a judicial lien will fasten.

Land in the legal signification comprehends all ground, soil or earth whatever, minerals, rivers, lakes and running streams, houses, fences and structures upon the ground, and all vegetable productions growing out of the soil.

This rule relaxed in the case of fixtures erected by a tenant. (d)

Vegetable productions become personal property when severed from the soil and removed. (e)

To what kind of real estate, in reference to its tenure, a judicial lien will attach.

An equitable as well as a legal interest in land may be taken in execution and sold for debt. (f)

A judicial lien on land is, here, a consequence of a decree in equity as well as of a judgment at law.

(a) Cited in *Dent v. Maddox*, 4 Md. 529; S. C. 4 Md. Ch. 548.

(b) Cited in *Anderson v. Tuck*, 33 Md. 233; *Hayden v. Stewart*, 1 Md. Ch. 464.

(c) Approved in *Davidson v. Myers*, 24 Md. 555; *Dyson v. Simmonds*, 48 Md. 215. See Rev. Code, Art. 64, sec. 128; *Stockett v. Howard*, 34 Md. 121; *Ahern v. White*, 39 Md. 409; *Alexander v. Ghiselin*, 5 Gill, 138, note.

(d) See *McKim v. Mason*, 3 Md. Ch. 186.

(e) See *Purner v. Piercy*, 40 Md. 212.

(f) See *Miller v. Allison*, 8 G. & J. 35, note (c).