

then no direct legislative enactment upon the subject; and no case is recollected in which the point has been decided by the Court of Appeals.

But it has been declared by an act of Assembly, that 'it shall and may be lawful for the Chancellor to issue attachment of contempt, attachment with proclamations, and also sequestration against the defendant, until the decree shall be fully performed, fulfilled and executed, and the contempts cleared, or to order process of sequestration to issue to compel a performance of the said decree, by an immediate sequestration of the real and personal estate and effects of the defendant, or such part thereof as may be sufficient to satisfy the demand of the plaintiff in the decree specified and decreed, and to clear the contempts; or to issue *feri facias* against the lands, tenements and hereditaments, goods and chattels of the defendant or defendants, upon which sufficient property shall be taken and sold to satisfy the demand of the plaintiff in the decree specified, (*k*) or a *capias ad satisfaciendum* may be issued against the defendant or defendants by the Chancellor, upon which there shall be the same proceeding as at law.'

By this act, as by the English statute giving the *elegit*, an election has been given to the party, immediately on obtaining a decree, not merely to sue out the old personal process or to have an execution directing the *half* of the defendant's lands to be delivered to him at an *extended value*; but to have the former process, or a *feri facias*, by which the *whole* of the defendant's lands may be taken in execution and *sold* to satisfy the demand of the plaintiff. Whence it necessarily follows, that as lands have been thus made liable to be taken in execution and sold to satisfy a decree, and by the same process as to satisfy a judgment at common law, a decree must, in like manner, give rise to a lien which will bind the land of the defendant. (*l*)

At common law a plaintiff may, at once, sue out a *capias ad satisfaciendum* and a *feri facias* upon his judgment, and have recourse to the one or the other at his election, so that they be not both of them executed at the same time. (*m*) But, as from the complex nature of some decrees, requiring certain acts to be performed as well as the payment of money, a *feri facias* cannot, in

(*k*) 1785, ch. 72, s. 25.—(*l*) *Bligh v. Darnley*, 2 P. Will. 622; *Forum Rom.* 87.—
 (*m*) *Miller v. Parnell*, 1 Com. Law Rep. 414; *Primrose v. Gibson*, 16 Com. Law Rep. 78.