

Court might order an administrator, if there was such a person here as a party to this suit, to move the Court of Appeals to direct their officer, this sheriff, to pay this surplus to him the administrator. But the Chancellor can give no such direction to this sheriff; because in undertaking to control an officer of the Court of Appeals as to any disposition of money placed in his hands by their authority, the Chancellor would thus bring this Court into direct conflict with the jurisdiction of that tribunal, which certainly ought not to be done in any manner or under any circumstances whatever. Money in the hands of a sheriff, or of a third person, cannot be taken under a *feri facias*; and the correctness of this position generally is recognized by the Attachment Act; 1715, ch. 40, s. 7; *Parke's His. Co. Chan.* 274; which gives what is called a judicial attachment as against third persons. But even that process cannot be levied upon money which had been made, and brought into the hands of a sheriff by virtue of a writ of *feri facias*; because no third person or other Court can be allowed to interfere with the execution of his duty according to the command of the process of that Court under whose authority he was acting. *Turner v. Fendall*, 1 *Cran.* 133; *Armistead v. Philpot*, *Doug.* 231; *Willows v. Ball*, 2 *New Rep.* 376; *Fieldhouse v. Croft*, 4 *East*, 510; *Knight v. Criddle*, 9 *East*, 48; *Stratford v. Twynam*, *Jac. Rep.* 418; 1831, ch. 321. Hence it is clear, that this sheriff Brown has been improperly made a party to this suit.

Whereupon it is ordered, that this case stand over, with leave to amend and to make proper parties.

Afterwards on the 6th of June, 1828, the plaintiffs filed in this case the following judgment or direction of the Court of Appeals.

“Court of Appeals for the Eastern Shore of Maryland, June Term, 1828.—Ordered by the Court, that Edward Brown, late sheriff of Kent County, pay to such trustee as the Chancellor of Maryland shall appoint, the sum of fourteen hundred and fifty-one dollars and thirty-eight cents, which sum of money the said Edward Brown as sheriff aforesaid, in his return upon a writ of *feri facias* issued from this Court at the suit of Thomas Dawson against Jesse * Jones, states to have remained in his hands after paying and satisfying the debt, damages, costs, and charges **462** due upon the said *feri facias*, and the taxes and fees due to him the said Edward Brown as late sheriff and collector of Kent County. The said sum of money being part of the real estate of the said Jesse Jones, deceased. The Chancellor will distribute and dispose of the same as he shall deem equitable and proper.”

Upon all which this case was again brought before the Court and submitted without argument.