

considered as an officer of the Court of Appeals. But can the Chancellor order money, which has been legally placed in the hands of an officer of the Court of Appeals, subject to their control, to be brought into this court, to be disposed of here as may be deemed right, among the parties to this suit? This 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 recognised by the attachment act, (j) 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. (k) 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.

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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*

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(j) 1715, ch. 40, s. 7; Parke's His. Co. Chan. 274.—(k) *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.