

been held to be within the power, and to be the duty of the sheriff to come out of his county, for the purpose of bringing the party so attached, actually before the court at the place where it was then located by law. (q)

Hence I feel satisfied, that, although *subpœnas* from this court may be served by any one, as in England, yet that such writs are here to be considered as, in effect, directed to the sheriff of the county in which the party to be summoned may be found; that it is as much the official duty of the sheriff to execute such *subpœnas* as any other process emanating from this court; and, that all the like consequences follow, both as regards the sheriff and the parties from the execution, or the neglect of such process, as from any similar process specially directed to the sheriff. How, or when this usage or principle commenced, or became established, is of no importance; but it certainly accords entirely with that direct energy, cheapness, and simplicity of character by which our chancery course of proceeding is so peculiarly distinguished.

In England, it would seem, that the power of sheriffs is so strictly local, that they cannot go beyond their respective counties even for the purpose of completing a duty begun within them; and yet, that, within their respective bailiwicks, they are considered as the executive officers of the High Court of Chancery. (r) But in Maryland the sheriffs of the several counties are held to be, for every purpose, the executive officers of this court; each ranging only within his own county for the performance of whatever duty is to be there begun or entirely executed; and with power to go beyond it, any where, in obedience to process, the execution of which has been commenced there. The Legislature has not only recognized and affirmed this to be the right and duty of the several sheriffs of the state, as regards the Court of Chancery, (s) but this court has been provided with additional means of enforcing the performance of this duty as against any sheriff, coroner, or other officer, or person to whom any process or order according to the course of the chancery court may be directed or delivered; or any sheriff, coroner, or other public officer, to whose hands any writ, process, or order of the chancery court may come or be delivered; (t) it has been

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(q) *Cowel v. Seybry*, 1 Bland, 18, note; 1785, ch. 72, s. 23 and 24.—(r) *Forum Rom.* 35.—(s) 1785, ch. 72, s. 23 and 24.—*Molinson v. Hemsley*, 1712.—An attachment of contempt ordered against the coroner for not having the defendant's body before the court.—*Chancery Proceedings*, lib. P. L. fol. 1.—*Binney's case*, 2 Bland, 101.—(t) 1785, ch. 72, s. 23 and 24; 1797, ch. 43; 1818, ch. 193, s. 6.