

EDMUND R. NELSON ET AL. }
 vs. } MARCH TERM, 1850.
 NAAMAN TURNER.

[JURISDICTION—EQUITY.]

THE Court of Chancery has no jurisdiction to decide that a return to a writ of *feri facias* or *venditioni exponas* is defective—the court out of which the writ issued, alone having cognizance of the question of the sufficiency of the return. If a defendant in a judgment at law objects to the return by the sheriff, he may appear in the county court, at the term to which the writs were returnable, and move to quash them, or retain possession of the land sold, and effectually defend himself in an action of ejectment, brought by the purchaser, or upon proceedings under the act of 1825, ch. 103, if the description of the land in the return was so far defective as to render it void for uncertainty.

The father of the plaintiffs in this case, having failed to adopt either of these modes of resistance, and having, by various acts and declarations, free from all equivocation or doubt, acknowledged the perfect validity of the purchaser's title—under these circumstances, there can be no principle of equity which would justify the active interposition of this court in his favor, or in favor of those who claim under him.

[The facts of this case are fully set forth in the Chancellor's opinion.]

THE CHANCELLOR :

This bill was filed on the equity side of Somerset County Court, and prays that a decree or order of that court, passed on the 17th August, 1847, under the authority of which, the land in the proceedings mentioned, was conveyed to the defendant, may, together with the conveyance, be vacated; and that said land may be decreed to be conveyed to the complainants, as the heirs at law of Tubman Nelson, deceased; and for an account of the rents and profits, &c.

It appears by the pleadings and evidence, that in the year 1823, a decree was passed by said court, for the sale of the real estate of William Stanford, deceased, and that, on the 21st of January of the following year, the trustee named in the decree made sale of the land in question, to the said Tubman Nelson, consisting of a part of a tract of land called "Newbenny;" which