
Bayard v. Lombard et al.

ORDER.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Mississippi, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this court, that the judgment of the said District Court in this cause be, and the same is hereby, affirmed, with costs.

*JOSEPH H. DULLES, EDWARD WILCOX, AND JOHN WELSH, PLAINTIFFS IN ERROR, *v.* RICHARD S. JONES. [*530]

THIS case was brought up, by writ of error, from the District Court for the Northern District of Mississippi.

In its main features it was similar to the preceding case of *The Bank of the State of Alabama v. Dalton*, and it will be perceived, by a reference to the concluding sentence of the opinion of the court in that case, that it included the present. No further report need, therefore, be made of it.

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HENRY M. BAYARD, PLAINTIFF IN ERROR, *v.* ISREAL LOMBARD AND CHARLES O. WHITMORE.

Where land was sold under an execution, and the money arising therefrom about to be distributed amongst creditors by an order of the Circuit Court, a controversy between the creditors as to the priority of their respective judgments cannot be brought to this court, either by appeal or writ of error. Although the State in which the judgment was given allowed appeals, by statute, in similar cases arising in the courts of the State, yet it does not follow from the adoption of the forms of process in execution that the