

the defendant *McCord* claimed the privilege of having the attachment against him first disposed of; on the ground of the preference always allowed to cases, where a person is brought before the court in custody on a charge of contempt.

8th August, 1829, *BLAND, Chancellor*.—It is certain, that in all cases where an attachment from this court is in the nature of mesne process; or where, as in this instance, it has been issued, upon an *ex parte* affidavit, for a contempt, of which the party may clear himself by answering interrogatories, or shewing cause, the sheriff may take bail for the party's appearance; and although the sheriff is not bound to take bail, yet if he does do so, he may sue and recover upon the bail bond, in case the party should fail to appear. (a) Upon a return of *cepi corpus*, the course in England, now is, to send a messenger to bring him before the court; (b) but here, as formerly in England, and as in cases at common law, the sheriff may be ordered to bring in the body. (c) In this instance,

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(a) Anonymous Gilb. Eq. Rep. 84; *Danby v. Lawson*, Prec. Chan. 110; Anonymous Prec. Chan. 331; Anon. 2 Atk. 507; *Studd v. Acton*, 1 H. Blac. 468; *Morris v. Hayward*, 1 Com. Law Rep. 485; *Hurd v. Partington*, 1 Exch. Rep. 358; Com. Dig. tit. Bail, F. 8.—(b) Anonymous Pra. Chan. 331; Anon. 2 Atk. 507.—(c) *Rex v. Daws*, 2 Salk. 608; *Forum Rom.* 70, 82, 1785, ch. 72. s. 23; *Cowell v. Seybrey*, 1 Bland, 18, note; *Bryson v. Petty*, 1 Bland, 182.

*LEE v. SWEETMAN*, 1713.—*Ordered*, that an attachment of contempt issue against the sheriff for not returning his writs of attachment against the defendant.—*Chancery Proceedings*, lib. P. L. fol. 11.

*BLADEN v. FORBS*, 1713.—*Ordered*, that attachment of contempt issue against the sheriff for not having the defendant's body in court according to the return of the writ.—*Chancery Proceedings*, lib. P. L. fol. 12.

*WALLACE v. BOTELER*. This was a bill filed on the 5th of August, 1797, to foreclose a mortgage of real and personal estate.

May, 1789.—*HANSON, Chancellor*.—*Ordered*, that the sheriff of Prince George's county bring into court the body of the defendant on the twenty-third day of May instant, he being by the said sheriff returned 'attached,' to answer in this case.

The defendant having failed to answer, and not having been brought into court, the case was again brought before the court.

18th July, 1798, *HANSON, Chancellor*.—The sheriff of Prince George's county having failed to bring into court the body of the defendant, agreeably to the tenor of the order for that purpose passed, during the present term, and regularly served upon him. It is thereupon *adjudged* and *ordered*, that *Notly Maddox*, the sheriff aforesaid, be and he is hereby, on motion of the complainant, amerced the sum of twenty pounds current money; unless he shall bring into court the body of the said defendant on the first day of next October term; provided that a copy of this order be served on the said sheriff any time before the first day of September next.

After which, the defendant answered, and a decree was passed by consent for a sale of the personal estate only, &c.