

no bail having been taken, the party is before the court in custody, and, therefore, to obtain a discharge from confinement, has a right to have his case heard before any other matter now ready to be presented to the court.

But considering this attachment as being, in reality, nothing more than an auxiliary to the injunction, the judgment upon it may be much better adapted to its chief purpose after, than before the court has determined, whether the injunction shall be continued or not; since it is obvious, that if the injunction should be dissolved, nothing will be left, under the attachment, but the bare contempt; whereas, if the injunction should be continued the court may order the party to remove any injurious work he may have erected, after the service of the injunction, as a part of the punishment, under the attachment.

Upon which the solicitors of the plaintiff, at once, waved all claim to have the attachment enforced, in any other respect, than as an aid of the injunction; and consented, that the two subjects should be considered together; and that the attachment should abide the fate of the injunction. With this understanding the case proceeded upon the motion to dissolve the injunction; and the bill and answers were read and explained.

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*WATT'S creditors v. CAMPBELL, trustee.*—8th July, 1808, KILTY, Chancellor.—On motion of the counsel of Winand, in whose behalf the order of which the within is a copy was made; and it appearing by the affidavit, that the said order was served, which was not obeyed. It is ordered, that the sheriff of Charles county be amerced in the sum of £75; and the further sum of £10, for a fine for the contempt and costs; unless he shall bring into this court the body of J. Campbell, trustee for the sale of the real estate of E. Watts, deceased, being the same person mentioned in the order, of which the within is a copy, on some day during the sitting of the court, at September term next.

After which, on motion of the counsel for J. Winand, this matter was again brought before the court.

27th October, 1808.—KILTY, Chancellor.—Ordered, that the amercement in the order of July 8th, 1808, be no longer continued; but be and the same is hereby adjudged to be final; the said sheriff T. A. Davis not having brought into court the body of J. Campbell therein mentioned, according to the tenor of the said order—and it is further ordered, that the said sheriff T. A. Davis pay to the said J. Winand, on or before the 15th of November next the said amercement, being £75 and costs; and do also pay the fine for contempt, being £10.

An affidavit of the service of this order was made on the 25th November, 1808; and Winand by his petition filed on the 2d December, 1808, prayed for a *ca sa*.

2d December, 1808.—KILTY, Chancellor.—Let a *ca. sa.* issue as prayed to the corner of Charles county, returnable to the first day of the ensuing term.