same month, the defendant McCord and John Martineau were brought before the Court under the attachment; when on recurring to the petition, and its exhibits, it appeared, that there was, in fact, no allegation of Martineau's having violated the injunction; nor any prayer for an attachment against him—upon which it was moved, that he might be immediately discharged—and he was discharged accordingly; and the attachment quashed, as to him, with costs—the Court being then particularly engaged, it was agreed, that the matter of the attachment against McCord should lay over, with an understanding, that he should be permitted to go at large until called for; but not to be considered as discharged from the process.

After which, some of the defendants filed their answers; and gave notice of a motion to dissolve the injunction; which motion was accordingly called up as being ready for hearing on the 8th of August, 1829; and the plaintiff's solicitor admitted notice—but *the defendant McCord claimed the privilege of having the attachment against him first disposed of; on the ground of **101** the preference always allowed to cases, where a person is brought before the Court in custody on a charge of contempt.

BLAND, C., 8th August, 1829.—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. *Anonymous*, *Gilb. Eq. Rep.* 84; *Dandby* 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. Upon a return of *cepi corpus*, the course in England now is, to send a messenger to bring him before the Court; *Anonymous*, *Pra. Chanc.* 331; *Anon.* 2 *Atk.* 507; but here, as formerly in England, and as in cases at common law, the sheriff may be ordered to bring in the body. *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. (*f*) In this instance, * no bail **102** having been taken, the party is before the Court in custody, and,

as evidence of the meaning of the clause on which the controversy depended.

(*f*) 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