

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.

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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.

HANSON, C., May, 1789.—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.

HANSON, C., 18th July, 1798.—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.

WATTS' CREDITORS v. CAMPBELL, TRUSTEE.—KILTY, C., 8th July, 1808.—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.

KILTY, C., 27th October, 1808.—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.*

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