

proceed to complete *it so far as he had gone; but not any further. That is, if he had taken the defendant into custody under a *capias ad satisfaciendum* he might detain him; or if he had levied a *feri facias* he might sell the goods and bring the money into Court to abide the event of the writ of error. Afterwards, when the writ of supersedeas was no longer used, and the writ of error itself was held to operate as a supersedeas, the same rule was observed. *Meriton v. Stevens, Willis*, 280; *Ringgold's Case*, 1 Bland, 8. (k) And it has been since applied, under our Acts of Assembly, to the time of giving bond to prosecute the writ of error with effect, which alone operates here as a supersedeas. Whence it would seem necessarily to follow, that although a plaintiff might be prevented by a supersedeas from having the product of an execution upon his judgment which had been actually levied, yet the sheriff might be allowed to sell, to bring the money into Court, and to retain the poundage fees.

As a general rule an injunction commands nothing to be done, or to be undone; its intention and operation is to preserve all things in the condition it finds them until the equity can be heard and determined. *Eden Inj.* 238; *Murdock's Case*, 2 Bland, 470. In these respects the analogous principles relative to a stay of further proceedings, produced by the supersedeas of a writ of error, appear to have been applied to an injunction to stay proceedings at law. If the defendant had been taken into custody under a *capias ad satisfaciendum* before the injunction was served upon the sheriff, the injunction would not, in itself, operate as a discharge; but the sheriff might still detain him. Yet, in such cases, the defendant, by the special interposition of *the Court of Chancery, might be discharged. In doing which, 637

(k) To the Right Honorable the Lord Proprietary of this Province; the humble petition of Thomas Collins sheweth, That whereas your petitioner the last Provincial Court had a verdict given for him against John Watkinson in a plea of trespass and ejectment; which said verdict and the judgment thereupon is, this Court arrested on a suggestion grounded only on the juror's own confession, that he, one of the jury, Evan Carew by name, was an alien; when, if that were true, yet ought the plaintiff Watkinson to have challenged him for that; for which reason your petitioner humbly prayeth your lordship's writ of error, returnable the next Assembly to correct the said judgment. And your petitioner shall as in duty bound ever pray, &c.

C. BALTIMORE.—3d April, 1683.—To the chief clerk or register of the Chancery Court of Records. Let a writ of error be granted as is prayed; the petitioner giving good and sufficient security according to the Act of Assembly in that case provided.

Writ of error, supersedeas, and *scire facias* then issued, according to the foregoing petition and order, 3d April, 1683.—William Cocks, register.—*Chancery Proceedings, lib. C. D. fol. 368.*