

the court may adjudge shall go to him, and the remainder go as other fines do; and the court may imprison for non-compliance with their order to pay such fine, and may issue execution, in the name of the State, for its collection.

See notes to sec. 86.

An. Code, 1924, sec. 83. 1912, sec. 80. 1904, sec. 76. 1888, sec. 65. 1785, ch. 72, sec. 28. 1876, ch. 224.

88. If any person under attachment for violating an injunction shall establish his innocence of the charge, he shall be discharged with his costs, which shall be paid by the party complaining.

An. Code, 1924, sec. 84. 1912, sec. 81. 1904, sec. 77. 1888, sec. 66. 1793, ch. 75, sec. 3.

89. Whenever an application shall be made by an executor or administrator for an injunction to stay proceedings at law, the court may, in its discretion, prescribe the penalty of a bond, which shall be executed to the plaintiff at law, with security approved by the court, before the injunction shall be granted, and the condition of such bond shall be to perform such order or decree as the court shall finally pass in the cause on the hearing of both parties; and whenever an injunction is obtained by an executor or administrator, on filing a bill and executing a bond as aforesaid, the court shall have full power and discretion to decree against such executor or administrator, as equity and good conscience shall seem to require.

Pending a caveat to the will of a deceased vendor, the administrator *pendente lite* is at least a proper party to a bill for specific performance, not because he is authorized under this section to convey the real estate, but because he receives the purchase money if the contract is enforced. *Warfield v. Valentine*, 130 Md. 594.

Cited but not construed in *Russell v. Farley*, 105 U. S. 433.

See notes to art. 66, sec. 19.

An. Code, 1924, sec. 85. 1912, sec. 82. 1904, sec. 78. 1888, sec. 67. 1799, ch. 79, sec. 10.

90. In all cases where a sheriff, or other officer, is prevented by an injunction from selling personal property taken in execution, he shall deliver back the property taken in execution to the party from whom it was taken, and shall not be answerable to the plaintiff at law on account of the same.

This section has no application where the sale has been consummated before the injunction issued. *Dail v. Traverse*, 8 Gill, 45.

This section is limited to personal property. This section does not impair the sheriff's right to poundage fees. *Cape Sable Company's Case*, 3 Bl. 637.

The acts of Maryland regulating injunction and other chancery proceedings are of no force in relation to the courts of the United States. *Boyle v. Zacharie*, 6 Pet. 648.

Cited but not construed in *Coombs v. Jordan*, 3 Bl. 325.

An. Code, 1924, sec. 86. 1912, sec. 83. 1904, sec. 79. 1888, sec. 68. 1835, ch. 380, sec. 8. 1861, ch. 32. 1872, ch. 157.

91. In all cases pending on motion to grant an injunction, motion to dissolve an injunction, motion to appoint a receiver, or motion to rescind an order appointing a receiver, the court may, at the instance of either party, order testimony to be taken before such person, and upon such notice and in such manner as the court in its discretion may direct, to be used at the hearing of such motion.

A case reversed because, since the adoption of the act of 1835, ch. 380, it has always been held error to proceed to final decree upon a motion to dissolve an injunction; the most that can be asked under such circumstances is a continuance of the injunction until final hearing. *Wilmer v. Pica*, 118 Md. 551.

This section referred to as authorizing a party, who upon his own motion is made a defendant subsequent to the filing of the bill, to apply to the lower court for a rescission