

of such prior orders as he thinks improper. See notes to art. 5, sec. 40. *Carrington v. Basshor Co.*, 121 Md. 76.

The failure of a party to take testimony under this section after securing leave, leads to the inference that the answer cannot be contradicted. *Washington University v. Green*, 1 Md. Ch. 103; *Flickinger v. Hull*, 5 Gill, 78 (dissenting opinion).

Leave to the parties to take depositions before a standing commissioner, or a justice of the peace, after notice, is in conformity with this section. *Belt v. Blackburn*, 28 Md. 243.

If a defendant's answer to a bill for an injunction is insufficient, the defect cannot be supplied by proof taken under the act of 1835, ch. 380. *Bouldin v. Baltimore*, 15 Md. 20; *Hamilton v. Whitridge*, 11 Md. 143.

Cited but not construed in injunction cases. *Baltimore v. Warren Co.*, 59 Md. 110; *Cumberland Coal, etc., Co. v. Sherman*, 20 Md. 131; *Flickinger v. Hull*, 5 Gill, 78 (dissenting opinion); *Allen v. Burke*, 2 Md. Ch. 537; *Lamborn v. Covington Co.*, 2 Md. Ch. 412.

This section does not require court to have testimony taken on motion to appoint co-receiver or to determine whether certain person should be appointed receiver in case the existing receivers should resign. *Great Nat. Ins. Co. v. Fire Ins. Co.*, 165 Md. 519.

An. Code, 1924, sec. 87. 1912, sec. 84. 1904, sec. 80. 1888, sec. 69. 1888, ch. 260.

92. No court shall refuse to issue a mandamus or injunction on the mere ground that the party asking for the same has an adequate remedy in damages, unless the party against whom the same is asked shall show to the court's satisfaction that he has property from which the damages can be made, or shall give a bond in a penalty to be fixed by the court, and with a surety or sureties approved by the court, to answer all damages and costs that he may be adjudged by any court of competent jurisdiction to pay to the party asking such mandamus or injunction by reason of his not doing the act or acts sought to be commanded, or by reason of his doing the act or acts sought to be enjoined, as the case may be.

Even if appellee could have sued appellant at law for fraud, in view of this section the jurisdiction of equity to grant an injunction on account of such fraud was not affected. *Michael v. Rigler*, 142 Md. 133.

Intent of this section. It relates to cases where damages, as contra-distinguished from debt, are involved. *Conner v. Groh*, 90 Md. 684; *Frederick Bank v. Shafer*, 87 Md. 58.

This section held not to justify the continuing of an injunction, since the evidence showed that the defendant had property in this state ample to meet any damages recovered. *Bartlett v. Moyers*, 88 Md. 720.

See art. 8, sec. 17.

Jurisdiction.

An. Code, 1924, sec. 88. 1912, sec. 85. 1904, sec. 81. 1888, sec. 70. 1852, ch. 16, sec. 1. 1853, ch. 122, sec. 2.

93. The judges of the several judicial circuits and the judges of the circuit courts of Baltimore City shall each, in his respective circuit, have and exercise all the power, and authority and jurisdiction which the court of chancery formerly held and exercised, except in so far as the same may be modified by this code.

Held that this section could not under the circumstances of the case be so construed as to alter or enlarge the jurisdiction of the court beyond the terms of sec. 159. *Earle v. Turton*, 26 Md. 33.

Cited but not construed in *Manly v. State*, 7 Md. 147.

This section referred to in construing sec. 123—see notes thereto. *Bliss v. Bliss*, 133 Md. 73.

An. Code, 1924, sec. 89. 1912, sec. 86. 1904, sec. 82. 1888, sec. 71. 1852, ch. 16, secs. 2-4.

94. Each of the circuit judges may grant injunctions, or pass orders or decrees in equity, at any place in his circuit, to take effect in any part of his circuit, and may require in writing the original papers in any case, or abstracts and transcripts to be produced before him, wherever he may be in his circuit.