

The amended bill in this case was filed, in Baltimore County Court, on the 18th of June, 1849; and among other things it charges that, besides the deed of trust mentioned in the original bill as having been executed by Cooper to Joseph P. Grant, and which that bill seeks to vacate as fraudulent, the said Cooper had executed to Grant other conveyances, to defraud his creditors, and that a large amount of perishable property was lying exposed, and in danger of loss, unless the same was directed to be sold by the receiver appointed upon the prayer of the original bill. And the amended bill prays that the receiver may be authorized to sell this property, and for general relief, in respect of the new matters spoken of in this bill. Baltimore County Court, on the same day, passed an order that the defendants, Cooper and Grant, show cause against this application, by a day limited, upon notice being served upon them; and notice having been served accordingly, and no cause to the contrary having been shown, the County Court, on the 6th of July, 1849, passed an order, directing the receiver to sell, upon the terms in the order specified; and, as appears by the report of the receiver, filed on the 9th of March, 1850, the sale has actually been made, producing the net sum of \$4611 39.

These parties, Cooper and Grant, are parties to the original bill, and parties also to the amended bill, and they are two of the three defendants who have demurred to the amended bill. Now, if this amended bill should be dismissed, either upon their demurrer, or upon the demurrer of Benjamin P. Powers, who was no party to the original bill, it is obvious the utmost confusion and embarrassment will be occasioned. This amended bill has been so far recognised by the Baltimore County Court as to make it the foundation of an order for the sale of a large amount of property, which property has actually been sold and reported to the Court, and although Cooper and Grant, now insisting upon their demurrer, had notice of the application for authority to sell, they wholly omitted to do so, and suffered the order to pass, their demurrer not having been filed until after the absolute order for a sale had passed.