and merchandise in the said report mentioned on a credit of four months for approved endorsed notes, according to the usual course and manner of selling goods at auction in the City of Baltimore. And he is hereby further authorized and directed to sell any other goods, wares and merchandise, being the joint property of the said parties, which may come to his hands, in such manner as he may deem most beneficial and best for the interest of all concerned.

It was also ordered on the same day, that the exceptions to the defendants' answer should stand for hearing on the first day of June then next. And on the 17th of July following, on the admission of the defendants' solicitor, it was ordered that the exceptions be sustained, and that the defendants make a more full and perfect answer on or before the first day of the next term. On the same 17th July, the plaintiff by his petition stated, that a large sum had been collected by the receiver, which he prayed might be distributed among the creditors of the firm; sundry creditors of the firm also filed their petitions in this case, alleging that the receiver had in his hands a large amount, which they prayed might be applied in satisfaction of their claims. And at
430 the * same time the receiver reported, that he had a considerable sum in his hands, as to the disposition of which he prayed the order and direction of the Court.

Bland, C., 21st July, 1826.—Upon these petitions of those who present themselves in this suit as creditors of the firm of Wilson, Williamson & Co., it becomes necessary to consider this case in a new point of view; and to determine its general character, as well in relation to the original litigants, as to those who now propose to be admitted as parties, and have a control over its future course.

The bill states, that a partnership had been formed and conducted for some time between the plaintiff and the defendants, and that the firm had, just previous to the institution of this suit, become insolvent; these facts have been admitted by the answer. These original parties are then, at least to the extent of their joint concern as merchants, to be considered as insolvent debtors; as such they must, in equity, be regarded as mere trustees for the benefit of their creditors; and therefore neither of them can be allowed to derive any pecuniary advantage to himself from this suit. The proper and sole object of this bill is to have the funds of Wilson, Williamson & Co. collected and distributed, so far as they will go, among the creditors of the firm in satisfaction of their claims, according to the principles of equity. This matter has been brought here by insolvent debtors for the purpose of obtaining a partial discharge from the claims to which they are liable,