

the parties in such cases in taking testimony without limit as to time would be contrary to reason and the usual course of the Court in similar cases.

Whereupon it is ordered, that any creditor of the firm of Wilson, Williamson & Co., whose claim is stated or noticed by the auditor in his report, and also the said co partners, be and they are hereby severally authorized to take the deposition of any witnesses in relation to such claims, before the commissioners appointed to take testimony in Baltimore; provided, that three days' notice be given as usual, by the creditor, in whose behalf the testimony is \*proposed to be taken, to some two or more other creditors, or one or more of the firm or their solicitor; **435** or by one or more of the firm, in whose behalf the testimony is proposed to be taken, to some two or more of the creditors or their solicitor. But the creditor against whose claim the testimony, when taken, is intended particularly to operate, must himself or his solicitor be so notified. And depositions so taken, subject to all legal exceptions, may be read in evidence; provided they are filed in the Chancery office on or before the first day of May next.

The plaintiff by a petition filed on the 6th of April, 1827, stated, that Jacob Schley the receiver was then dead; and that administration had been granted on his estate: upon which he prayed, that another receiver might be appointed, according to the recommendations therewith filed; to whom the administrators might be ordered to pay and deliver over the money, property, books, and vouchers of the firm which had come to the hands of their intestate. And on the 12th of the same month John Scott, who had been thus recommended by almost all the creditors, filed his remarks and propositions, in which he says, that he was willing to serve as receiver without any commission upon the money received by the late Jacob Schley.

BLAND, C., 4th May, 1827.—A receiver appointed by this Court must be considered as its agent or executive officer. He stands in a situation, as regards this Court, in many respects analogous to that in which a sheriff is placed in relation to a Court of common law.

It is made the duty of a sheriff by a *fieri facias* to seize and take into his possession the property of the defendant; to convert it into money and to bring money so made into Court or pay it to the plaintiff. In this respect a sheriff acquires a possessory right to the property which he has been thus authorized to seize and take into his possession; he may maintain an action grounded on such right; and the defendant whose property has been so taken is discharged *in toto* or to the amount of the value seized in execution.