

PRACTICE.—*Continued.*

- have been fully and correctly reported to the Court. *Williamson v. Wilson*, 381.
7. It is sufficient, that the answer of an adult defendant be sworn to before some Judge or Justice of the Peace within the State. *Snowden v. Snowden*, 516.
 8. It was formerly the practice to send the commission to four, but now it is sent to only one commissioner to appoint a guardian and take the answer of an infant defendant within the State. If a person appointed as such a guardian accepts the trust, he may be compelled to answer. But if the infant defendant be out of the State, the commission to appoint a guardian and take his answer must be sent to three persons. *Ib.*
 9. If a defendant be not in fact a non-resident, the order of publication against him is a nullity. *Ib.*
 10. Under what circumstances, and at what stage of the case the plaintiff may be required to give security for costs. *Mayer v. Tyson*, 524.
 11. An answer to a bill in Chancery may, by consent, be received without oath. *Billingslea v. Gilbert*, 531.
- See* DEBTOR AND CREDITOR, 10.
 DECREE, 1, 2, 13.
 HUSBAND AND WIFE, 2.
 LIEN, 9.
 PLEADING, 9, 10, 30.

RECEIVER.

1. The appointment of a receiver does not involve a determination of any right; but it can only be made at the instance of a party who has an acknowledged interest, or a strong presumptive title in himself alone, or in common with others; and where the property itself, or its rents and profits are in danger of being materially injured or totally lost. *Hannah K. Chase's Case*, 194.
2. The power to appoint a receiver is one of as great utility as any which belongs to the Court, and is well established upon reason and authority. *Williamson v. Wilson*, 381.
3. Where there has been a breach of duty by a partner, or the firm has become insolvent, and a partner is wasting, or threatens to make an improper application of the funds, a receiver may be appointed before the coming in of the answer. *Ib.*
4. A receiver is considered as an executive officer of the Court, bound so to keep the property placed in his hands, that it may be easily traced, and immediately produced when called for; and on his failing to do so, he, or, on his death, his personal representatives may be proceeded against in a summary way. *Ib.*
5. A receiver is an officer of the Court. He is considered as truly and properly the hand of the Court; but his appointment determines no right, nor does it affect the title to the property in any way; it will not even prevent the running of the Statute of Limitations. *Ib.*
6. The holding of the receiver is the holding of the Court for him from whom the possession was taken, and therefore should any loss happen it must be borne by him from whom the property was taken, not by the party at whose instance the receiver was appointed. *Ib.*