

consent of whose solicitor it was taken, and the case is not in a situation to have the bill taken *pro confesso*, against * any one but the defendant Burhing. Nor does it appear that the exceptions to the answer of the defendant, Alexander B. Hanna, have been in any way disposed of. **31**

The plaintiffs, by their petition, filed on the 16th of June, 1825, stated, that the chattel real in controversy had been and then was held by the defendants Alexander B. Hanna and wife; that he was insolvent; and that, anticipating the termination of this suit against them, they had suffered the ground rent to fall greatly in arrear; whereupon, it was prayed, that the property might be put into the hands of a receiver.

A day having been given for the hearing of the matter of this petition, it was answered by the defendants Alexander B. Hanna and wife; and the solicitors of the parties were heard.

BLAND, C., 4th October, 1825.—A receiver may be appointed against the legal title in a strong case of fraud, combined with danger to the property. In such cases, the Court may, on affidavits, interfere before the hearing. But the Court interposes by appointing a receiver against the legal title with reluctance. It must not only be morally sure, that, at the hearing, the party would, upon those circumstances, be turned out of possession; but must see some imminent danger to the property and the intermediate rents and profits, from not acting rather prematurely, and if the property should not be taken under the care of the Court. It is conceived, that according to these principles, this is not such a case as the Chancellor would be warranted in appointing a receiver. Therefore, it is ordered, that the petition be dismissed with costs. *Pow. Mort. by Corin*, 295, n; *Williamson v. Wilson*, 1 *Bland*, 422; *Hannah K. Chase's Case*, 1 *Bland*, 213.

After which, the exceptions to the answer of the defendant Alexander B. Hanna, having been sustained, he put in a full answer, as required, on the 22d of March, 1826. Subsequently to which, the plaintiffs, by their petition, prayed for a commission to take evidence, &c.

BLAND, C., 15th April, 1826.—The order of publication having been published as required, warning F. G. L. Burhing to appear, and the general replication to the answers of all the other defendants having been put in by the plaintiffs; it is * there fore ordered, that a commission issue as prayed, unless the defendants name and strike commissioners on or before the 30th instant. **32**