

593 * his wife, was dead; and that, except the defendants Hughes and Moore, none of the other defendants were in safe and abundant pecuniary circumstances. Whereupon he prayed that a receiver might be appointed, &c.

BLAND, C., 12th April, 1828.—Ordered, that the matter of this petition be heard on the 20th day of May next. Provided, that a copy of this order, together with a copy of the foregoing petition, be served on each of the said defendants, except Samuel Moore and George A. Hughes, on or before the 22d day of this month. And either party is hereby authorized to take testimony before the commissioners, in the City of Baltimore, to be read at the hearing, on giving three days notice as usual.

The defendant Hagthrop on the first of May, 1828, answered the application for a receiver, on oath, in which he admitted, that he held the property in question; but denied, that he had received the amount of rents and profits as charged by the plaintiff; and said, that he believed he should be able to pay all his debts, provided he could obtain justice from those who withheld from him his just rights, &c.

Under this last order some testimony was taken and filed on the 23d of May following, from which it appeared, that the defendant Hagthrop was in straitened circumstances, and had himself admitted, that he was not worth a dollar. And that some of that which the witness supposed to be the property in question was occupied by worthless negroes.

After which the defendants, by their petition, stated that their appeal had been dismissed by the Court of Appeals, on the 19th of November, 1828, without costs, 1 *G. & J.* 308; and it had therefore become necessary to take testimony to enable the auditor to state an account as had been directed by this Court. Whereupon they prayed, that a commission might be issued to the Baltimore commissioners, &c.

BLAND, C., 20th November, 1828.—Ordered that the parties be and they are hereby allowed to take testimony before the commissioners appointed to take testimony in the City of Baltimore, in relation to the accounts directed to be stated by the order of the 5th of December, 1826, on giving three days notice to the opposite party, or his solicitor, as usual. Provided, that no testimony be **594** * used before the auditor, or in any way admitted into this case, unless it be taken and filed with the register on or before the first day of March next.

After which the plaintiff, by petition, renewed his application for the appointment of a receiver and recommended Edward Pannell