

papers which he has furnished being papers marked A. B. and C., herewith filed; that complainants apprehend serious loss to the estate of the deceased, if the said partnership affairs should remain under his management; that he has been using the name of the concern for his own use and benefit, and has sold large amounts of the property of the firm, and hath not accounted therefor.

The bill, then, prays for an account, and in the mean time for an injunction prohibiting defendant from further meddling with the partnership effects, and from receiving or collecting the debts due the partnership, and from using the partnership name in any manner whatever, and from selling the property of the partnership, and that a receiver may be appointed to wind up the business of the said partnership estate, and for further relief. The bill also contains special interrogatories as to the charges above set forth.

By an amended bill filed on the 3d of May, 1848, among other things it is charged that complainants believe, from the statements made by defendant, that he is insolvent, unless he has secreted the funds and property of the said firm, and that complainants will be defrauded and irreparably injured by him, unless they can be protected by the interposition of this court.

The injunction was granted as prayed, and the application for a receiver directed to stand for hearing on a day fixed.

The answer of the defendant, filed on the 20th of May, 1848, denies fully and emphatically all the charges of misconduct contained in the bills, except so far as is explained in the opinions of the Chancellor. It is of great length, and the material parts of it are sufficiently stated in the Chancellor's opinions, the first of which was delivered upon the hearing of the application for the appointment of a receiver.]

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THE CHANCELLOR :

After a very careful consideration of the facts and circumstances of this case, and an attentive examination of the authorities referred to in the argument, and others applicable to the subject, my mind has been brought to the conclusion that this is not a fit case for the appointment of a receiver.