

dower, had, since the institution of this suit, taken the benefit of the insolvent law; and that if he were permitted to continue either directly or indirectly to receive the rents and profits, they would be wholly lost. Upon which she prayed that a receiver might be appointed. Upon this petition an order was passed, allowing the defendants to show cause on the 22d of the same month. After which the matter was brought up for a final decision upon the circumstances as stated by the court.

26th April, 1826.—BLAND, *Chancellor*.—The petition for the appointment of a receiver standing ready for hearing, the parties were heard by counsel, and the proceedings read and considered.

The defendants have not thought proper to put in a formal answer in writing to the plaintiff's petition, but have been content with showing cause verbally. If a petition of this kind, bringing before the court a matter which could not have been made the subject of a mere motion, because of the necessity of putting upon the record the new facts therein set forth, and apprising the party of all the circumstances on which the application is made, so as to enable him to controvert them, if he can; be not regularly and properly denied by a written answer on oath, the whole, or so much of it as is not denied must, by analogy to the course of this court in similar cases, be taken to be true.(a)

I have so recently had occasion to consider the general nature and utility of the power of this court to appoint a receiver,(b) that it will be unnecessary upon this application to notice what has been said in argument as to the novelty, or the unsettled nature of the authority of this court to make such an appointment, or as to the very oppressive purposes to which, it is said, it may be applied. It will be sufficient here again to observe, that I consider the matter as having been long since fully settled, and the power as one of as great utility as any which belongs to the court.

It has been mainly urged, that the court will not appoint a receiver against the legal title, but upon very special and strong ground. This is admitted. But the matter in controversy between these parties is a legal title, or it is nothing. This is a bill for dower, a mere legal demand; and the relief the plaintiff seeks is to have her particular estate set apart out of the general estate of the defendants, and to have the rents and profits thereof accounted for.

(a) *Shipbrooke v. Hinchingsbrook*, 13 Ves. 393; 2 Harr. Pra. Chan. 40, 129, 133

(b) *Williamson v. Wilson*, 24th April, 1826, post 000.