

proposed to be taken, to some two or more other creditors, or one or more of the firm or their solicitor; or by one or more of the firm, in whose behalf the testimony is proposed to be taken, to some two or more of the creditors or their solicitor. But the creditor against whose claim the testimony, when taken, is intended particularly to operate, must himself or his solicitor be so notified. And depositions so taken, subject to all legal exceptions, may be read in evidence; provided they are filed in the chancery office on or before the first day of May next.

The plaintiff by a petition filed on the 6th of April 1827, stated, that *Jacob Schley* the receiver was then dead; and that administration had been granted on his estate: upon which he prayed, that another receiver might be appointed, according to the recommendations therewith filed; to whom the administrators might be ordered to pay and deliver over the money, property, books, and vouchers of the firm which had come to the hands of their intestate. And on the 12th of the same month *John Scott*, who had been thus recommended by almost all the creditors, filed his remarks and propositions, in which he says, that he was willing to serve as receiver without any commission upon the money received by the late *Jacob Schley*.

4th May, 1827.—BLAND, *Chancellor*.—A receiver appointed by this court must be considered as its agent or executive officer. He stands in a situation, as regards this court, in many respects analogous to that in which a sheriff is placed in relation to a court of common law.

It is made the duty of a sheriff by a *feri facias* to seize and take into his possession the property of the defendant; to convert it into money, and to bring the money so made into court or pay it to the plaintiff. In this respect a sheriff acquires a possessory right to the property which he has been thus authorized to seize and take into his possession; he may maintain an action grounded on such right; and the defendant whose property has been so taken is discharged in toto or to the amount of the value seized in execution. And the sheriff alone is held answerable to the amount which has so come to his hands to the plaintiff, at whose suit the levy was made.(m)

The express terms of the order of appointment in this, as in all

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(m) *Wilbraham v. Snow*, 2 Saund. 47, note.