

## WILLIAMSON v. WILSON.

## RECEIVERS.—THEIR APPOINTMENT, DUTIES AND REMOVAL.—CREDITORS' SUIT.

The power to appoint a receiver is one of as great utility as any which belongs to the Court, and is well established upon reason and authority. (a) Where there has been a breach of duty by a partner, or the firm has become insolvent, and a partner is wasting, or threatens to make an improper application of the funds, a receiver may be appointed before the coming in of the answer.

A receiver is considered as an executive officer of the Court, bound so to keep the property placed in his hands, that it may be easily traced, and immediately produced when called for; and on his failing to do so, he, or, on his death, his personal representatives may be proceeded against in a summary way.

A partnership for a limited period may be dissolved before the expiration of the specified time by death or insolvency.

A receiver is an officer of the Court. He is considered as truly and properly the hand of the Court; but his appointment determines no right, nor does it affect the title to the property in any way; it will not even prevent the running of the Statute of Limitations. (b)

The holding of the receiver is the holding of the Court for him from whom the possession was taken, and therefore should any loss happen it must be borne by him from whom the property was taken, not by the party at whose instance the receiver was appointed.

A receiver is never appointed before answer but upon strong special ground, supported by affidavit. (c)

A motion to rescind an appointment is always heard on a short notice.

A receiver is in no case permitted to take charge of the property without having first given bond with approved surety.

The Court always reluctantly interferes against the legal title; only in a case of fraud clearly proved, and of imminent danger. (d)

A receiver will not be appointed when the matter in dispute depends on the legal title, unless strong grounds are shown, and the rents and profits are in imminent danger. (e)

(a) See note (e) *infra*.

(b) Approved in *Ellicott v. Ins. Co.* 7 Gill, 320; *Loney v. Penniman*, 43 Md. 132; *In re Colvin*, 3 Md. Ch. 300, 302. See *Ellicott v. Warford*, 4 Md. 80, to the same effect.

(c) Cited in *Haight v. Burr*, 19 Md. 134.

(d) Approved in *Furlong v. Edwards*, 3 Md. 112; *Thompson v. Diffenderffer*, 1 Md. Ch. 493.

(e) Approved in *Thompson v. Diffenderffer*, 1 Md. Ch. 493.

RECEIVERS.—1. Appointment. 2. Powers, duties and liabilities. 3. Suits by and against. 4. Appeals.

1. *Appointment*.—The appointment of a receiver determines no right, nor does it affect the title of either party in any manner. The receiver is the mere officer of the Court, and his holding is the holding of the Court for the party who may be entitled. He is appointed on behalf and for the benefit