

are in any way available for the payment of the defendants' debt to the plaintiffs through the process of receivership. If the defendants desire a consideration of that question, they can be heard on a motion to discharge the receiver, or on a motion of the plaintiffs for an order directing the receiver to take such a course as the plaintiffs may contend will be legally practicable.

*Exception overruled.*

STANLEY, J., did not sit: the others concurred.

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[Cöos, December, 1880.]

LAMSON v. STEVENS.

*W. & H. Heywood*, for the plaintiff.

*Ray, Drew & Jordan*, for the defendant.

REPLEVIN, for hay attached by the defendant as the property of Chandler. The question was, whether the title of the hay had passed, by sale, from the plaintiff to Chandler at the time of the attachment; and this depended upon their understanding. A referee having found that upon their understanding the title had not passed, judgment was rendered for the plaintiff.

SMITH, J., did not sit: the others concurred.

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[Cöos, December, 1880.]

MT. WASHINGTON RAILROAD v. THE STATE.

*Barnard and George*, for the plaintiff.

*Tappan*, attorney-general, for the defendant.

APPEAL from the assessment of a tax. The question was settled by the decision in *B., C. & M. Railroad v. The State*, ante 87.

*Report recommitted.*

All concurred.