

cellor, refusing to dissolve the injunction in said cause, and appointing him, said Gill, as receiver, and was, therefore, as respects this bill, wholly irrelevant and immaterial.

As to the claim interposed by Glenn, the answer insists that his appointment as trustee was made long subsequent to the institution of the actions at law, and of course long after the demand was made by respondent, and refusal of the bank to deliver up the notes in question. That the verdict and judgment in the action of assumpsit, is final and conclusive upon the questions therein involved, and thereby decided, as between the bank and this respondent, and can only be questioned by the bank in its appeal, taken as aforesaid. And that it is equally conclusive, in this court; and that it is not competent for the bank, by a bill of interpleader, or otherwise, to compel the respondent to litigate again the same questions, for its satisfaction or its supposed better security. That said verdict and judgment afford the bank full and complete protection against any future claim on the part of said Glenn, the trial in that case having been conducted by him, in the name of the bank, but really as his own case, so that in fact, it was a decision on the very claim, on the part of said Glenn, in respect of which, the bank now seeks to require this respondent to interplead with him.

As to the attachment in said bill mentioned, respondent says, that as said Tams is no party to this bill, nor in any manner called upon to interplead, he is advised it is unnecessary to answer thereto, but insists that said attachment was long subsequent to the accrual of respondent's rights, and was, in fact, posterior to the institution of said suits at law, and was, in no wise, intended to interfere with the rights of this respondent, and is therefore immaterial and irrelevant in this case.

On the 3d of November, 1849, the same defendant, Kerr, filed his petition, in which he states the appeal taken by the bank, the complainants, from the action of assumpsit, as stated in the bill, by which it appears, that the complainant is seeking relief in this court, and prosecuting an appeal to the Court of Appeals, in respect of the very same subject matter, whereby