

case, and the rights and equities of the parties may render necessary;" but no opinion was delivered, or statement made of the grounds upon which this decision was based.

After the case was decided in the Court of Appeals, John Glenn, as permanent trustee of Kerr, who had petitioned for the benefit of the insolvent laws, filed his petition in this court, to have the money, property, books and effects of the defendant, in the hands of the receiver, delivered over to him. The receiver was directed to show cause against this application, and an answer was filed by him for that purpose. By this it was represented that sundry attachments had been laid in his hands, issued upon judgments, some of which were rendered against Kerr, individually, and some against Kerr and Potter, jointly; that one of them was issued prior to the decree of the Court of Appeals; the residue subsequently thereto, and that all of them were still depending; the former in the Circuit Court of the United States for the district of Maryland; and the others in Baltimore County Court; and submitted whether the receiver under the circumstances, could with safety to himself deliver up the property.]

THE CHANCELLOR :

It is insisted on the part of the insolvent trustee of Kerr, that the orders granting and continuing the injunction, and appointing a receiver, being reversed, Kerr, if he had not petitioned, would be remitted to all his rights, and would be entitled to a restitution of the property; and that the trustee being clothed with all his rights, the possession must be restored to him.

It is to be presumed, however, if the Court of Appeals had considered it proper to dispose of the question of title in this summary way; that is, if they had thought, that in no possible phase which the cause might assume, the creditors of the mercantile house of E. M. Kerr and Company, or the joint creditor of Kerr and Potter, could intervene in this cause for the protection of their rights, and ask the court to apply the assets to their payment in preference to the private creditors of Kerr, they would either have dismissed the bill, or remanded the