

INSOLVENT DEBTOR—Continued.

in the courts of law, over which, in the exercise of this authority, this court can exercise no power of revision or control. *Ib.*

7. After the courts of law have acted, by the appointment of a trustee, the Chancery Court cannot, upon allegations that they have appointed an improper person, or taken insufficient security, set aside such appointment, and take upon itself the administration of the estate of the insolvent, by an officer of its own. *Ib.*

See **UNDUE PREFERENCE**, 1, 3, 4.

INTEREST.

1. The land in this case was sold on the 8th of May, 1848, to satisfy the purchase money, therefor, due the complainants. The order confirming this sale was appealed from, and was affirmed by the Court of Appeals, on the 21st of June, 1850. In his account, the Auditor calculated interest upon the claim up to the day of sale, and then interest upon the whole aggregate amount to the date of the affirmance of the order above mentioned. The defendants excepted upon the grounds, that the complainant's claim, as it stood on the day of sale, should not have been treated as principal, but that interest should only have been charged upon the original principal debt; and that the remedy for any loss occasioned by the delay consequent upon the appeal, was upon the appeal bond, and not against the fund in court.

HELD—

That if a debtor's property be sold to pay his debts, his creditors using due diligence in getting their money from the trustee, on the day of its receipt, by him, would be receiving not only simple interest on their debts from their maturity, but interest compounded from the day of sale. And this right of the creditor, should not be prejudiced by any act of the debtor as by an appeal, and the filing of an appeal bond. *Barnum vs. Raborg*, 516.

2. Where a sale is made on credit, and the defendant refuses to give the purchaser possession; it is very clear, that the purchaser cannot be made to pay interest for the benefit of the defendant, for the time he was deprived of the possession. *Ib.*

INTERPLEADER, BILLS OF.

See **PRACTICE IN CHANCERY**, 62, 63.

INVESTMENT IN TRUST FUNDS.

See **TRUSTEES, &c.**, 4, 5, 6, 7, 8.

JUDGMENT AT LAW, EFFECT OF, &c.

See **EVIDENCE**, 20, 21, 22. **DETINUE.**

JURISDICTION.

1. In cases of concurrent jurisdictions, that court which has first assumed control over the subject matter of controversy, ought to be entitled to retain it. *Winn & Ross vs. Albert and Wife, and Jones*, 42.
2. Upon a bill filed in this court an injunction was granted, restraining the defendant, Jones, from giving, and the defendants, Albert and wife, from receiving, from said Jones, a preference over his other creditors.

HELD—