

the heirs were not bound by the decision of that court. They were not bound because not parties to the controversy there, but the claimants were parties and ought to be bound.

4th. Claims Nos. 4 and 6, are established by the decree, and are to be allowed.

5th. The exceptions to claims numbered 7 and 8, being abandoned, they will be allowed. In fact, these claims appear to be fully established.

A. RANDALL, for Bevans.  
McLEAN, for Shepherd.

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ROBERT BENTLEY ET AL }  
vs. } JULY TERM, 1851.  
BENJ. SHRIEVE ET AL. }

[ATTACHMENT.]

MONEY in the hands of a trustee of this court is not liable to attachment.

[The statement of facts referred to in the opinion of the Chancellor in this case shows, that Kilgour, the trustee in this case, held in his hands certain moneys belonging to the creditors of Shrieve; that John I. Harding, of Loudon county, Virginia, was one of those creditors, and had filed his claim in the cause, and the account stated by the Auditor allowed a distributive share thereto; that said Harding, on the 2d of September, 1847, executed a deed of trust to Thomas P. Knox, including his real and personal estate and all debts of every description due him; that Ramey, a citizen of Loudon county, Virginia, to whom Harding was indebted, on bond, obtained a writ of attachment out of Montgomery County Court, on the 29th of July, 1848, against said Harding, which was, on the same day, laid in the hands of Kilgour, the trustee; that the deed of trust from Harding to Knox was not recorded in the clerk's office of Montgomery county or any county in this state, or in the Chancery office, or filed therein.]