

DEEDS VOID UNDER THE INSOLVENT LAWS—Continued.

- tent thereby to give an undue and improper preference to such creditor, then such payment and transfer are void under the provisions of our insolvent system. *Ib.*
6. The distinction recognised in England between voluntary or involuntary transfers, are applicable to our insolvent system, and to avoid such transfers for fraud upon that system, they must be shown to be *voluntary*, as well as made with a view and under an expectation of taking the benefit of the insolvent laws. *Ib.*
 7. The act of 1834, ch. 293, effected two alterations in the system, so far as the city and county of Baltimore are concerned. 1st, It invalidated the transfer whether made upon request or not. 2d, No such transfer could be made in favor of one creditor to the prejudice of the rest, if the debtor making it shall have no reasonable expectation of being exempted from liability or execution on account of his debts, without applying for the benefit of the insolvent laws. *Ib.*
 8. Yet under this act, there must be found in the transfer or assignment an intention to *prefer* one creditor over another; or, notwithstanding the party had no reasonable expectation of escaping by a recourse to the insolvent laws for relief, the transfer or assignment will stand, and as the deed in this case made no such preference, it was held valid. *Ib.*

DELIVERY OF POSSESSION.

See **PART PERFORMANCE**, 5.

DEMURRER.

1. Upon a demurrer to a bill, because it sought to compel the defendants to a disclosure of their titles. The title of the plaintiff not appearing to be at all dependent upon or connected with that of the defendant, the demurrer was ruled good. *Cullison vs. Bossom*, 95.
2. Allowing a demurrer to a whole bill, in strictness, puts it out of court, and no subsequent proceedings can be taken in the cause; yet the court has sometimes permitted an amendment to the bill to be made. *Ib.*

See **DISCOVERY OF TITLE**, 1, 3.
PRACTICE IN CHANCERY, 5.

DEVISE.

See **WILL AND TESTAMENT**.

DISCOVERY OF TITLE.

1. Upon a demurrer to a bill because it sought to compel the defendants to a disclosure of their titles, it was **HELD**—
 That the right of a plaintiff in equity to the benefit of the defendant's oath, is limited to a discovery of such material facts as relate to the plaintiff's case, and does not extend to a discovery of the manner in which, or the means by which, the defendant's case is to be established. *Cullison vs. Bossom*, 95.
2. Where there is a privity shown to exist between the title of the plaintiff and defendant, that privity may give him the right to call for an exposure of the defendant's title; but unless such connection is shown,