

made, &c., *whether upon request* or otherwise, by any applicant, to or in favor of, or with a view to the advantage or security of, or with intent to prefer any creditor or security, *when such applicant shall have had no reasonable expectation of being exempted from execution, on account of his debts, without applying for the benefit of the insolvent laws, shall be deemed, within the 6th section of the Act of 1816, ch. 221, to have been made with a view or under an expectation of becoming an insolvent, and with intent thereby to give an undue and improper preference. And the Act contains a proviso in favor of creditors claiming by a conveyance, &c. for valuable consideration, or who should appear not to have had notice of the debtor's condition of insolvency. It had been decided in *Crawford v. Taylor*, 6 G. & J. 323, and see *Kennedy v. Boggs*, 5 H. & J. 403; *McMechen v. Grundy*, 3 H. & J. 185, that a deed made at the *request* of the creditor was not within the insolvent laws, and therefore the provision avoiding such deeds, though made on request, was inserted in the local system of Baltimore, and was afterwards extended to the general law by the Act of 1845, ch. 139, sec. 2; *Falconer v. Griffith*, 3 Md. Ch. Dec. 151, affirmed in 7 Md. 177. This latter Act, in its 2nd section, avoided all deeds, mortgages, or other conveyances executed or judgments confessed by any person with a view or under an expectation of becoming an insolvent debtor, although such deeds, &c., were executed, &c., at the *earnest request, solicitation, and demand* of the creditor, &c., and vested the property in the insolvent trustee, and debarred the debtor from receiving a final discharge, if a jury, on allegations filed by any creditor, should find that such deeds, &c. were executed by him with intent to deceive and defraud his creditors. These Acts were all repealed by the Act of 1854, ch. 193, which reduced the insolvent laws into a system, and which is incorporated in the Code, Art. 48.⁴⁹ By the 6th⁵⁰ section of this Article, any debtor having concealed or disposed of his property to delay or defraud his creditors, or having within one year before his application given an undue and improper preference to any of his creditors by any conveyance or payment, is debarred from the benefit of the Act; and by sec. 7,⁵¹ any confession of judgment and any conveyance or assignment, made by any insolvent for the purpose of defrauding his creditors, or giving an undue preference, shall be void, and the property vest in the insolvent trustee, and all acts done by a petitioner before his application, when he shall have had no reasonable expectation of being exempted from liability to execution on account of his debts, &c. without petitioning for the benefit of the insolvent laws, shall be deemed to be within the purview and meaning of this section; and sec. 8⁵² avoids any judgment or decree confessed to give an undue preference, or for the purpose of defrauding creditors.

⁴⁹ Code 1911, Art. 47.

⁵⁰ Code 1911, Art. 47, sec. 7.

⁵¹ Code 1911, Art. 47, sec. 8; *Lynch v. Roberts*, 57 Md. 150; *Smith v. Pattison*, 84 Md. 344.

⁵² Code 1911, Art. 47, sec. 9.