

for an account or discovery of such property in the hands of a stranger, *Griffith v. Fred. Co. Bank*, 6 G. & J. 424; *Birely v. Staley*, 5 G. & J. 432, though it appears from the latter case, that if the debtor died after suit instituted and before judgment, and the objection is not taken in the answer, the principle does not apply, and see *Swan v. Dent*, 7 Gill, 366; 2 Md. Ch. Dec. 111. But now by the Act of 1835, ch. 380, sec. 2, Code, Art. 16, sec. 35,⁶⁰ creditors are no longer obliged to obtain judgments before proceeding in equity to vacate fraudulent conveyances. The Court in *Sanderson v. Stockdale*, 11 Md. 563, observe that the language of this Act is very comprehensive, both in relation to the transactions which may be vacated as fraudulent, and the creditors who may institute proceedings to vacate them without having obtained judgments upon their claims. The words "any creditor, &c." were held to include partnership creditors, and the terms "any conveyance or contract or other act" to include any transfer, assignment or contract between partners disposing of partnership effects among themselves for fraudulent purposes; which is perhaps as strong a case as can be put, for partnership creditors before judgment have no lien whatever on partnership effects, though the partners themselves have such a lien for the discharge of partnership debts, and it has been even held that one insolvent retiring partner may transfer his interest to the other, and the insolvency of the firm at the time of the assignment will not ordinarily prevent the property from becoming the individual property of the continuing partner, *Armstrong v. Fahnestock*, 19 Md. 52.

Equitable interests in lands are bound by judgments as legal liens from their date under the Code, Art. 83, sec. 1,⁶¹ 1810, ch. 160, sec. 1; *Miller v. Allison*, 8 G. & J. 35; *Hollida v. Shoop*, 4 Md. 475. Equitable interests in

⁶⁰ Code 1911, Art. 16, sec. 47; *Christopher v. Christopher*, 64 Md. 588. Cf. *Trego v. Skinner*, 42 Md. 426; *Helden v. Hellen*, 80 Md. 616; *Register v. Register*, 104 Md. 361.

This act has no application where the thing complained of has not been executed but rests merely in contemplation or intention. So a court of equity will not at the instance of a creditor who has not obtained judgment, enjoin the debtor from conveying his property on the ground that the object of the conveyance is to hinder and delay his creditors. *Balls v. Balls*, 69 Md. 388. Cf. *Morton v. Graffin*, 68 Md. 563; *Harper v. Clayton*, 84 Md. 346; *Frederick Bank v. Shafer*, 87 Md. 57. It is confined to proceedings in courts of equity and hence does not enable a creditor of a mortgagor, who has not acquired a lien on the mortgaged goods, to impeach the mortgage as fraudulent in an action against him by the mortgagee for wrongfully seizing the goods. *Wanamaker v. Bowes*, 36 Md. 57. Cf. *Cooke v. Cooke*, 43 Md. 530.

Quaere, whether the holder of an unliquidated claim for damages is a creditor within the meaning of the act? *Spuck v. Logan*, 97 Md. 161.

Quaere, whether the verdict of the jury on issues sent to a court of law under the act is conclusive? *Goodman v. Wineland*, 61 Md. 454.

⁶¹ Code 1911, Art. 83, sec. 1. So also now equitable interests in leasehold estates over five years. Code 1911, Art. 26, sec. 19; Art. 52, sec. 40; *Shryock v. Morris*, 75 Md. 78.