

that one of the objects of it, was to bring involuntary transfers of property, by a debtor to his creditor, which the Court of Appeals had declared to be without, within the provisions of our insolvent system, as applicable to the city and county of Baltimore.

This law effected two alterations in the system, so far as the city and county of Baltimore are concerned. In the first place, it invalidated the transfer whether made upon request or not, and thus in future rendered the decision in the case of *Crawfords and Sellman vs. Taylor* ineffectual within the limits of the city and county of Baltimore. And in the next, no such transfer could be made in favor of one creditor to the prejudice of the rest, if the debtor making it shall have had no reasonable expectation of being exempted from liability or execution for or on account of his debts, without applying for the benefit of the insolvent laws. Thus dispensing with one of the prerequisites to the successful impeachment of such a preference—that it should have been made with a view, or under an expectation of taking the benefit of the insolvent laws. Substituting the reasonable expectation of such an alternative, for the direct purpose of taking the benefit of the insolvent laws.

But still, under the act of 1834, the transfer or assignment of the debtor cannot be successfully assailed, unless it appears that it was made “with a view to the advantage or security of, and with intent to prefer any creditor or creditors, security or securities.”

There must, under this act, as it seems to me, be found in the transfer or assignment, an intention to *prefer* one creditor or security over another, or notwithstanding the party may have had no reasonable expectation of escaping a recourse to the insolvent laws for relief, the transfer or assignment will stand.

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[The Chancellor then proceeded to state the facts of the case, and after alluding to the answer of the defendant, he continues :]

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Now, although this answer, as it does not speak of matters within the personal knowledge of the respondent, is not entitled