

of December of the same year, and the complainant John H. Falconer, was appointed his permanent trustee, who filed the bill in this case on the 15th of April following. The allegations of the bill and answers, as well as the facts of the case disclosed by the testimony, are all sufficiently set forth in the opinion of the Chancellor :]

THE CHANCELLOR :

The object of the bill in this case, which was filed on the 15th of April, 1851, is to vacate a conveyance executed by the defendant Clark to the defendant Griffith on the 26th of September, 1850, of certain leasehold property in the city of Baltimore, upon the double ground that it is void under the insolvent laws, and under the statute of Elizabeth.

It alleges "that at the time of the execution and delivery thereof, said Clark was largely indebted to the firm of Kramer, Mantz & Co., of said city, of which firm said Griffith was a partner at the time of said execution and delivery, and that said Clark and Griffith both knew that said Clark was insolvent;" "That said deed was executed and delivered to secure illegally to said firm the amount due to them from said Clark, and that said Clark and Griffith colluded to procure to said firm and to said Griffith an improper and unlawful preference over other creditors of said Clark, and to hinder said creditors from obtaining their rights in the matter."

The bill, it will be seen, does not allege that the deed was made "with a view or under an expectation of the grantor's being or becoming an insolvent debtor, and with intent thereby to give an undue and improper preference," which according to the construction of the Acts of 1812, ch. 77, and 1816, ch. 221, mean "with a view or under an expectation of taking the benefit of the insolvent laws," *Hickley vs. Farmers & Merchants' Bank*, 5 G. & J., 377; the allegation simply being that the parties to the deed knew of Clark's insolvency, and that it was executed collusively to procure to the firm and to Griffith an improper and unlawful preference over the other creditors of the grantor. It might, therefore, well be doubted