

by said Suter to the Bank of Westminster, on the 26th of November, 1845, for \$9250, as a fraud upon the insolvent system. This bill specially interrogates Fisher, the cashier of the Bank, whether \$3,000, part of said judgment, was not lent upon the security of three stalls in different markets in the City of Baltimore, owned at the date thereof by said Suter. Fisher in answer to this bill, states, that in November, 1845, Suter was indebted to the Bank in the sum of \$6,000, then due and unpaid, on various notes drawn and endorsed by him; and on the 26th of that month, said Bank having on that day advanced him \$3,000, he confessed a judgment to the Bank for \$9,000, and executed a bill of sale or transfer of his licenses for the market-stalls mentioned in the bill; that said sum of \$3,000 was not lent specifically upon the security of these stalls, but on the joint security of said stalls and other property, which at the time was believed by respondent to be bound by said judgment, the object of the Bank and of Suter being, as understood by respondent, to secure not only the money then advanced, but the debt previously due said Bank. That upon the judgment so confessed, executions were issued and the property sold; and since said sale, David Stewart, Esq., claims to be the owner of the personal property so sold, under a deed executed by Suter on the 29th of January, 1846, conveying to him all his property, real, personal, and mixed, in trust for the payment of the grantor's debts, &c.; and said Stewart has instituted suit against the sheriff, who had been indemnified by the Bank to recover the same, which suit is now pending. (The deed to Stewart and the suit here referred to, will be found reported in the noted case of *Kettlewell vs. Stewart*, 9 *Gill*, 472.)

Afterwards, on the 14th of July, 1847, the Bank filed its bill for an injunction restraining the trustee in insolvency from selling the stalls assigned to its cashier Fisher, as above stated. This bill claims that this assignment was *bona fide* made, and not in contemplation of insolvency; and that thereby the Bank became invested with a full title to said stalls, encumbered only with a trust that the proceeds thereof, when