at the time of the insolvent condition of Thomas. It is to be observed, that actual notice must be brought home to Jerome, derived from a knowledge of the condition of Thomas, and not a mere technical or constructive notice. This is the construction put by the Court of Appeals upon the Act of Assembly in question, in the case of *Cole* vs. *Albers & Runge*, 1 *Gill*, 412, and of course this Court, if disposed so to do, is not at liberty to construe it differently.

The bill here charges that the transfer to Jerome was made after Thomas was insolvent, and after Jerome was aware of his insolvency; and one of the special interrogatories is framed with a view to extract from him his knowledge in regard to the condition of the affairs of Thomas at the time of the proposition to assign for the benefit of all the creditors, or before or afterwards. The answer of Jerome admits that Thomas, about September, 1848, called on him, and made the proposition referred to, which he assented to, Thomas then assuring him that he was able to pay all his creditors in full, and that the respondent did not know or believe that Thomas was insolvent, or unable to pay his debts. Again, "respondent admits that Thomas failed in his business, but expressly denies that at the time he received the money and effects from said Thomas, as above stated, that he knew or believed that he was insolvent, or contemplated applying for the benefit of the insolvent laws;" and this denial is afterwards repeated, in a subsequent part of the answer, in terms equally explicit.

Now notwithstanding the ingenious and plausible views which have been pressed upon me by the counsel for the complainant, I cannot bring myself to believe that the defendant, Mr. Jerome, did know what upon the solemn sanction of an oath he says he did not know. If, to be sure, there was evidence in opposition to the answer, which, according to the well-settled rule of this Court, would be sufficient to discredit it, it would have to give way to the evidence, and a decree against him would pass accordingly. But I do not find in the record that description of proof. In the language of the Court of Appeals, in *Cole* vs. *Albers & Runge*, "we have no