

this article, the trustee or trustees named in such deed or conveyance may lawfully and without any interference of, or claim by or upon the part of, the preliminary or permanent trustee in insolvency of such grantor or grantors proceed to fully administer the trusts created by such deed or conveyance and distribute the property and estate passing thereunder, or the proceeds thereof, to the persons entitled thereto under the supervision of the equity court having jurisdiction over the same.

This section recognizes the right of a creditor to proceed under the insolvent law after the recording of the deed of trust. The conventional trustee has no power to set aside a deed made by a grantor prior to the deed of trust, in fraud of the rights of creditors, but the insolvent trustee has such right. *Gardner v. Gambrill*, 86 Md. 662.

Where a merchant commits acts of insolvency, a subsequent assignment for the benefit of creditors has no effect against the insolvent trustee. *Willison v. Frostburg Bank*, 80 Md. 213 (this section not applicable).

A deed for the benefit of creditors does not require an affidavit by the grantee that the consideration is true and *bona fide*. *Mackintosh v. Corner*, 33 Md. 606.

This section apparently grew out of the decision in *Riley v. Carter*, 76 Md. 581. And as to the law prior to this section, see *Pfaff v. Prag*, 79 Md. 370; *McColgan v. Hopkins*, 17 Md. 401.

For deeds for the benefit of creditors, conveyances, assignments, transfers, etc., not involving insolvents, but which were attacked as fraudulent, see *Luckemeyer v. Seltz*, 61 Md. 313; *Matthai v. Heather*, 57 Md. 484; *Price v. Pitzer*, 44 Md. 521; *Boyd v. Parker*, 43 Md. 201; *Whedbee v. Stewart*, 40 Md. 421; *Foley v. Bitter*, 34 Md. 646; *Crawford v. Austin*, 34 Md. 51; *Mackintosh v. Corner*, 33 Md. 598; *Laupheimer v. Rosenbaum*, 25 Md. 219.

For note upon deeds for the benefit of creditors, see *Kettlewell v. Stewart*, 8 Gill, 472.

1904, art. 47, sec. 35. 1898, ch. 355, sec. 4.

35. The provisions of this article shall apply to married women engaged in business as *femes sole*.

Prior to the adoption of this section, the law was to the contrary. *Clark v. Manko*, 80 Md. 82; *Relief Bldg Assn. v. Schmidt*, 55 Md. 98.