

under, or the proceeds thereof, to the persons entitled thereto under the supervision of the equity court having jurisdiction over the same.

This section recognizes right of creditor to proceed under 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 deed of trust, in fraud of rights of creditors, but insolvent trustee has such right. *Gardner v. Gambrill*, 86 Md. 662.

Where a merchant commits acts of insolvency, a subsequent assignment for benefit of creditors has no effect against 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 grantee that consideration is true and *bona fide*. *Mackintosh v. Corner*, 33 Md. 606.

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

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

An. Code, 1924, sec. 35. 1912, sec. 35. 1904, sec. 35. 1898, ch. 355, sec. 4.

**37.** 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.

Cited in dissenting opinion in *Tizer v. Tizer*, 162 Md. 500.