

disposition of his, her, their or its assets both before and after the time of assumption of jurisdiction by the Court. The commissioner or examiner shall cause written notice to be sent to all the creditors of said person, firm or corporation at least ten days prior to the date of said examination. The commissioner or examiner may adjourn said hearing from time to time as he may think proper, and at any stage of the proceedings in said cause the Court may, in its discretion, make a further order that any other examination or testimony be taken by a commissioner or examiner designated therein. Said commissioner or examiner, when acting under this section, shall in addition have all the powers and duties imposed upon examiners by Section 281 of this Article, and any amendments thereto. After the hearing has been concluded, the commissioner or examiner shall put together the original depositions, with all vouchers, documents or other papers filed with him as evidence, in proper order and form, shall authenticate the same by his certificate and signature, and shall return the same, with the titling of the cause endorsed thereon, to the Clerk of the Court, without delay. He shall also return properly authenticated all other exhibits filed with him as evidence. At the hearing the person examined shall be required to answer all questions relative to property of any kind which he, his firm or corporation has acquired, possessed, owned, and disposed of within the period of three years immediately preceding the assumption of jurisdiction of the cause; provided, that said person shall not be required to answer questions which may incriminate him.

Fraudulent Conveyances.

An. Code, 1924, sec. 48. 1912, sec. 47. 1904, sec. 46. 1888, sec. 46. 1835, ch. 380, sec. 2. 1898, ch. 254.

52. In no case of a proceeding in equity to vacate any conveyance or contract, or other act, as fraudulent against creditors, shall it be necessary for any creditor or plaintiff in the cause to have obtained a judgment at law on his demand; in order to the relief sought in the case, either in his own behalf or in the behalf of any other creditors who shall claim to participate in the benefit of the decree in the case; but when the debt of such plaintiff shall not be admitted by the pleadings in the case on the part of the defendant interested in contesting the same, the court shall, on application of any of the parties, send to any court of law an issue for determining the fact of such indebtedness, subject to the rules usually applied to issues out of chancery; provided this section shall not apply to any case pending in court in this State on April 7, 1898.¹

Application of this section.

This section has no application where the thing complained of has not been executed, but rests merely in contemplation or intention. *Balls v. Balls*, 69 Md. 389; *Frederick Bank v. Shafer*, 87 Md. 57; *Hubbard v. Hubbard*, 14 Md. 360; *Uhl v. Dillon*, 10 Md. 503; *Lipskey v. Voloshen*, 155 Md. 143.

This section applies only in equity, and does not remove the disability of a non-judgment creditor at law. *Wanamaker v. Bowes*, 36 Md. 56.

This section only removes the disability of non-judgment creditors in case of a fraudulent conveyance, but leaves the law in other cases wholly unaffected. *Morton v. Grafflin*, 68 Md. 563.

This section applied. *Flack v. Charron*, 29 Md. 323; *Sanderson v. Stockdale*, 11 Md. 573; *Wylie v. Basil*, 4 Md. Ch. 329.

This section has no application to a bill to restrain a mortgage sale. Application of this section. *Fraud not made out. Kisney v. Drury*, 141 Md. 690.

¹ No attempt is here made to collect or annotate cases involving fraudulent conveyances apart from the particular application of this section—see Md. Digest. See also note to *Swan v. Dent*, 2 Md. Ch. 111.