

\$7,873.44, were, upon the principles laid down, entitled to a preference, and were awarded a full satisfaction, accordingly. The rest of the creditors who had established their claims were allowed a due proportion of the balance of the estate, amounting to \$9,992.56, according to the amount of their respective claims as directed.

BLAND, C., 18th June, 1832.—Ordered, that the foregoing report of the auditor be and the same is hereby ratified and confirmed; and the said administrator and trustees are directed to apply the assets and proceeds accordingly with a due proportion of interest. But the final adjustment of the account of the administrator *de bonis non*, and the further extent of his liability are hereby suspended for the reasons suggested by the auditor until further order.

After which the proceeds of the sales, as collected, were, from time to time, brought into Court, and distributed, with an allowance * of five per cent. to the trustees for all sums collected **529** by them by suit as attorneys-at-law. Without any further controversy as to the rights of the creditors or parties, the case seems to have been, on the 28th of September, 1836, finally closed.

HALL v. MCPHERSON.

INJUNCTIONS.—DECREE TO ACCOUNT.—EFFECT OF DISCHARGE UNDER INSOLVENT LAW.

On the filing of a bill for an injunction the defendant may instantly put in his answer, so as thereby to prevent the granting of an injunction as prayed. (a)

A party may be compelled, in a summary way, to pay the costs due to a commissioner.

As by a decree to account the defendant becomes an actor, the plaintiff cannot thereafter dismiss his bill without notice to the defendant by a rule further proceedings.

A person who has been finally discharged under the insolvent law cannot sue or be sued in relation to any property so transferred to his trustee for the benefit of his creditors.

A discharge under the insolvent law of a party to a pending suit, does not operate as an abatement; but the suit becoming thereby defective, the defect must be removed before the suit can be allowed to proceed.

THIS bill was filed on the 21st of April, 1826, by Thomas I. Hall, administrator of Thomas Tongue, against Thomas T. McPherson.

(a) Cited in *Bell v. Purvis*, 15 Md. 23; *Krone v. Krone*, 27 Md. 81. See *Salmon v. Claggett*, ante, 125, note.