

1904, art. 47, sec. 10. 1888, art. 47, sec. 10. 1860, art. 48, sec. 9.
1854, ch. 193, sec. 9.

10. Any creditor who shall collude with the insolvent to make his claim appear larger than it justly is shall forfeit the whole claim for the benefit of the other creditors.

Ibid sec. 11. 1888, art. 47, sec. 11. 1860, art. 48, sec. 10.
1854, ch. 193, sec. 10.

11. The estates of the insolvent shall be distributed under the order of the court, according to the principles of equity; and no creditor shall acquire a lien by *fiery facias* or attachment, unless the same be levied before the filing of his petition.

Distribution.

Distribution must be made by the trustee in the insolvency court, and that court must pass upon all claims and liens. The insolvency court can not by its order divest itself of jurisdiction. *Cross v. Hecker*, 75 Md. 576; *Manahan v. Sammon*, 3 Md. 475. See also, *Wiles v. Wiles*, 3 Md. 10; *Pierson v. Trall*, 1 Md. 142; *Carter v. Dennison*, 7 Gill, 170; *Buschmann v. Hanna*, 72 Md. 4 (explaining *Thomas v. Brown*, 67 Md. 512).

Equity will not assume jurisdiction over the distribution of the estate of an insolvent. *Pierson v. Trall*, 1 Md. 142; *Powles v. Dilley*, 9 Gill, 240.

The rule of distribution is the same as that regulating a court of equity. *Clark Co. v. Colton*, 91 Md. 217; *Fox v. Merfeld*, 81 Md. 82; *Third Natl. Bank v. Lanahan*, 66 Md. 469; *McCulloh v. Dashiell*, 1 H. & G. 97.

Where a creditor attaches before the filing of the petition in insolvency, the property vests in the trustee subject to the inchoate lien of the attaching creditor. *Willison v. Frostburg Bank*, 80 Md. 211; *Buschmann v. Hanna*, 72 Md. 4 (explaining *Thomas v. Brown*, 67 Md. 512); *Dowler v. Cushwa*, 27 Md. 365; *Manahan v. Sammon*, 3 Md. 473; *Selby v. Magruder*, 6 H. & J. 459.

In order to put this section into operation, an injunction will be granted restraining further proceedings upon judgments or attachments. The rights and priorities of all creditors will be preserved in the distribution. *Lynch v. Roberts*, 57 Md. 153.

Where before the commencement of a building the owner confesses judgment in favor of A. to secure certain advances which A. makes after the commencement of the building, such judgment has priority in the distribution of an insolvent's estate over a mechanic's lien claim against the building. *Robinson v. Consol. Real Estate Co.*, 55 Md. 106.

Where a part owner surrenders to another part owner all her interest in certain real estate in consideration of a sum which is not paid, there being no actual conveyance, and the latter becomes an insolvent, the former is entitled to a vendor's lien against that portion of the real estate which she thus sold her co-owner. *Thomas v. Farmers' Bank*, 32 Md. 70.

An equitable lien can not be enforced by the mortgagee in an action of trover against him brought by the insolvent trustee of the mortgagor. The mortgagee's rights must be asserted in the insolvent court. *Crocker v. Hopps*, 78 Md. 265.

Where a creditor is compelled to file his claim, and another creditor excepts to it on the ground of usury, the court will allow the principal of the former's claim with legal interest. *Carter v. Dennison*, 7 Gill, 173.

Where A. sells land to B., the latter making a small cash payment and the former taking notes for the balance and reserving the legal title, C., a party to whom A. has indorsed and guaranteed the notes, has a priority in the distribution of the insolvent's estate, the trustee having sold the land and A. being compellable to convey the legal title accordingly. *Willis v. Wright*, 22 Md. 379.

If a claim is valid at the time it is filed in an insolvent estate, it will not be barred by limitations thereafter. Numerous audits in an insolvent estate, condemned. *Hignutt v. Garey*, 62 Md. 192.