under the *sci. fa.* Huston *v.* Ditto, 20 Md. 328. See also Moore *v.* Garrettson, 6 Md. 448 (involving a variance).

Where after a debtor's discharge, without notice to him, execution is issued on a judgment obtained prior to such discharge, an injunction will be granted him, his discharge being a bar to the judgment and he having been afforded no opportunity to plead it. Starr *v.* Heckart, 32 Md. 271.

Equity will not restrain execution on a judgment at law upon the ground that the defendant had been discharged in insolvency and that the judgment was not entered subject thereto. Katz *v.* Moore, 13 Md. 566.

Generally.

Fact that petitioner is not actually insolvent does not affect validity of his discharge or oust jurisdiction of court. Weaver *v.* Leiman, 52 Md. 714.

A discharge cannot be inquired into collaterally. The county court or a judge thereof in recess, may grant a discharge, etc., and the proceeding is pending from time application is presented to him. Bowie *v.* Jones, 1 Gill, 208.

Fact that a deed in the nature of a mortgage provides for payment of debts barred by a discharge in insolvency, does not render such deed fraudulent in fact. Wilson *v.* Russell, 13 Md. 528.

An agreement by petitioning creditors that they will not object to insolvent's discharge can have no effect on other creditors. Gottschalk *v.* Smith, 74 Md. 564.

As to the revival of a debt barred by a discharge in insolvency, see Knight *v.* House, 29 Md. 200; B. & O. R. R. Co. *v.* Clark, 19 Md. 519; Katz *v.* Moore, 13 Md. 569; Wilson *v.* Russell, 13 Md. 528.

The application of this section to a vendor's lien, discussed. Willis *v.* Wright, 22 Md. 379.

The policy of the insolvent laws with reference to a discharge. Baylies *v.* Ellicott, 9 Gill, 454.

For cases apparently now inapplicable to this section because of changes in the law, see Relief Bldg. Assn. *v.* Schmidt, 55 Md. 99; State *v.* Reaney, 13 Md. 238; Glenn *v.* Karthaus, 4 G. & J. 392; Haddens *v.* Chambers, 2 Dall. 236.

Cited but not construed in Becker *v.* Whitehill, 55 Md. 574.

See secs. 7, 21 and 27 and notes.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 6. 1854, ch. 193, sec. 5.

6. The discharge of any person under this article is not to release any other person who may be liable as endorser, surety or otherwise.

This section applied where husband and wife were joint makers of a note, and the husband alone pleaded a discharge. Allers *v.* Forbes, 59 Md. 377.

An. Code, sec. 7. 1904, sec. 7. 1888, sec. 7. 1854, ch. 193, sec. 6.

7. No person shall be released or discharged under this article who has conveyed, concealed or disposed of his property to defraud or delay his creditors, or prevent the same from being applied to the payment of his debts, or who has, within one year of the time of filing his petition, by the conveyance or assignment of his property, or debts or claims, or payment of money, given an undue and improper preference to any of his creditors.

Although the court has denied an insolvent the benefit of a discharge, such determination is not an adjudication *in rem,* and does not of itself set aside a conveyance as fraudulent, nor is it evidence in a case to the latter end. Syester *v.* Brewer, 27 Md. 313.

Failure of applicant to file a schedule does not rescind appointment of the trustee, but does debar the applicant from a discharge. Teackle *v.* Crosby, 14 Md. 20.

If facts tend to show that insolvent has been guilty of acts prohibited by this section, it is duty of court to have issues framed. Jaeger *v.* Requardt, 25 Md. 241.

This section relates only to cases of insolvency. Triebert *v.* Burgess, 11 Md. 462.

A deed for benefit of creditors, discussed in connection with this section. McColgan *v.* Hopkins, 17 Md. 401.