

Where A. is perpetually insured in a mutual fire insurance company, provided he continues to pay premium notes as called for, his discharge under this section avoids the insurance. *Reynolds v. Mutual Fire Ins. Co.*, 34 Md. 388.

A discharge does not operate as an abatement of pending suit, but trustee must become a party before suit can proceed. *Hall v. McPherson*, 3 Bl. 537.

A person who has been discharged cannot sue or be sued in relation to any property transferred to his trustee. *Hall v. McPherson*, 3 Bl. 535.

The insolvent being discharged, is no longer liable to suit. *Insolvent Estate of Leiman*, 32 Md. 240.

Where A. gives a note which B. endorses, and subsequent to the maturity of note but before B. pays it, A. becomes an insolvent, A.'s discharge is no defense to suit by B. against him. *Wharton v. Callan*, 2 Gill, 173. (See sec. 6.)

#### Setting up a discharge at law and in equity.

How defense of discharge should be set up, where execution is attempted on judgment rendered prior to such discharge. *Job v. Walker*, 3 Md. 132.

If defendant fails to plead discharge to a suit resulting in judgment against him, he cannot plead it to a *sci. fa.* to revive judgment. *Moore v. Garrettson*, 6 Md. 447.

A judgment, subject to a discharge under insolvent laws, should, when revived, be taken subject to same conditions, and discharge need not again be pleaded 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, 23 and 29 and notes.

An. Code, 1924, sec. 6. 1912, 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, 1924, sec. 7. 1912, 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.