

Generally.

While the bill must allege an existing indebtedness, the evidence or proof of the debt need not be set out. Before relief can be granted, the claim must be proved. *Sinclare v. Auxiliary Realty Co.*, 99 Md. 230.

Object of this section. The findings of a jury as to the indebtedness, are entitled to great weight and should prevail unless the equity court is clearly convinced that they are erroneous. *Goodman v. Wineland*, 61 Md. 452.

This section referred to in deciding that a simple contract creditor cannot interfere in litigation in which the party in possession of property, or claiming title to it, is engaged. *Postal Co. v. Snowden*, 68 Md. 123.

The comprehensive language of this section, both as to what may be vacated, and who may institute the proceeding, commented on and applied in a partnership case. *Sanderson v. Stockdale*, 11 Md. 573.

This section does away with the necessity of a lien by judgment or otherwise, against the property, as preliminary to equitable relief. *Schaferman v. O'Brien*, 28 Md. 574.

This section referred to in determining what creditors may set aside a fraudulent conveyance. *Spuck v. Logan*, 97 Md. 159.

This section referred to in discussing the right of a creditor without a judgment to attack a conveyance on the ground that it is void under a statute. *High Grade Brick Co. v. Amos*, 95 Md. 601.

Prior to the act of 1835, ch. 380, sec. 2, equity would not interfere, even against fraudulent conveyances, until judgment had been obtained. *Frederick Bank v. Shafer*, 87 Md. 58; *Morton v. Graffin*, 68 Md. 562; *Christopher v. Christopher*, 64 Md. 588; *Wylie v. Basil*, 4 Md. Ch. 329; *Richards v. Swan*, 7 Gill, 377. Cf. *Swan v. Dent*, 2 Md. Ch. 117.

Where a bill charges fraud, a plea must be supported by answer—sec. 178.

As to appeals in cases of issues sent to a court of law, see art. 5, sec. 5.

As to fraudulent conveyances, see also arts. 39B, 45 and 47.

Allegations of bill held sufficient under this section. Object of this section. *Lipskey v. Voloshen*, 155 Md. 143.

Cited but not construed in *Oakford Realty Co. v. Boarman*, 156 Md. 73; *Hannan v. Lyddane*, 164 Md. 361.

Husband and Wife.

An. Code, 1924, sec. 49. 1912, sec. 48. 1906, ch. 768.

53. Any married man who shall think that the pledging of his credit by his wife for necessaries is being abused, may apply by petition to any court of equity in the city of Baltimore, or in the county in which he resides, setting forth the facts upon which he relies, and praying that an order may be passed prohibiting his wife from pledging his credit. And thereupon a summons shall be issued for his wife, requiring her to answer the petition within such time as the court may fix; and if, upon the service of said summons and the expiration of said time and proof taken, the court shall be satisfied that the petitioner is supplying his wife with all necessaries to which she is entitled, or with funds reasonably sufficient to purchase them, having regard to her station and the means of the petitioner, and that the pledging of the petitioner's credit is being abused by his wife, the said Court shall pass an order as prayed in said petition, and notice of the passage of said order given by the petitioner in writing to any tradesman or other person shall be sufficient to prevent such tradesman or other person from recovering from the petitioner for any work thereafter done for, or goods, wares or merchandise thereafter furnished to the petitioner's wife or on her order.

As to "Husband and Wife," see art. 45.

An. Code, 1924, sec. 50. 1912, sec. 49. 1906, ch. 768.

54. Any tradesman or other person who shall, after the receipt of said notice, institute against the petitioner any action, or make any effort to collect from him any bill or charge for such goods, wares or merchandise, or work, shall be liable to an action by the petitioner for damages for the annoyance and mortification thereby inflicted.