

Clagett, and the other defendants, who are his mother and brothers, the material parts of which deed are expressed in these words:

mains and is a sufficient consideration for a new promise to pay them, and sustains unconditional judgments against him. *Ibid.* But where a judgment debtor obtains a final discharge under the insolvent laws and subsequently the judgment is revived by *sci. fa.* after two returns of *nilil*, the judgment debtor having no notice of the *sci. fa.* till his property was seized under the execution, it was held that the final discharge in insolvency was a valid defence to the *sci. fa.* and no opportunity having been given the debtor to plead the same, he was entitled to have the execution restrained. *Starr v. Heckart*, 32 Md. 267.

A creditor who has recovered judgment against the executor of a surety of his debtor may enforce his claim by execution against the property of such executor, notwithstanding the pendency of an injunction restraining the creditors generally of the principal debtor from proceeding against him at law. *Beall v. Osbourn*, 30 Md. 8.

Execution of a judgment confessed by trustees acting *ultra vires* restrained. *Huntt v. Townshend*, 31 Md. 336. Sale of mortgagor's equitable interest in personalty, under executions on void judgments, restrained at the instance of the mortgagee. *Martin v. Jewell*, 37 Md. 530. Application by one partner to restrain execution of a judgment against him rendered on a promissory note executed by the other partner, after a voluntary dissolution of which no notice was given, refused. *Taylor v. Hill*, 36 Md. 494. Application to stay execution because the bill of exceptions in the case in which the judgment was rendered, through the fault of complainant's attorney, was not signed in time to allow an appeal, refused. *Ruppertsberger v. Clark*, 53 Md. 402. Injunction to restrain, &c., refused, because complainant could, by the exercise of due diligence, have obtained the new evidence, now relied on, in time to use it at the trial at law. *Kirby v. Pascault*, 53 Md. 531. Refused, because proper exhibits not filed with the bill. *Miller v. Marble Co.*, 52 Md. 642.

Application to restrain execution of a writ of possession and enjoin judgment refused because the alleged defects in the proceedings of the sheriff by whom the sale was made, were within the cognizance of the Court from which the writ issued. *Wilson v. Miller*, 30 Md. 82. When a judgment against a married woman is a nullity, the enforcement of it against her separate estate will be enjoined. *Griffith v. Clarke*, 18 Md. 457. The principle that a party cannot be relieved against a judgment on any ground which might have been pleaded or relied on as a defence to the suit, does not apply to the case when the defendant is a *feme covert* or not *sui juris*. *Ibid.* In an action two summonses were returned *non est* against a defendant who was absent from the State, and the plaintiffs having produced their account with an affidavit of the *bona fide* indebtedness of the defendant, an attachment was issued, and a judgment of condemnation rendered; held, that such voluntary absence was not a sufficient ground for equity to restrain execution of the judgment. *Norris v. Campbell*, 27 Md. 688.

If there be any irregularity in entering a judgment of condemnation by default against a corporation, because a writ of inquiry was not first had, such irregularity will not justify the interference of equity to restrain the execution. *Boyd v. Canal Co.*, 17 Md. 196. A bill to restrain an execution did not allege fraud on the part of the plaintiff in the judgment, but merely that the deputy sheriff served the summons on the defendant out of his