

hear and determine the question of fact between the parties; provided that the said petition shall be filed more than thirty days prior to the beginning of a new term of said court, and pending the determination of the application for such adjudication and pending any question of the validity of any preference by mortgage, judgment or otherwise, and of any gift, sale, assignment, conveyance or transfer or removal of all or any part of the property of the debtor with intent to hinder, delay or defraud his creditors, or to give an unlawful preference to any creditor, endorser or surety, the court or any judge thereof shall, on the application of the petitioner, issue an order in the nature of an injunction to restrain the debtor and the mortgagee, judgment creditor, donee, vendee, assignee, grantee or other person having the custody or claiming the title to any property or estate of the debtor, from selling, disposing of, or in any way interfering with said property or estate, until the question of adjudication shall have been determined, and may issue such other orders upon such terms and conditions as the court may deem necessary for the preservation and safe keeping of the property in controversy; and the court shall possess the power to allow any amendments necessary to present the rights of the matter. If the allegations of the petitioner shall not be sustained the respondent shall recover a judgment for costs against the petitioner; and if the allegations be sustained and are sufficient to warrant the same, an adjudication shall be made by the court that the debtor is insolvent, and therefore, and by virtue of the adjudication his right and power to dispose of any part of his estate and property shall cease; and when the court shall have appointed a preliminary trustee, all such estate and property shall, as soon as the bond of such trustee shall have been approved, be divested out of the insolvent and be vested in the trustee; and thereafter the same proceedings shall be had as hereinbefore prescribed in relation to persons who shall apply for the benefit of the provisions of this article; and the said debtor shall thereupon immediately execute the schedule and lists of debts, verified by his affidavit, as provided by section 1 of this article, and the debtor shall be entitled to his discharge from all debts and contracts made before the filing of the petition in this section mentioned, and in the same manner and to the same extent and with the same exception, as though he had made application, as provided in section 1 of this article.

Petition, replication and issues.

Requisites of the statement of facts in the petition. *Whyte v. Betts Machine Co.*, 61 Md. 177; *Schiff v. Solomon*, 57 Md. 584.

For allegations which, if proved, render the debtor liable to be proceeded against under this section, see *Cator v. Martin*, 57 Md. 400.

How the petition by a non-resident corporation should be authenticated both when filed and before adjudication; proof of corporate existence need not be filed with the petition though it ought to be produced before the adjudication. *Whyte v. Betts Machine Co.*, 61 Md. 177.

The petition may be filed by a non-resident. *Brown v. Smart*, 69 Md. 328 (affirmed in 145 U. S. 457).