

and like remedies be fraudulent and void when made by a copartnership; when limited partnerships are subject to insolvency proceedings, the separate estates and the separate debts of the special partners shall not be subject to such proceedings.

The petition must be filed in the name of the partners; a proceeding in the firm name alone (without the individuals who compose it), is unknown in the law. The object and scope of this section—it contemplates a surrender of all joint and separate property, and where one partner has absconded, the remaining partner cannot file petition in name of partnership. *Second Natl. Bank v. Willing*, 66 Md. 316.

This section apparently grew out of the decision in *Cator v. Martin*, 57 Md. 397. And see *Pinckney v. Lanahan*, 62 Md. 454 (involving the adjudication of a surviving partner); *Schiff v. Solomon*, 57 Md. 581.

An. Code, sec. 29. 1904, sec. 29. 1888, sec. 29. 1884, ch. 295, sec. 30.

29. Where a person proceeded against in insolvency shall depart from or be absent from this State, or conceal himself to avoid service of process, the court in which such proceedings are pending shall have the same power to affect said persons, or their estates as is now given in suits in chancery against non-residents, or against persons who may be proceeded against as non-residents, except that the insolvent court shall fix the time of notice by publication, in its discretion; and where personal service has been made upon a party outside the State, it shall have like discretion in setting said petitions or other matters for hearing; but when a copartnership is the subject of such proceedings, and a member of the firm is absent or returned *non est*, such proceedings shall be stayed only as to the separate estate and separate debts of such member.

An. Code, sec. 30. 1904, sec. 30. 1888, sec. 30. 1884, ch. 295, sec. 31.

30. Any person who has been or shall hereafter be adjudicated an insolvent under the provisions of section 23 of this article, and who, having actual notice of such adjudication, shall not, within five days after such notice, execute and deliver to his preliminary trustee the schedule and list of debts, verified by his affidavit, as required by said section, or who shall destroy, mutilate or conceal his books of account, or any of them, or shall fail or refuse to deliver up to his said preliminary trustee within the time aforesaid the same or any other property then being in his custody or possession or under his control, to the possession of which said preliminary trustee shall be entitled under and by virtue of the adjudication aforesaid, shall be deemed to be in contempt of court for disobedience by reason of such failure to execute and deliver such schedule, or failure to deliver such books of account or other property (unless the execution of said order of adjudication be suspended at the time by filing of an appeal bond as provided under section 31 of this article); and the court which had so adjudicated said insolvent may thereupon proceed to force the execution and delivery by him of said schedule and list of debts, and the delivery of his said books of account and all other property to which his said preliminary trustee may be entitled, by fine and imprisonment, as in other cases of contempt for disobedience to or non-performance of its order; and in all cases where, from any cause whatsoever, any person who has been or shall hereafter be