

places of business or residence, so far as known to the insolvent, all verified by affidavit; and shall annex to his petition an affidavit that he will deliver up and convey to such trustee as may be appointed, for the benefit of his creditors, all the property, estate, rights and claims of every description to which he is in any manner entitled; the necessary wearing apparel and bedding of himself and family, and such property as may by law be exempted from execution, excepted; and that he has not at any time sold, lessened, transferred or disposed of any part of his money or other property for the use or benefit of any person, or entrusted any part of his money or other property, debts, rights or claims thereby intending to delay or defraud his creditors, or any of them, or to secure the same so as to receive, or expect to receive any profit, benefit or advantage himself therefrom; provided, that the said applicant has at no time within two years previous to said application been discharged under any insolvent law of this State.

Application and construction of insolvent laws.

State insolvent laws have no extra-territorial effect, and do not bar or discharge rights or claims of non-residents unless such non-residents participate in insolvency proceedings. The adjudication in insolvency is *in rem*, and binds all persons whether parties or not, as to particular matter decided. *Brown v. Smart*, 69 Md. 327 (affirmed in 145 U. S. 457). See also *Glenn v. Clabaugh*, 65 Md. 68; *Pinckney v. Lanahan*, 62 Md. 450; *Poe v. Duck*, 5 Md. 6.

As to what acts subject a non-resident to our insolvent laws, see *Jones v. Horsey*, 4 Md. 311; *Ensor v. Lewis*, 54 Md. 397.

Corporations are not amenable to our insolvent system, though by art. 23, sec. 377, of Code of 1904 (art. 23, sec. 99, of this Code), they are brought within the operation of a provision of that system. *Mowen v. Nitsch*, 103 Md. 687. And see *State v. Bank of Maryland*, 6 G. & J. 221.

Design and remedial nature of insolvent laws discussed. Their construction is similar to that of bankrupt act. *Riley v. Carter*, 76 Md. 608. See also *Ziegler v. King*, 9 Md. 333; *Bank of Westminster v. Whyte*, 3 Md. Ch. 513; *Trail v. Snouffer*, 6 Md. 318; *Waters v. Dashiell*, 1 Md. 471; *Alexander v. Ghiselin*, 5 Gill, 179.

While our insolvent law is construed similarly to the bankrupt law, such construction does not justify expanding the former. *Pfaff v. Prag*, 79 Md. 374.

A bankrupt law only suspends the operation of a state insolvent law from the day the former takes effect. *Larrabee v. Talbott*, 5 Gill, 441.

The state court considers itself bound by decisions of the supreme court of United States on state insolvent laws. *State v. Krebs*, 6 H. & J. 31, note.

Schedule.

Failure of applicant to file a schedule does not rescind appointment of the trustee, but does debar the applicant from discharge. *Teackle v. Crosby*, 14 Md. 20.

This section, in connection with secs. 2 and 19, makes it evident that all the insolvent's property, whether mentioned in the schedule or not, save that excepted in this section, vests in the trustee. *Zeigler v. King*, 9 Md. 333.

Generally.

This section referred to in construing sec. 14. *Industrial Service v. Rogers*, 163 Md. 660.

Powers of the states to adopt insolvent laws; limitations thereon. *Brown v. Smart*, 69 Md. 327; *Brown v. Smart*, 145 U. S. 454. And see *Boyle v. Zacharie*, 6 Pet. 635.

If a case is within jurisdiction of insolvent court, latter's judgment cannot be impeached collaterally in absence of fraud. Jurisdiction of insolvent court does not depend upon petitioner being actually insolvent. *State v. Culler*, 18 Md. 432. And see *Weaver v. Leiman*, 52 Md. 714.

Constitutional right of removal has no application to insolvent proceeding or issues framed in pursuance thereof. *Bel Air Social, etc., Club v. State*, 74 Md. 300; *Trayhern v. Hamill*, 53 Md. 90; *Michael v. Schroeder*, 4 H. & J. 227.

If facts tend to show that the petitioner has not complied with the requirements of this section, it is duty of court to have pertinent issues framed. *Jaeger v. Requardt*, 25 Md. 241.

The insolvent system was not abolished by clause in state Constitution doing away with imprisonment for debt. *Trail v. Snouffer*, 6 Md. 319.

Prior to adoption of sec. 30 the insolvent law did not contemplate a proceeding by or against a co-partnership or joint debtors, as such. *Cator v. Martin*, 57 Md. 401. See also *Pinckney v. Lanahan*, 62 Md. 454.

Prior to sec. 37, married women were not within the contemplation of this article. *Relief Bldg. Assn. v. Schmidt*, 55 Md. 97.