

provisions of this article, to have and keep a book to be called "insolvent record" in addition to the book in which he may keep docket entries of said proceedings, in which book of "insolvent record," whenever any real estate shall have been sold by said trustee, the said clerk shall record the petition of insolvent or creditors, as the case may be, all conveyances relating to said insolvent estate, to the preliminary or permanent trustee, and the trustee's report of the sale of said real estate, together with all orders of the clerk or court, giving efficacy thereto, for which said record the said clerk shall receive such fees as are now allowed for recording sales of real estate under decrees of courts of equity in this State; and in all sales of real or leasehold estate to be made by the permanent trustee under the provisions of this article, the same shall be made in the county or city wherever the said real or leasehold estate is situated, and after due advertisement of such sales in at least one newspaper published in such county or city.

An. Code, 1924, sec. 27. 1912, sec. 27. 1904, sec. 27. 1888, sec. 27. 1880, ch. 172, sec. 28.

**29.** A discharge duly granted under this article may be pleaded by a simple averment that, on the day of its date, such discharge was granted to the party, and setting the same forth in its exact words or according to legal effect; and a certified copy of said discharge shall be sufficient evidence of the fact of such discharge.

Where to a plea of discharge, the plaintiff replied "*nul tiel record*," the issue is solely for the court. If the court determines that there has been a discharge, an unqualified judgment for the defendant should be entered. *Becker v. Whitehill*, 55 Md. 573. See also *State v. Culler*, 18 Md. 419.

To a plea of discharge, a replication to the effect that the defendant was not in fact insolvent when he applied, is bad. *State v. Culler*, 18 Md. 419.

If a defendant fails to plead a discharge to a suit resulting in a judgment against him, he cannot plead it to a *sci. fa.* to revive the judgment. *Moore v. Garrettson*, 6 Md. 447.

If before a final discharge an insolvent when sued fails to plead the pendency of insolvent proceedings and judgment is entered against him, it is too late to avail himself of such proceedings. *Elder v. Reaney*, 13 Md. 237.

Upon a plea of discharge the discharge cannot be inquired into collaterally or incidentally, if the court had jurisdiction. The discharge need not show on its face that the insolvent statutes were complied with. *Bowie v. Jones*, 1 Gill, 208.

See sec. 5 and notes.

For forms of pleas of discharge in insolvency, and the pendency of insolvency proceedings, see art. 75, sec. 28, sub-sec. 55, *et seq.*

An. Code, 1924, sec. 28. 1912, sec. 28. 1904, sec. 28. 1888, sec. 28. 1884, ch. 295.

**30.** The provisions of this article shall apply to copartnerships engaged in business in this State, of which any of the copartners are residents of this State; the petition by or against said copartnership shall be filed in the court having insolvent jurisdiction in the place where said copartnership business is carried on, or, if such business is carried on in different places, the court in which the petition is first filed shall have exclusive jurisdiction; all the joint stock and property of the copartnership, and all the separate estate of each of the partners shall vest in and be conveyed to the preliminary and permanent trustees, except such parts as are hereinbefore excepted; the creditors of the firm, and of the respective partners, may prove their respective debts; the permanent trustee shall be chosen by the copartnership creditors; he shall keep separate accounts of the joint stock or property of the copartnership, and of the separate estate of each member thereof; and after deducting out of the whole amount received by the permanent trustee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartner-