

ship, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; if there is any balance of the separate estate of any partner after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there is any balance of the joint stock after payment of the joint debts, such balance shall be appropriated to and divided among the separate estates of the several partners according to their respective rights and interest therein, and as it would have been if the partnership had been dissolved without any insolvency; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; the discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone; in all other respects the proceedings by or against partners shall be conducted in like manner as if they had been commenced and conducted by or against one person alone; all the provisions of this article which apply to the debtor, or set forth his duties in regard to furnishing schedules or inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning or paying away his money or property, shall in a like manner, and with like force, effect and penalties, apply to each and every member of said copartnership, and the money and property thereof; all payments, conveyances and assignments and preferences declared fraudulent and void by this article when made by a debtor shall in like manner and to the like extent 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, 1924, sec. 29. 1912, sec. 29. 1904, sec. 29. 1888, sec. 29. 1884, ch. 295, sec. 30.

31. 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, 1924, sec. 30. 1912, sec. 30. 1904, sec. 30. 1888, sec. 30. 1884, ch. 295, sec. 31.

32. Any person who has been or shall hereafter be adjudicated an insolvent under the provisions of section 25 of this article, and who, having actual notice of such adjudication, shall not, within five days after such