

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.

1888, art. 47, 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 adjudicated an insolvent under this article shall not have executed and delivered such schedule and list of debts within ten days after his adjudication, it shall be the duty of his preliminary trustee to make out a list of his creditors from the best information he can obtain, and to file the same with the clerk of the court by which the said insolvent was adjudicated; and said trustee shall be at liberty to amend said list from time to time; and all notices addressed to each of the creditors mentioned in said list shall have the same force and validity for all purposes whatsoever as if said list of creditors had been prepared and returned by the insolvent himself, along with his schedule and list of debts, and verified by his affidavit, as required by the provisions of this article.

Cochrane v. Bridendolph, 72 Md. 275.