

1904, art. 47, sec. 1. 1888, art. 47, sec. 1. 1860, art. 48, sec. 1. 1854, ch. 193, sec. 1. 1880, ch. 172.

1. Any person being insolvent may apply by petition to the circuit court for the county where such insolvent resides, or to the court of common pleas of Baltimore city, if the insolvent resides in the city of Baltimore, stating that he is insolvent, and offering to deliver up for the benefit of his creditors all of his property, real and personal, and exhibiting therewith a schedule of his property, and a list of the debts due from and owing to him, with the names of his debtors and creditors, and their respective 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 the rights or claims of non-residents unless such non-residents participate in the insolvency proceedings. The adjudication in insolvency is *in rem*, and binds all persons whether parties or not, as to the 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 article 23, section 377 of the code of 1904 (article 23, section 79 of the Annotated 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.

The design and remedial nature of insolvent laws discussed. Their construction is similar to that of the 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; *Trall 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 the expanding of 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 the decisions of the supreme court of the United States on state insolvent laws. *State v. Krebs*, 6 H. & J. 31, note.