

A replication is not contemplated in insolvency proceedings. How issues should be framed; duty of the court. *Castelberg v. Wheeler*, 68 Md. 273.

Operation of insolvent law.

The enactment of a bankruptcy law suspends a state insolvency law only so far as the two conflict. The latter continues in force as to any class of persons exempted by the former. It is the exercise of the power of establishing a bankrupt law and not the existence of such power, which renders the state law inoperative. It is the policy of this section to make farmers subject to its provisions. *Old Town Bank v. McCormick*, 96 Md. 349.

The fact that the grantee or party to whom money is paid has no knowledge that the grantor is insolvent, does not take the case out of the operation of this section. Prayers correctly setting forth the facts requisite to bring a case under this section. *Willson v. Frostburg Bank*, 80 Md. 212.

Corporations are not amenable to our insolvent system, though by article 23, section 377, of the code of 1904—see section 79 of the annotated code—they are brought within the operation of a provision of that system. *Mowen v. Nitsch*, 103 Md. 687.

This section and section 2 compared as to the persons to whom they are applicable, and as to the necessity for a deed from the debtor to the preliminary trustee. *Clark v. Manko*, 80 Md. 82.

Jurisdiction.

Insolvency jurisdiction is limited, and the procedure must be pursued in the manner prescribed; where the debtor is not summoned, the court is without jurisdiction. *Whyte v. Betts Machine Co.*, 61 Md. 177; *Paul v. Locust Point Co.*, 70 Md. 292.

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

Generally.

The adjudication is *in rem*, and binds all persons, whether parties or not, as to the particular matter decided. *Brown v. Smart*, 69 Md. 328 (affirmed in 145 U. S. 457).

The right to issue an injunction is limited to the time and purpose specified in this section. No controversy as to ownership of property or claim to it can be disposed of in the insolvent court, but they are remitted to other courts where a jury trial may be had. *Paul v. Locust Point Co.*, 70 Md. 293.

Insolvency proceedings from the petition to the last order may be amended in the discretion of the court. An amended petition held not to be an original proceeding, and hence that the proceeding was begun within the requisite period after the acts complained of. *Griffie v. Mann*, 62 Md. 254.

It is not necessary that the debts of the petitioning creditors shall have matured before the petition is filed. *Schiff v. Solomon*, 57 Md. 583.

A creditor who claims a fund arising from the sale of the property of insolvents, will not be allowed to impeach the adjudication. *Gottschalk v. Smith*, 74 Md. 564.

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

Where before a petition under this section is filed the petitioning creditors file their claims for their distributive shares under a deed for the benefit of creditors, such action does not amount to an estoppel. So long as the deed of trust stands, it is effectual. *Castleberg v. Wheeler*, 68 Md. 273.

The insolvent law prior to the amendment which added the involuntary feature, did not contemplate the insolvency of co-partnership or joint debtors. There is nothing in this section to change the law in this respect. *Cator v. Martin*, 57 Md. 401. See *Pinckney v. Lanahan*, 62 Md. 454; *Schiff v. Solomon*, 57 Md. 581. See also, section 28.