

Case No. 2,780.

CLAGGETT v. WARD.

[5 Cranch, C. C. 669.]¹

Circuit Court, District of Columbia.

March Term. 1840.

DISCHARGE OF INSOLVENT—EXONERATION OF BAIL.

If the defendant has been discharged under the insolvent law of Maryland the bail will be exonerated.

Motion by R. J. Brent, for an exoneretur upon the bailpiece, the defendant [Thomas Ward] having been discharged under the insolvent law of Maryland. *Beers v. Haughton*, 9 Pet [34 U. S.] 329.

Mr. Morfit for the plaintiff [Darius Claggett] contended that as the law of Maryland went to discharge the debtor from the obligation of the contract and as this debt was not contracted in Maryland, the act of Maryland, so far as it impaired the contract, was unconstitutional and void; and cited *Gordon v. Turner*, 5 Har. & J. 369; *Hickley v. Farmers' & Merchants' Bank*, 5 Gill & J. 377; 3 Story, Comm. 340, 365; *Smith v. Buchannan*, 1 East, 6; *Campbell v. Claudius* [Case No. 2,356]; Constitutional Class Book.

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82. He also contended, that upon the principle of comity, a discharge in Maryland could not affect a citizen of this district, because a discharge here does not affect a non-resident creditor.

THE COURT (THRUSTON, Circuit Judge, absent) ordered the exoneretur to be entered, upon filing the certificate of discharge of the debtor in Maryland.

¹ [Reported by Hon. William Cranch, Chief Judge.]