

Case No. 3,156.

COOK v. FENTON.

[4 Cranch, C. C. 200.]¹

Circuit Court, District of Columbia.

May Term, 1832.

INSOLVENCY.

The act of congress of May 6, 1822, entitled "An act for the relief of certain insolvent debtors," is not confined to non-resident debtors.

Judgment was rendered in this case against Fenton at the last term.

Mr. Redin, for the bail, now moved to exonerate the bail of Fenton, on the ground of his discharge under the insolvent act of this district, in January, 1832.

Mr. Wallach, contra. The plaintiff was a non-resident creditor of Fenton at the time of his discharge, and the debtor was not then confined at his instance.

Mr. Redin, contended that the act of congress of the 6th of May, 1822 (Davis' Laws D. C. p. 362), applied only to non-resident debtors (3 Stat. 682).

But THE COURT said that that point had been many times discussed, and overruled by the court The words were peremptory, "that no discharge under this act or the act to which it is amendatory, shall operate," &c., thereby referring to every discharge which should thereafter be granted under the original act of 3d of March, 1803 (2 Stat 237).

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