

Case No. 4,471.

[3 Dall. (3 U. S.) 369.]

EMORY v. GREENOUGH.

Circuit Court, D. Massachusetts.

BANKRUPTCY—PLEADING DISCHARGE UNDER THE LAWS OF ANOTHER STATE.

The defendant was a native of Massachusetts, formerly resident in Boston, where he contracted the debt in question to the plaintiff, who was also a native, and had always continued a resident, of that state. Some years afterwards the defendant removed into Pennsylvania, became a resident citizen of the state, took the benefit of her bankrupt law (which, in its terms and operation, was analogous to the bankrupt laws of England), and duly, obtained a certificate of conformity from the commissioners. Subsequent to this discharge, he returned, on a transient visit, to Boston; and, being there arrested by the plaintiff for the old debt, he caused the suit to be removed from the state into the circuit court, and pleaded his certificate in bar to the action; but the court (consisting of IREDELL, Circuit Justice, and the District Judge) overruled the plea, and gave judgment for the plaintiff.

[Cited in *Banks v. Greenleaf*, Case No. 959.]

[NOTE. On writ of error this case was heard by the supreme court in 1797, but the cause was dismissed for the reason that the process did not set forth that the parties were citizens of different states. *Emory v. Grenough*, 3 Dall. (3 U. S.) 369.]