

**Case No. 4,611.** FAIRCHILD v. SHIVERS.  
[4 Wash. C. C. 443.]<sup>3</sup>

Circuit Court, E. D. Pennsylvania.

April Term, 1824.

**ACTION ON JUDGMENT FROM ANOTHER STATE.**

Action on a judgment rendered in New York, and a discharge under the insolvent law of that state, made prior to the contract on which the judgment was rendered. On motion, an appearance on common bail was allowed.

[Cited in *Woodhull v. Wagner*, Case No. 17,975.]

Rule upon the plaintiff to show his cause of action, and why the defendant should not be discharged on common bail. The plaintiff showed as the cause of action, a judgment obtained by him, against the defendant, in the state of New York, on the 13th of February 1804, upon a contract entered into in that state, in August 1801. The ground of the rule to be discharged on common bail was a certificate of one of the judges of the supreme court of that state, dated the 28th of February 1805, that the defendant had in all respects conformed himself to the insolvent law of that state, passed on the 3d of April 1801, and a regular discharge of the defendant from all his debts theretofore contracted, in conformity with the provisions of the said law.

J. R. Ingersoll, for plaintiff.

Mr. Broome, for defendant.

PER CURIAM. The judgment upon which this action is brought having been rendered in the state of New York, upon a contract entered into subsequent to the insolvent law of that state, under which the defendant was regularly discharged, the rule to discharge the defendant on common bail must be made absolute.

<sup>3</sup> [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]