

Case No. 5,015.

FOXALL v. LEVL

[1 Cranch, C. C. 139.]¹

Circuit Court, District of Columbia.

Aug. 6, 1803.

SURRENDER OF BANKRUPT BY HIS BAIL.

A bankrupt, surrendered by his bail, during the time allowed for his examination, will not be committed in execution.

Stewart was surrendered in discharge of his bail [Levi]; and being prayed in commitment, produced a summons from commissioners of bankruptcy in Baltimore, dated August 4, 1803, to appear, &c, on the 5th of August, and the 25th of August, 1803, and the 15th of September next

Upon which THE COURT refused to commit him in execution. The summons was simply signed by the commissioners, stating themselves as such. There was also a certificate that he did attend yesterday at Baltimore agreeably to his summons. See the bankrupt law of the 4th of April, 1800, § 22 [2 Stat 19], which declares that the bankrupt shall be free from arrest; and on producing the summons or notice under the hands of commissioners, shall be discharged, if arrested.

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