

EX PARTE REAEDON.

[2 Cranch, C. C. 639.]¹

Circuit Court, District of Columbia. April Term, 1826.

HABEAS CORPUS—CAPIAS—DISCHARGE UNDER
INSOLVENT ACT.

If a debtor who has been discharged under the insolvent act of the District of Columbia [2 Stat. 237] be arrested upon a ca. sa. issued by a justice of peace, for a debt accruing before his discharge, this court may discharge him upon habeas corpus

Matthew D. Reardon petitioned for a writ of habeas corpus, stating that he was in custody of a constable by virtue of a ca. sa. issued by Amos Alexander, Esq., a justice of peace, upon a debt accruing before his discharge under the “Act for the relief of insolvent debtors within the District of Columbia, the tenth section of which provides that the court before whom the process is returned or returnable, or any judge thereof, shall discharge the debt in such case, but does not provide for a habeas corpus. The execution in this case is returnable before a justice of the peace on the third Monday of May. 1826, but he cannot issue a writ of habeas corpus. The judgment was rendered since the discharge.

THE COURT (THRUSTON, Circuit Judge, absent) decided that it had jurisdiction to discharge upon habeas corpus, under its general power to issue the writ and to inquire into the cause of commitment, and examine Mr. Alexander, the justice of the peace, as to the time when the cause of the action accrued; but THE COURT, not being satisfied that the cause of action accrued before the discharge under the insolvent act, refused to discharge the prisoner.

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

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