

UNITED STATES v. DOBBINS.

[1 Pa. Law J. Rep. 5.]

District Court, W. D. Pennsylvania. March, 1842.

BANKRUPTCY—PRIVILEGE FROM CIVIL ARREST.

A petitioner in bankruptcy is privileged from arrest on civil process pending the proceedings on this petition to be declared a bankrupt.

This was a habeas corpus commanding the defendant, a constable, to bring before the court the body of Johnathan Ramaley. By the return on the writ, it appeared that the relator, Johnathan Ramaley, was arrested on an execution issued by an alderman of the city of Pittsburgh; that, previously to his arrest, the relator had filed his petition in due form to this court to be declared a bankrupt; that the schedule annexed to said petition contained the name and amount of the debt, &c, of the arresting creditor; that the said court had made an order appointing the 12th day of March for the hearing of the relator and his creditors; and that notice of this order was published according to law.

T. Mellon, for relator.

IRWIN, District Judge, decided that the relator was within the jurisdiction of the court by the proceedings in bankruptcy, and, being bound at all times to abide its orders and decrees in the matter of his petition, he was entitled to its protection, by being privileged from arrest in the present case, pending the proceedings in his application for relief under the bankrupt law. It was therefore ordered that the relator be discharged from arrest, and that the arresting creditor pay the cost of the proceedings on the writ of habeas corpus.

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