

world, regardless of the pernicious bearing of such a proceeding upon the interests of the foreign creditors of such bankrupt or insolvent debtor; upon the ground, that personal property must be governed by the law of the owner's domicil. *Sill v. Worswick*, 1 *H. Black.* 665; *Philips v. Hunter*, 2 *H. Blac.* 402; *Hunter v. Potts*, 4 *T. R.* 183. And yet it is held by them, that the discharge of a debtor, under the bankrupt or insolvent laws of one country, cannot impair the obligation of contracts made in another, or discharge such debtor from any liability to the claims of his foreign creditors contracted any where else. *Smith v. Buchanan*, 1 *East*, 6; *Lewis v. Owen*, 6 *Com. Law Rep.* 555; *Phillips v. Allen*, 15 *Com. Law Rep.* 269; *M'Kim v. Marshall*, 1 *H. & J.* 101; *Frey v. Kirk*, 4 *G. & J.* 510.

But the weight of American judicial authority, is adverse to such an unfair course of proceeding, and accords in principle with the before mentioned legislative enactments of Maryland, by which the interests of the State's own citizens are to be first and specially regarded; and for that purpose, our law refuses to allow the *proceedings under the bankrupt or insolvent laws of a **497** foreign State, to give any right, or to affect the title to any property belonging to the debtor, and found within this State, in any way whatever. *Hobmes v. Remsen*, 20 *John. Rep.* 229; *Milne v. Moreton*, 6 *Binney*, 353; *Burk v. McClain*, 1 *H. & McH.* 236; *Wallace v. Patterson*, 2 *H. & McH.* 463; *Harrison v. Sterry*, 5 *Cran.* 289; *Ogden v. Saunders*, 12 *Wheat.* 213; *Brickwood v. Miller*, 3 *Meric.* 280; *Kames' Pri. Eq. b. 3, c. 8, s. 6.*

The law in relation to the administration of a deceased foreign debtor's effects found here, is now settled upon the same general principles, that of a duty which the State owes to its own citizens.

According to the ancient common law of England, upon the death of any one intestate his personal estate devolved upon the King, whose duty it was, as sovereign, and as *parens patria*, to take care of, and have justice done to all his subjects; and therefore, he caused the effects of the deceased to be placed in the hands of some fit person, to be administered for the benefit of his creditors and next of kin. After which, this public duty of the sovereign was delegated by him to the clergy; who under the pretext of applying such estates to pious uses, upon the ground, that there was a general principle of piety in the testator, *Moggridge v. Thackwell*, 7 *Ves.* 69, fraudulently appropriated the whole to their own aggrandizement, leaving the creditors of the deceased unpaid, and his next of kin destitute. To prevent these fraudulent practices of the clergy of those times, the Parliament interposed and passed laws, in affirmance of the ancient common law, requiring the bishops to appoint administrators, in whose hands the personal estate of intestates, should be placed, to be administered