

merce, as they are mere municipal rules of law for winding up and adjusting cases of interrupted and broken commerce; they are forced upon debtors, without any alternative, as the only means of escaping imprisonment, and are highly penal in many of their provisions; they cannot, therefore, be considered as in all respects voluntary, and must be, from their very nature, entirely local in their operation.

Hence, it has always been held here, that the bankrupt and insolvent laws of the other states of our Union, as well as of other countries, could not be allowed to operate, in any way whatever, upon the property of the debtor found here, and particularly in contravention of any rule in relation to immoveable property lying within this state, or to the prejudice of any citizen of this state; as they clearly would, if they were allowed to vest any right in the assignees or trustees of such bankrupt or insolvent debtors, or were permitted to give an exclusive right to have such property removed any where beyond the jurisdiction of the state, there to be distributed among all his creditors, including those resident here, which would be, in effect, to restrain our own citizen creditors from touching their absent insolvent debtor's property found here, upon which he had been credited, and to direct them to follow it into a distant and foreign country, there to seek satisfaction according to laws with which, it could not be presumed, they were at all acquainted. (*t*)

Therefore, in discharge of this duty to its own citizens, Maryland, by one of its earliest legislative enactments, not now in force, declared, that where the goods of a debtor sued were not sufficient to pay all his debts within the province, they should be sold at an outcry, and distributed equally among all the creditors *inhabiting within the province*, except that the mere and proper debts of the Lord Proprietary should be first satisfied, and then fees and duties to public officers, and charges; and that debts due for wine and hot-waters be not satisfied till all other debts were paid, (*u*) and by other and still existing acts of assembly, it has provided, that all citizen or country creditors, as they were called, should have made or secured to them a full satisfaction of their claims out of their foreign bankrupt or insolvent debtor's property found here, before it should be removed beyond the jurisdiction of the state. (*w*)

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(*t*) *Holmes v. Remsen*, 20 John. Rep. 229.—(*u*) 1638, ch. 2, s. 11; 2 Boz. His. Mary. 147.—(*w*) 1704, ch. 29; 1753, ch. 36; 1786, ch. 49, s. 3; *Burk v. McClain*, 1 H. & McH. 236; *Ward v. Morris*, 4 H. & McH. 337.