

These, and similar legislative enactments passed by the other colonies, now states of our Union, were, before the revolution, much complained of by the mother country, as bearing hardly and unjustly upon the interests of creditors resident in Great Britain. (*x*) Indeed, England having a greatly extended commerce, and her merchants and manufacturers crediting abroad vastly more than they owe to foreign creditors, has a strong and peculiar interest in contending for a rule which draws to herself the distribution of all the effects which her lucrative commerce has dispersed over the globe; (*y*) and hence, it has long since become the settled policy of the English judiciary, to extend the operation of their bankrupt laws, so as to grasp and gather under their administration, for the benefit of English creditors, the effects of those who may be declared bankrupt under their laws, from all parts of the world, regardless of the pernicious bearing of such a proceeding upon the interests of the foreign creditors of such bankrupt or insolvent debtors; upon the ground, that personal property must be governed by the law of the owner's domicil. (*z*) 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. (*a*)

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

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(*x*) *Ex parte* Blakes, 1 Cox, 398; *Hunter v. Potts*, 4 T. R. 187; *Chalmer's Political Annals*, 689, 693; 1 Chal. Opin. Em. Lawyers, 29. In an opinion of the attorney and solicitor-general, D. Ryder and W. Murray, given on the 3d of June, 1747, to the commissioners of trade and plantations, respecting an act which had been passed in the year 1715, by the general assembly of North Carolina, for giving priority to country debts, they say, 'that such part of the act as postpones the execution on judgments for foreign debts, in the manner therein provided, is contrary to reason, inconsistent with the laws, and greatly prejudicial to the interests of this kingdom; and therefore, unwarranted by the charter; and consequently, void. And we are of opinion, that his majesty may declare the same to be so, and his royal disallowance thereof.' 2 Chal. Opin. Em. Lawyers, 62.—(*y*) *Holmes v. Remsen*, 20 John. Rep. 264.—(*z*) *Sill v. Worswick*, 1 H. Black. 665; *Phillips v. Hunter*, 2 H. Blac. 402; *Hunter v. Potts*, 4 T. R. 183.—(*a*) *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.