

tion with his elder brothers, to provide for their maiden sisters a competent dwelling-house, and a sufficient quantity of arable land for the purpose of working their respective negroes.

C H A P.
X.

III. AND BE IT ENACTED, That any conveyance or deed made by the said John Eversfield, guardian of the said Edward Eversfield, a minor, pursuant to the provisions of this act, shall be valid and effectual to pass and convey all the right, title, interest and estate, of the said Edward Eversfield, in and to the tracts of land above mentioned, to his maiden sisters.

Deed to be va-
lid, &c.

C H A P. XI.

An ACT for the relief of David C. Stewart, Lloyd Buchanan and William P. Stewart, of Baltimore county, insolvent debtors.

Passed 9th of
June, 1809.

WHEREAS David C. Stewart, Lloyd Buchanan and William P. Stewart, heretofore copartners and joint dealers in the trade and business of merchants at the city of Baltimore, by their petition to this general assembly, have set forth, that in or about the month of April, in the year of our Lord one thousand eight hundred and six, from divers unavoidable losses and misfortunes in trade, they became insolvent, and unable wholly to pay and discharge the debts and engagements due and owing from, and entered into by, them; that at an early period of their commercial operations, they entered into an arrangement with the house of Hazlehurst, Brothers and Company, whereby they mutually agreed to accommodate each other with the loan of their credit, by endorsing notes, and becoming securities at the custom-house for the payment of duties, and in the event of misfortune to either, it was stipulated, that the other should be kept indemnified from all loss; that such arrangements were constantly made throughout all the commercial cities of the United States, and that it was hardly possible to carry on an extensive commerce, where credit was essentially necessary, without the existence of some similar understanding; that the said petitioners, being thus circumstanced with the said Hazlehursts, Brothers and Company, at the time of failure as aforesaid, and believing themselves compelled by every honourable as well as equitable obligation, and having in their view the sanction which long established usage had given to the measure, they executed a deed of trust of all and singular their estate, property and effects, in trust, to secure the said Hazlehurst, Brothers and Company, the amount of accommodation, and other securities, which they had entered into solely for the benefit of the said petitioners, leaving them, however, on the same footing with the other creditors of the said petitioners, as to a considerable balance which was due to them on general account; the petitioners further stated, that sometime after their failure, they made application to Baltimore county court for the benefit of the existing laws of this state made for the relief of insolvent debtors, and that having obtained the assent of two thirds in value of their creditors to their discharge, their case came on for hearing at the last March term of the said county court, when it was adjudged and determined by the said court, that the deed or conveyance, so as aforesaid executed by the said petitioners, was an undue and improper preference within the true intent and meaning of the said acts of assembly, notwithstanding the passage of the act explanatory of the original law on that subject was a long time subsequent to the execution of the aforesaid deed: The petitioners further stated, that upon a judgment obtained against them, since their application for the benefit of the insolvent laws, a writ of *capias ad satisfaciendum* has issued, and been served on the said David C. Stewart and Lloyd Buchanan, two of the said petitioners, and that they were immediately after the aforesaid decision of the court, on the prayer of the plaintiffs, committed to the sheriff of Baltimore county, in whose custody they now are; they further stated, that they have not acquired any property, effects or money, since the making of the aforesaid deed by them, nor have they any means wherewith to satisfy their creditors, further than mentioned in a schedule annexed to their petition, now of record in the said county court; and therefore prayed that a special act might pass, to release them immediately from confinement, and from all debts, covenants, contracts and engagements, entered into by them prior to the first day of May, in the year of our Lord one thousand eight hundred and six, upon such terms as might be deemed equitable and proper, and that they might be protected against executions until the obtention of their final discharge; and this general assembly being of opinion, that under the said circumstances, the prayer of the said petitioners is reasonable, therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That upon the application of David C. Stewart, Lloyd Buchanan and William P. Stewart, or either of them, to the county court of Baltimore, or to any one of the judges of the sixth judicial district, in the recess of the said court, for the benefit of this act, the said court, or any one of the judges aforesaid, shall order the sheriff of Baltimore county, in whose custody the said David C. Stewart and Lloyd Buchanan are confined, to bring the said David C. Stewart and Lloyd Buchanan immediately before the said court, or judges, as the case may be, for the purpose of taking the oath hereafter mentioned; and in case the said

On application
court to order
the sheriff, &c.