

1812.

there be any one or more of the heirs or devisees of any deceased person residing in the county in which the said person was resident at the time of his death, or in which his real estate or some part thereof was situated, then and in such case the capias ad respondendum shall issue forth out of the county court of the county in which the deceased died, or in which his real estate or some part thereof is situated.

Demise of defendants while actions are pending.

4. AND BE IT ENACTED, That the defendant in any suit or action now depending, or which may hereafter be brought in any county court of this State shall die pending such suit or action, and his executor or administrator shall reside in a different county than that in which such suit or action may be depending, and it shall and may be necessary to make such executor or administrator a party to such suit or action, it shall and may be lawful for the clerk of the county court in which such suit or action shall be depending, to issue a summons directed to the sheriff of the county in which the executor or administrator of the deceased defendant may reside, returnable to the county court from which the same issued, and the sheriff of the county to whom any such summons shall be directed and delivered, shall serve the same and make return thereof to the court from which it issued, and the same proceedings shall and may be thereon had as is provided by the first section of the act passed in seventeen hundred and eighty five, chapter eighty.

CHAPTER 146

*An act to lay out and open a road in Baltimore county.*

Passed Dec. 28, 1812.

Commissioners to lay out and open said road—its width and direction—repair.

SEC. 1. BE IT ENACTED by the General Assembly of Maryland, That Thomas Merideth, Abraham Slade and David Gorsuch be, and they are hereby appointed commissioners, and they or a majority of them are hereby authorised and empowered to lay out and open a road, commencing in the Old York Road at the place where the road leading to Elisha and David Gorsuch's mills intersects the said Old York Road, and from thence to the said Baltimore and York Turnpike Road, near the widow Margaret Calder; and the said commissioners or a majority of them shall make out a plot of said road, and return the same to the clerk of Baltimore county court, to be recorded among the records of said county, and the said road when opened and recorded as aforesaid, and the valuation herein after directed