

C H A P. XLII.

An ACT to open a road from Pratt-street Extended, through the land of James Carroll, till it intersects the road to Elk-Ridge Landing, and to shut up and stop all those parts of the old Frederick and Garrison roads therein mentioned.

Passed January 20.

BE it enacted, by the General Assembly of Maryland, That William Hammond, Cornelius Howard and James Baker, or any two of them, be commissioners to lay off a road from Pratt-street Extended, across the lands of James Carroll, at the expence of the said James Carroll, to the road leading to Elk-Ridge Landing, thirty feet wide, and to return a plot of the same to Baltimore county court, which shall for ever thereafter be deemed and taken to be a public road.

Commissioners appointed, &c.

II. And be it enacted, That when the road aforesaid is laid out and opened, that then all that part of the old Frederick road near the city of Baltimore, on the lands of the Baltimore company and James Carroll, which branches from the road leading from the city of Baltimore to Elk-Ridge Landing, and afterwards unites with the Frederick turnpike road, about one hundred and eighty perches westwardly of Gwinn's falls, be stopped and shut up, and hereafter not considered as a public road.

Old Frederick road to be stopped.

III. And be it enacted, That all that part of the old Garrison road running on the land of the said James Carroll to the southward of the Frederick turnpike road, be and is also stopped and shut up, and hereafter is not to be considered as a public road.

Old Garrison road to be shut up.

C H A P. XLIII.

An ACT for the speedy recovery of monies levied or received by sheriffs and collectors.

Passed January 20.

BE it enacted, by the General Assembly of Maryland, That in all and every case where the sheriff or collector of any county within this state shall hereafter levy, and collect or receive, or ought to levy and collect, any sum or sums of money or tobacco for the use of any person or persons whatsoever, and shall refuse or neglect to pay over the same to the person or persons, or to the order of the person or persons, entitled or authorized to receive the same, by the time required by law, it shall and may be lawful, and the several county courts or general court, as the case may be, are hereby required, upon motion made on behalf of the person or persons entitled or authorized to receive the money or tobacco levied and collected as aforesaid, or which ought to be levied and collected as aforesaid, and on producing to the court before whom such motion shall be made a stated account of the demand, supported by such affidavit or voucher as the court shall reasonably require, to order a judgment to be entered, and an immediate execution to issue thereon, against the person or property of such sheriff or collector, to levy and compel the payment of such sum of money or tobacco so due and payable; provided, that a copy of the demand, and notice of such intended motion, be delivered in writing to such sheriff or collector, or left at his last place of abode, for the space of twenty days previous to the sitting of the court at which such application shall be intended, and that proof thereof be made to the satisfaction of the court; and provided also, that if such sheriff or collector shall, in person or by attorney, controvert the demand, and desire a jury to be impannelled to ascertain the sum of money really due and payable, the court shall direct a jury to be immediately impannelled and charged to try and ascertain an issue, whether the said sheriff or collector be chargeable with and liable to pay any and what sum or sums of money or tobacco to the person or persons so claiming and authorized to receive the same; and the court are hereby empowered and required, upon such verdict of the jury, to pass judgment against the said sheriff or collector, upon which there shall be no writ of error, *superfedeas*, injunction or appeal, and to award execution thereon as upon all other cases of judgment had in the said courts.

On any sheriff, &c. neglecting to pay, judgment may be entered against him, &c.