

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 authorised 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, superseas, injunction or appeal, and to award execution thereon as upon all other cases of judgment had in the said courts.

C H A P.
XLIII.

II. AND BE IT ENACTED, That if any deputy-sheriff or deputy-collector, intrusted by his principal to levy and collect any sum or sums of money or tobacco due from the inhabitants of any district or hundred in which such deputy shall be appointed to serve, shall neglect or refuse to render and settle his accounts with his principal when thereto lawfully required, according to the terms of the contract subsisting between them, it shall and may be lawful to and for the respective county courts, and they are hereby authorised and required, upon motion made to them in behalf of the principal sheriff or collector to whom such deputy-sheriff or deputy-collector shall respectively be indebted, and on producing to such court a stated account of his demand, supported by satisfactory proof, to order a judgment to be entered, and an immediate execution to be awarded thereon against the person or property of such deputy-sheriff or deputy-collector, to levy and compel the payment of such sum or sums of money or tobacco as shall appear to be due and payable; provided, that a copy of such account, and twenty days notice of such intended application, be delivered in writing to such deputy-sheriff or deputy-collector, as herein before directed; and provided also, that in case of controversy, and the demand of a trial thereof by a jury, such proceedings shall be had as are herein before provided, for the trial thereof at the same term, and judgment shall be rendered on the verdict, and an execution awarded, as aforesaid; and no writ of error, superseas, injunction or appeal, shall be allowed; and provided also, that nothing herein contained shall be construed or deemed to deprive the parties of their proper remedy upon their contract, if they shall choose to proceed at law or equity upon the same.

And against
any deputy, &c.

C H A P. XLIV.

An ACT to alter, abolish and repeal, such parts of the second, third, fourteenth and forty-second Sections of the constitution and form of government, as relate to the judges, time, place and manner, of holding the several elections therein specified. Lib. JG. No. 2. fol. 633. Passed 20th of Jan. 1798.

By this act it was declared, that if it should be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directed, that in such case the said act, and the alteration of the said constitution contained therein, should be considered as a part, and should constitute and be valid as a part, of the said constitution and form of government; this was not done.

C H A P. XLV.

An ACT to open a road from Middle-town to New-town, Trap or Freedom, in Frederick county. Lib. JG. No. 2. fol. 634.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Frederick county, that they experience great inconvenience for want of a direct road from Middle-town to New-town, Trap or Freedom, and praying a law may pass appointing commissioners to open a road, at the expence of the county, on the most direct course from Middle-town to New-town, Trap or Freedom; and it appearing that the same would be of great public convenience, therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That Joseph Swearingen, Frederick Stembell and Elias Delashmutt, be and they are hereby appointed commissioners for that purpose, and any two of them are hereby authorised to lay out and open, at the expence of Frederick county, a road, not exceeding twenty-five feet wide, from Middle-town to New-town, Trap or Freedom, in said county, in the most convenient direction they may think proper; and the said road, when so laid out and completed, shall be recorded among the records of said county, and be thereafter deemed and taken to be a public road, and shall be kept in repair as other public roads in said county are directed to be kept.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That the commissioners aforesaid shall and they are hereby directed to apply to any justice of the peace for the county aforesaid, who shall issue his warrant, under hand and seal, directed to any constable of the said county, commanding him to summon twelve reeholders disinterested as to the lands, and not connected with any person through whose lands the said road may pass, to appear at a place and on a day by him to be appointed, and after taking the following

Damages to be
ascertained, &c.

oath,