

Zachariah Maccubbin's mill, and thence to Log-town; and it appearing that the same would be of great public convenience, therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That Hezekiah Veatch, Thomas Howard, John Wailes, Greenbury Howard, Godshall Douglas, Charles Wharton and John Henderson, be and they are hereby appointed commissioners for that purpose, and any three of them are hereby authorised to lay out and open, at the expence of Montgomery county, a road not exceeding thirty feet wide, from Barnsville to Zachariah Maccubbin's mill, and thence to intersect the main road leading from Frederick-town to George-town, at or near Log-town, 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.

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 five freeholders, 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 oath, or affirmation, as the case may be, to wit: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act," shall proceed to ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening and clearing the same, and shall return the damages by him assessed to the clerk of the said county, and the damages so assessed shall be conclusive, and after the valuation so made the said commissioners shall proceed to open and clear the same; provided, that the said road shall not pass through any houses, gardens, orchards or meadows, unless with the consent of the owner thereof.

IV. AND BE IT ENACTED, That the clerk of the said county at the next levy court following, shall lay the damages so assessed before the said court, and the justices of the said court shall levy upon the assessable property of the said county, the damages so adjudged to be sustained by the persons through whose lands the road as aforesaid shall pass, and which sum, when collected, shall be paid to the person or persons sustaining such damages, by the collector of said county.

V. AND BE IT ENACTED, That all the expences to be incurred in the opening and laying out the said road, shall be returned by the commissioners aforesaid to the levy court of said county, and the said levy court are hereby authorised and required to levy the amount thereof, together with the collector's commission for collecting the same, on the assessable property of said county, and the said collector shall pay the same to the persons respectively entitled to receive the same, or to their orders.

VI. AND BE IT ENACTED, That each commissioner appointed in virtue of this act shall be entitled to receive at the rate of two dollars *per diem* for every day that such commissioner shall be employed in performing the duties required by this act, which said allowance shall be levied, collected and paid, to the said commissioners, in the same manner as other expences are directed to be levied and paid by this act.

C H A P. X.

## An ACT to vest temporary powers in the several clerks in the several counties of this state.

Passed 25th of  
January, 1806.

BE IT ENACTED, by the General Assembly of Maryland, That the several clerks of the several county courts, until other provision shall be made by law, be and they are hereby authorised, directed and empowered, to issue judicial and original writs, and other mesne process, in the same manner and form, and tested, as writs and process have issued and been tested under the late judiciary system; and the said writs and other process shall be made returnable to the places, and at the times, fixed by law at the time of the passing of the act, entitled, An act to provide for the trial of facts in the several counties of this state, and to alter, change and abolish, all such parts of the constitution and form of government as relate to the general court and court of appeals, and the said writs and other process which have issued and which may issue as aforesaid, shall be valid and have the same effect, to every legal intent and purpose, as writs and process which have issued previous to the passage of said act.