

C H A P. XXI.

and in case any constable shall make due return of any execution directed to him as aforesaid, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him, it shall be lawful for the justice before whom the said writ of execution is returned, at the request of the plaintiff, his agent or attorney, at any time within sixty days from the return day of said execution, to enter judgment for the plaintiff against the said constable, and his securities, for the amount of the debt and costs, on which judgment execution may issue immediately, directed to the sheriff of the county, or the constable of any hundred in said county, who is hereby directed to execute the same; provided, that such judgment shall not be entered until proof shall be made, on oath or affirmation, that the debt and costs have been demanded by the plaintiff, his agent or attorney, of the said constable, and that he hath refused or neglected to pay the same.

Justice may issue execution, &c.

III. AND BE IT ENACTED, That any justice imposing any fine by virtue of this act, may issue execution for the same in the nature of *capias ad satisfaciendum* or *feri facias*, directed to the sheriff, or the constable of any hundred in said county, and the same shall be applied towards defraying the county charges.

Constable may have the same remedy, &c.

IV. AND BE IT ENACTED, That if any constable, against whom judgment shall be entered as aforesaid, shall satisfy the plaintiff the amount of his debt and costs, he shall have the same remedy against the defendant, on the plaintiff's judgment against him, as the plaintiff himself might originally have had.

Duration.

V. AND BE IT ENACTED, That this act shall continue to be in force for and during the continuance of the act to which this is a supplement.

Part of an act repealed.

VI. AND BE IT ENACTED, That so much of the act to which this is a supplement, as is contrary to, or inconsistent with, this act, be and the same is hereby repealed.

C H A P. XXII.

Passed 31st of Dec. 1806.

An ACT to enable the levy court of Washington county to alter and change the direction of a road therein mentioned.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Washington county, that considerable inconvenience results to a number of said inhabitants, from the present direction of a road leading from Ashe's Ford, on Conococheague creek, to the intersection of said road with the main road leading from Hagar's-town to Little Conococheague creek, both on account of its circuitry and the badness of the ground over which it now passes, and that if said road were laid out, beginning with the present one at Ashe's Ford, on Conococheague creek, and running with the same to Lick run, then departing from the present road in a direction to intersect the Williams Port road leading into the Hagar's-town, at or near the lands of the heirs of the late Baltzer Moudy, that it would be shortening the present route forty perches, and run over much better ground; and it appearing reasonable and proper to this general assembly to remove those inconveniencies which clash with the interest of individuals, when such removal will not militate with public convenience, therefore,

Court to appoint commissioners, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That the levy court of Washington county, if they, or a majority of them, should think that a road laid out in the direction suggested by the petitioners, in the preamble of this act, would be beneficial to said county, shall have full power and authority to appoint three commissioners to view said ground, and lay out a road, not exceeding thirty feet wide, in the straightest direction the ground will admit of, and have it surveyed, and plain plots made of the same, and return said plots to the levy court of the county aforesaid, under their hands; and said commissioners shall have full power to bargain and contract with any person or persons over whose land the said road may pass, or adjudge the damages any person or persons may sustain by the said road, and make a return of all contracts made by them for lands or damages adjudged by them by reason of opening said road, to the levy court, under their hands, and the said court may order the same to be recorded, or reject the same, or any part thereof; and the levy court shall levy on the assessable property of Washington county the expence of the commissioners for viewing and surveying said road; and if the levy court shall confirm the said road, agreeably to the return of said commissioners, and cause the same to be recorded, the levy court shall then appoint a supervisor or supervisors to clear and open said road, not exceeding thirty feet in width, and may levy the expence of said road upon the assessable property of Washington county; or should the levy court be of opinion that the public utility will not be promoted by the alteration in the direction of said road, as contemplated by the petitioners for such alteration, in that case the court shall