

Power to use. nine, as aforesaid, and shall have power to use the most direct county roads to those places, or to diverge from the same at will, by and with the consent of the County Commissioners of Howard and Montgomery counties.

In force. SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved February 21, 1878.

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CHAPTER 40.

AN ACT to add an additional section to article five of the Code of Public General Laws, entitled "Appeals."

Additional section. SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the following additional section shall be added to article five of the Code of Public General Laws, entitled "Appeals."

Court of Appeals to remit. Deduct from the term. SEC. 2. *And be it enacted*, That whenever any writ of error or appeal shall be brought upon any judgment, or any indictment, information, presentment, inquisition, or conviction in any criminal case, and the Court of Appeals shall reverse the judgment for error in the judgment, or sentence itself, it shall be the duty of the Court of Appeals to remit the record to the court below, in order that such court may pronounce the proper judgment upon such indictment, information, presentment, inquisition, or conviction; provided, however, that it shall be the duty of the court in passing any sentence under the provisions of this section to deduct from the term of sentence the time already served by the prisoner under the previous sentence from the date of his conviction.

Approved February 21, 1878.