

Passed December 22.

An additional supplement to an act, entitled, An act directing the time, places and manner, of holding elections for representatives of this state in the congress of the United States, and for appointing electors on the part of this state for choosing a president and vice-president of the United States, and for the regulation of the said elections, and also to repeal the act of assembly therein mentioned.

Preamble.

WHEREAS the said act does not prescribe what evidence shall be competent to convict the several sheriffs failing to deliver or transmit to the governor and council, within the time therein limited, returns of the elections of representatives to congress, or of electors of president and vice-president; and it is necessary, for the purpose of giving effect to the provisions of the said act, that some mode, compelling the payment of the penalties thereby imposed on sheriffs failing to comply therewith, should be established,

Upon presentment, a certificate to be evidence, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That upon any presentment or indictment hereafter preferred against any sheriff, for failing to make any of the said returns to the governor and council within the time limited by the act to which this is a supplement, and also upon the trial of such indictment, a certificate from the governor and council, signed by the governor, and attested by the clerk of the council, and also authenticated by having the great seal affixed thereto, of the true time when any such return was by them received, shall be good and competent evidence thereof; or, in case no return has been made, a certificate from the governor and council as aforesaid, that there has been no return made, attested and authenticated as aforesaid, shall be good and competent evidence that no return has been made.

Passed December 22.

An ACT to establish the road from Baltimore-town towards Frederick-town, by Ellicott's upper mills, as far as the Poplar Spring, as a public road, and for other purposes therein mentioned.

Preamble.

WHEREAS sundry inhabitants of Baltimore, Anne-Arundel, and Frederick counties, by their humble petition to this general assembly, have set forth, that from time immemorial there hath been a road leading from Baltimore-town to the town of Frederick, by Dillon's Field, Ellicott's upper mills, Cumming's new buildings, Fox's, the Red-House tavern, Cook's tavern and the Poplar Spring, and that it never having been made a public road by law, they are deprived of the benefit and utility of the same, to their great injury and inconvenience, by its not being established a public road as aforesaid; and the prayer of the said petitioners appearing to this general assembly to be reasonable; therefore,

Road deemed public, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That the aforesaid road leading from Baltimore-town towards the town of Frederick, by the aforesaid places, as far as the Poplar Spring, be, and the same is hereby declared, deemed, and taken to be, a public road for ever, any law to the contrary in anywise notwithstanding.

Commissioners appointed, &c.

III. *And be it enacted,* That Charles Alexander Warfield, Levin Lawrence and Thomas Hobbs, or any two of them, be and are hereby appointed commissioners on the aforesaid road for Anne-Arundel county, and Thomas Worthington, Zachariah Maccubbin and Daniel Carroll, or any two of them, be and are hereby appointed commissioners on the aforesaid road for Baltimore county; and that they, or any two of them, are hereby authorized and empowered to lay out, mark and bound the same, not more than forty feet in width, agreeable to its
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