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out favor partiality or prejudice, such person as governor or members of the council as they in their judgment and conscience believe best qualified for the office," be, and the same is hereby repealed.

Confirmatory clause.

2. *And be it enacted*, That if this act shall be confirmed by the General Assembly, after the next election of delegates in the first session after such election, as the constitution and form of government directs, in such case this act and the alteration in the said constitution contained therein, shall be considered as a part, and shall constitute and be valid as a part of the said constitution and form of government to all intents and purposes, any thing therein contained to the contrary notwithstanding.

CHAPTER 480.

Passed Feb. 22, 1825.

An act to repeal an act entitled, An act to provide for the appointment of Commissioners for the regulation and improvement of the Town of Cumberland in Allegany county, and to incorporate the same; together with the supplements thereto, and for other purposes.

Former act repealed.

SEC. 1. *Be it enacted by the General Assembly of Maryland*, That the act entitled, An Act to provide for the appointment of commissioners for the regulation and improvement of the town of Cumberland in Allegany county, and to incorporate the same; and the several acts supplementary thereto, be, and the same are hereby repealed.

Proceedings against persons for driving or riding over pavements.

2. *And be it enacted*, That it shall not be lawful for any person to drive any carriage, wagon, or vehicle of any description, or to ride or drive any horse upon or over the paved footways of the said town of Cumberland; and any person driving any carriage, wagon or other vehicle, or riding, or driving any horse over such footways, shall forfeit and pay the sum of two dollars for every such offence; and it shall be, and is hereby made the duty of any constable of the Cumberland hundred, in whose view any offence against the provisions of this act shall be committed, to arrest the person driving such carriage, wagon or other vehicle, or riding or driving any horse over such footways, and to carry such offender before some justice of the peace, resident within said town, who upon proof made of the commission of such offence by the oath of the constable or other creditable person, shall give judgment for said fine and costs in the name of the state of Maryland, against such offender, upon which judgment there shall be no supersedeas; and on which, if not paid, an execution shall be issued immediately by said justice, returnable before himself or some other justice of the peace, resident in said town, and named in such execution, and directed to some constable of the Cumberland Hundred, whose duty it shall be to serve and execute the same, and to pay over the fine and costs to the justice before whom the said execution is returnable, and the costs to the officers entitled to the same; and it shall be the duty of the justice receiving such fine to pay the same over to the levy court of Allegany county, for the use of said county.

Duty of Justice of the peace.

3. *And be it enacted*, That it shall be the duty of any justice of the peace, resident within the town of Cumberland; and any such justice is hereby authorized and required upon proof made