

Thursday November the 11. 1802

The Council met. Present His Excellency the Governor and all the Council.

By the Petition of John Tomlinson of Allegany County it appears that at the Court of the said County at October Term 1802 he was fined the sum of five hundred Dollars for not attending as the first named Judge of the fourth Auction District of Allegany at the Court House of said County on the second day after the Election of Representatives for the said County held at October Term 1801 with the Book of Polls he having acted as Judge of said Auction. The Petitioner further states that being ignorant that it was his duty to attend at the Court House of Allegany County on the second day after the said Election with the Book of Polls, Mr. Robert Tows one of the Judges of the said Auction District who also had attended as Judge of said Auction did attend at the Court House aforesaid on the second day after said Election with the Book of Polls for the purpose of casting up the whole number of Votes in the several Auction Districts of the County aforesaid. The Petitioner states that he had no intention of defeating the Election but that his non attendance proceeded from an ignorance of his duty. That as soon as he was informed that it was necessary for him to attend he did so at the place aforesaid for the purpose of casting up the Votes and signing a Return of said Auction. He therefore prays to be released from the said fine. The aforesaid facts having been proved by the oath of the said John Tomlinson. The Honble Purvey President being then absent and the Council divided in opinion, His Excellency the Governor gave the casting vote for remitting the one half of said fine belonging to the County.

John F. Mercer
Edward Haffis
Davidson David

Ordered That the Proceedings of the Council shall be regularly entered on a Journal each day, and that on the succeeding day, previous to any other act, the same shall be read over by the Clerk, and signed by the Governor or the Member of the Council presiding before which any Member may move to reconsider any part thereof which may not have been carried into execution, and the same shall be considered as subject to alteration by a subsequent vote of the Council.

John F. Mercer