

No. 42.

A N A C T

Relating to opening new roads and building bridges, in the township of East Fallowfield, Chester county, and relative to a certain state road in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, in all cases when the supervisors of the township of East Fallowfield, Chester county, are or hereafter shall be required by law to open any new road that shall be laid out in said township, or to erect any bridge therein, before they proceed to do so it shall be their duty, and they are hereby required to call a meeting of the taxable citizens of said township, upon at least ten days' notice, to be put up in at least six public places in said township, designating distinctly the time and place where and when such meeting shall be held. Duties of Supervisors.

SECTION 2. At the meeting of the citizens of said township, assembled as aforesaid, it shall be the duty of a majority of them to decide whether the new road about to be opened, or the bridge to be erected, as the case may be, shall be sold out to the lowest bidder, or opened or erected in the manner now directed by law. Citizens to decide

SECTION 3. In case it shall be decided that the work to be done shall be sold to the lowest bidder, then it shall be the duty of the supervisors, and they are hereby directed to give at least six days' notice of the selling or letting of said work, in at least six public places in said township, and on the day appointed for that purpose, shall sell or let the said work to the person or persons who shall offer to do the same for the lowest price: *Provided,* They shall give satisfactory security to the supervisors that they will perform the work according to contract. Supervisor to sell or let to lowest bidder. Proviso.

SECTION 4. The contract for any work let under this act shall be in writing, signed by the supervisors and the contractors in duplicate, and a copy thereof retained by each party; and when the work is alleged to be completed, the court of quarter sessions of said county, upon petition to that effect, shall appoint three competent citizens, whose duty it shall be to inspect the work and report to the court whether the same has been performed according to contract; and when so reported, and the report confirmed, it shall be the duty of the supervisors to pay without delay the contract price for the work aforesaid. Contracts. Court to appoint inspectors. Pay.

SECTION 5. In case the citizens of said township shall not decide that the supervisors shall sell or let the work as aforesaid, then and in that case they shall proceed to have the same performed in the manner now directed by law. Supervisors to do the work.

SECTION 6. So much of any act or acts of assembly as is hereby supplied, the same are hereby repealed, so far as they apply to the township of East Fallowfield aforesaid. Repeal.

SECTION 7. That Richard M. Barnard, John Cox and William Taggart, are hereby appointed commissioners to review that part of a state road laid out from Downingtown, in the county of Chester, by the way of Parkersville to the Delaware state line, commencing where the said road crosses the line of land between Stephen Webb and William Commissioners appointed to lay out a state road from Downingtown and Parkersville to Delaware state line.

House, in the township of Pennsbury, and terminating at the junction of the said road with the Wilmington road, near Bennett's mill.

Duties of commissioners.

SECTION 8. It shall be the duty of the said commissioners, or a majority of them, (first taking an oath or affirmation before some justice of the peace to perform the duties enjoined on them by this act with impartiality and fidelity,) to proceed as soon after the passage of this act as convenient, to review that part of said road beginning and ending as aforesaid, and alter and change the same as they shall deem expedient;

Power to vacate.

and also to vacate any part or parts of said road that shall or may be supplied or rendered useless by the aforesaid alteration; and the said road shall thenceforth become a public highway, under all the regulations and provisions of the act authorizing the laying out the said road:

Proviso.

Provided, The vertical departure from a horizontal line shall not exceed five degrees, except where reasonable allowance shall be made for cutting and filling.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 43.

AN ACT

Allowing Thomas C. M'Dowell, compensation for professional services rendered the commonwealth.

Preamble.

WHEREAS, Thomas C. M'Dowell, of the county of Cambria, has been subjected to much expense and labor in taking testimony, and preparing and arguing before the honorable Molton C. Rodgers, one of the justices of the supreme court of this commonwealth, a motion for a new trial in the case of the commonwealth, *versus*, Bernard and Patrick Flanagan, who were tried and convicted for the murder of Elizabeth Holder, a citizen of Cambria county, at a court of oyer and terminer, held in and for said county, in October eighteen hundred and forty-two:

And whereas, The services rendered the commonwealth in the above stated case, by the said Thomas C. M'Dowell, were unusual and laborious, and were required by a special act of the legislature of this commonwealth, passed the twenty-fifth day of April, eighteen hundred and forty-four, authorizing one of the justices of the supreme court of this commonwealth, to hold a special court of oyer and terminer in Cambria county, to entertain a motion for a new trial in the aforesaid case; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*