

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*

the auditor general be and he is hereby authorized to draw his warrant Auditor General on the state treasurer, in favor of the said Thomas C. M'Dowell, for to draw warrant the sum of one hundred dollars, for professional services rendered, and on state treasurer money expended in taking testimony, and conducting the argument be- in favor of T. C. fore the honorable Molton C. Rodgers, one of the justices of the su- M'Dowell for \$100. preme court of Pennsylvania, at a special court of oyer and terminer, held in Cambria county in July, eighteen hundred and forty-four, on a motion for a new trial in the case of the commonwealth, *versus*, Bernard and Patrick Flanagan, for the murder of Elizabeth Holder, a citizen of Cambria county.

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. 44.

AN ACT

To authorize the auditor general to re-examine the accounts of Jacob Ziegler, late superintendent of the Gettysburg railroad.

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 the auditor general be and he is hereby authorized to open and examine the accounts of Jacob Ziegler, late superintendent of the Gettysburg railroad, and allow him such credits for services rendered, as may, upon clear proof exhibited, be just and equitable.*

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.