

ceed to sell by public vendue the said sections to the lowest and best bidder, and after having allotted said sections shall direct the persons to whom said allotments have been made to proceed immediately to open the same; and in case of neglect or failure of any contractor to open his section or sections agreeably to the terms upon which he received such contract, the supervisor shall dispose of said section or sections at a subsequent sale by like proceedings as was had in the first sale; and if the price exceeds the previous allotment the person to whom the previous allotment was made shall be liable for said excess and for all expenses incurred in effecting said second sale. After said road has been opened it shall be kept in repair by the townships through which it passes, in the same manner that other roads are now repaired.

Repeal of
part of former
act

SECTION 46. That the twentieth section of an act entitled "An Act relating to roads, highways and bridges," passed thirteenth June, eighteen hundred and thirty-six, is hereby repealed, so far as it applies to this act.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 77.]

AN ACT

Concerning a certain trial for murder in Cambria 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 the court of oyer and terminer of Cambria county are hereby authorized and required to enter, if requested by the defendants in the case of the Commonwealth against Bernard Flanagan and Patrick Flanagan, indicted for the murder of Elizabeth Holden, a rule to shew

B. & P. Flanagan

cause why the sentence of the court and the verdict of the jury should not be set aside in said case, a new trial be granted, and if said court should, on hearing, be satisfied, that according to the principles which ought to govern in such cases, a new trial should be granted, the said courts are hereby authorized to make the said rule absolute; and if a new trial be thus granted, the case shall be proceeded in by said court as soon as practicable to another trial and final judgment.

SECTION 2. That in case the president judge of said court should desire that said rule, the hearing thereof, and the new trial, if one be granted, should be had before some other judge, then it shall be the duty of said president judge to certify had these facts to the president judge of the fourth judicial district, who is hereby authorized and required to preside in said court of oyer and terminer, and to do and perform, with one or more of the associate judges of said county, all things specified in the first section of this act, touching the rule to shew cause, and the final disposition of said case, with like effect and force as if done before the proper president of said court; and no informality in process or otherwise shall vitiate any proceeding under this act; and said court shall have all the powers necessary to carry the true intention thereof into full effect; and may adjourn from time to time until said case is finally determined.

SECTION 3. That the costs of prosecution hereafter incurred, including fifty dollars as a fee to the deputy attorney general in said case, being taxed in the usual manner, and approved by said court and by the auditor general, shall be paid out of the state treasury.

SECTION 4. That it is hereby declared, that the provisions of this act shall not be construed into an expression of any opinion of the legislature, as to the guilt or innocence of the defendant.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.