

No. 124.

A SUPPLEMENT

To the 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 one of the judges of the supreme court is hereby authorized and required to hold, at the court house in the county of Cambria, in conjunction with one or more of the associate judges of said county, on the fourth Thursday of April, one thousand eight hundred and forty-four, a special court of oyer and terminer, and to hear and determine a rule to shew cause why the verdict of the jury and sentence of the court of oyer and terminer of said county, in the case of the commonwealth against Bernard Flanagan and Patrick Flanagan, indicted for the murder of Elizabeth Holden, should not be set aside, and a new trial be granted on cause shewn by the defendants; and the said court hereby directed to be held, shall have all the powers as to adjournment, issuing subpoenas, and other process in the case, which were conferred by the act to which this is a supplement, and which may be necessary to carry into full effect the intention and provisions of this act.

One of the judges of supreme court to hold oyer and terminer in Cambria county.

SECTION 2. That if the said court shall grant a new trial to the said Bernard Flanagan and Patrick Flanagan, then, and in that case, the indictment against the said Bernard Flanagan and Patrick Flanagan, for the murder of the said Elizabeth Holden, together with the entire record of said case, duly certified by the proper officers, shall be removed to and tried without delay by the court of oyer and terminer of Huntingdon county; and, if a new trial should be granted as aforesaid, the sheriff of Cambria county is hereby authorized and required to deliver the said Bernard Flanagan and Patrick Flanagan to the sheriff of Huntingdon county, who is hereby directed and required to receive and safely keep and detain them, the said Bernard Flanagan and Patrick Flanagan, in the jail of Huntingdon county, until they shall have been tried, and the final judgment of the court in the premises executed; and the said sheriff of Huntingdon county is hereby required to perform all the duties which would have devolved on the sheriff of Cambria county, if the said indictment had been prosecuted to final judgment in the said county of Cambria.

Indictment, &c., to be tried in Huntingdon county.

SECTION 3. That the legal costs incurred by the county of Cambria since the fifth day of April, eighteen hundred and forty-three, and the costs of prosecution which shall hereafter necessarily accrue in said case, shall be paid by the State Treasurer on the settlement of an account thereof, in the manner provided in the third section of the act to which this is a supplement: *Provided*, That the costs of prosecution to be paid by the commonwealth, shall not exceed five hundred dollars; and so much of any law as is hereby altered, the same is hereby repealed.

Costs, how paid.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.