

No. 268.

A FURTHER SUPPLEMENT

To the act, entitled "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 so much of the act, entitled "A supplement to 'An Act relating to a Part of former certain trial for murder in Cambria county,' passed the fourth day of law repealed. April, one thousand eight hundred and forty-four," as authorizes and requires one or more of the associate judges of Cambria county, to sit with one of the judges of the supreme court in the special court of oyer and terminer, therein provided to be holden, for the purpose of hearing and determining a rule, to shew cause why the verdict of the jury, and the sentence of the court of oyer and terminer of Cambria county, in the case of the commonwealth against Bernard Flanagan and Patrick Flanagan, should not be set aside, and a new trial granted, be, and the same is hereby repealed; and the judge of the supreme court, who shall hold the said special court, is hereby authorized and required to hold the said court at the court house in Cambria county, on some day prior to the fourth day of July, A. D., one thousand eight hundred and forty-four, notice of which shall be given by the said judge, to the clerk of the court of oyer and terminer of said Cambria county, at least two weeks before the said hearing; and on the hearing of the rule provided for in said act and supplement, the said judge shall examine the record of the court of oyer and terminer of said county in the said case, and shall have power to receive the testimony of witnesses, either through depositions or by oral examination.

Power of judge
of the supreme
court.

SECTION 2. A certified copy of the record, in the above case, shall be transmitted to the special court aforesaid, by the clerk of the court of oyer and terminer of said county, and the said clerk shall act as clerk of the said special court; and in case a new trial shall be granted, the record shall be remitted to the court of oyer and terminer of Huntingdon county, to be proceeded in according to the act to which this is a supplement, and in case the motion for a new trial be over-ruled, then said record shall be remitted to the court of oyer and terminer of Cambria county, for execution.

Record certified.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.