

No. 445

AN ACT

Regulating indictments and trials in the courts of oyer and terminer and quarter sessions of the peace.

Section 1. Be it enacted, &c., That whenever any indictment, other than an indictment for murder, shall be found in any court of oyer and terminer, or quarter sessions of the peace, of the county where the offense was committed, for any crime not triable under existing law in the court where found, the court may nevertheless proceed with the trial of the accused in the court in which such indictment was found, unless the court shall, upon motion of the accused, certify the indictment to the proper court for trial. No motion made after verdict, or writ of error or appeal, based on a failure to indict or try a defendant or defendants in the proper court, as provided by existing law, shall be granted or sustained, unless it be affirmatively shown that the accused was in fact prejudiced in his defense upon the merits and a failure of justice has resulted.

Criminal procedure.

Indictments and trials in oyer and terminer and quarter sessions.

APPROVED—The 10th day of May, A. D. 1927.

JOHN S. FISHER

No. 446

AN ACT

Regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties.

Section 1. Be it enacted, &c., That every corporation, joint-stock association, limited partnership or company, now or hereafter incorporated or organized under the laws of this Commonwealth, or under the laws of the United States or any other state, and engaged in business in this Commonwealth, which shall sell in bulk fifty-one per centum or more of any stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment, buildings or real estate, shall give the Auditor General ten days' notice of the sale, prior to the completion of the transfer of such property. It shall also be the duty of every corporation, joint-stock association, limited partnership or company to file all State tax reports with the Auditor General to the date of such proposed transfer of property, and pay all taxes due the Commonwealth to said date. The seller shall present to the purchaser of such property a certificate from the Auditor General showing that all State tax reports have been filed and all State taxes paid to the date of the proposed transfer. The failure of the purchaser to require this certificate shall render such purchaser liable

Sales of property in bulk by corporations, joint-stock companies and limited partnerships.

Notice to Auditor General.

Reports to be filed and tax paid.

Certificate to be presented to purchaser.