

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.

Proviso. to the Commonwealth for the unpaid taxes owing by the seller or transferer: Provided further, That nothing contained in this act shall apply to sales made under any order of court, or to any sales made by assignees for the benefit of creditors, executors, administrators, receivers or any public officer in his official capacity, or by any officer of a court.

Repeal. Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

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

JOHN S. FISHER

No. 447

AN ACT

To amend section one of the act, approved the twenty-fourth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred seventy-nine), entitled "An act to fix the salary and mileage of members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," increasing the compensation of members of the General Assembly.

General Assembly.

Section 1 of act of June 24, 1919 (P. L. 579), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-fourth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred seventy-nine), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," is hereby amended to read as follows:

Salary of members.

Section 1. Be it enacted, &c., That the salary of the members of the General Assembly shall be [two thousand five hundred dollars (\$2,500)] *three thousand dollars (\$3,000)* for each biennial session, and mileage to and from their homes at the rate of [thirty] *five* cents per mile circular *for each week a member was in actual attendance at the session*, to be computed by the ordinary mail route between their homes and the capital of the State. The salary of the members of the General Assembly shall be five hundred dollars (\$500) and mileage as aforesaid for each special or extraordinary session, and no other compensation shall be allowed whatever, except one hundred and fifty dollars (\$150) in postage for each regular biennial session and fifty dollars (\$50) for each special or extraordinary session.

Effective date.

Section 2. This act shall take effect on the first day of January, one thousand nine hundred and twenty-eight, and, until this act takes effect, the compensation of members of the General Assembly shall remain as now provided by law.

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

JOHN S. FISHER