

board, (c) the correction of the returns in accordance with the result of said recount, (d) in the discretion of the return board, the exclusion of the poll of that district, either as to all offices, candidates, questions, and parties, or as to any particular offices, candidates, questions, or parties as to which said excess exists, if the ballot box be found to contain more ballots than there are electors registered or enrolled in said election district, or more ballots of one party than there are electors registered or enrolled in said district as members of that party, or more ballots than the number of voters who voted at said election, or more ballots of one party than the number of voters of that party who voted at said election, (e) a report of the facts of the case to the district attorney where such action appears to be warranted.

Appeal.

Section 5. Any person aggrieved by an order or decision of any return board, not consisting of a judge or judges of the court of common pleas, made under the provisions of this act, may appeal therefrom to the court of common pleas of said county in accordance with the provisions of existing law.

Repealing section.

Section 6. All acts and parts of acts, general, local, and special, inconsistent herewith are hereby repealed.

When effective.

Section 7. This act shall be effective immediately upon final enactment.

APPROVED—The 29th day of May, A. D. 1935.

GEORGE H. EARLE

No. 104

AN ACT

Providing for the organization, under certain conditions, of two colored battalions of infantry, and making an appropriation therefor.

Colored battalions of infantry.

Section 1. Be it enacted, &c., That within six months after this act becomes effective, the Adjutant General of the Commonwealth, if authorized and empowered by the proper department or agency of the Federal Government, shall organize and equip two colored battalions of infantry in the Commonwealth, one of which shall have headquarters in the city of Philadelphia, and the other in the city of Pittsburgh. Such battalions, when organized and equipped, shall become a part of the National Guard of the Commonwealth.

Officers.

The officers of such battalions shall be commissioned by the Governor in the same manner as provided by law for the commissioning of officers of other units of the National Guard of the Commonwealth.

Quarters.

The Armory Board of the Department of Military Affairs shall provide quarters for such regiment, or the different units thereof, as may be necessary.

Section 2. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Military Affairs for the organization of such battalions. Appropriation.

APPROVED—The 29th day of May, A. D. 1935.

GEORGE H. EARLE

No. 105

AN ACT

To amend section thirty-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws, three hundred eighty-two), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant.

Section 1. Be it enacted, &c., That section thirty-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws, three hundred eighty-two), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," is hereby amended to read as follows: Section 37, act of March 31, 1860 (P. L. 382), amended.

Section 37. If any person shall commit fornication, and be thereof convicted, he or she shall be sentenced to pay a fine not exceeding one hundred dollars, to the guardians, directors or overseers of the poor of the city, county or township where the offense was committed, for the use of the poor of such city, county or township; and any single or unmarried woman having a child born of her body, the same shall be sufficient to convict such single or unmarried woman of fornication; and the man by such woman charged to be the father of such bastard child, shall be the reputed father, and she persisting in the said charge, in the time of her extremity of labor or afterwards, in open court, upon the trial of such person so charged, the same shall be given in evidence, in order to convict such person of fornication; and such person being thereof convicted, shall be sentenced, in addition to the fine aforesaid, to pay the expenses incurred at the birth of such child, *and if such child shall be born dead or shall die during the continuance of the order for the maintenance of said child, to pay the reasonable funeral expenses thereof*, and to give security, by one or more sureties, and in such sum as the court shall direct, to the guardians, directors, or overseers of the poor of the city, county or township where such child was born, to perform such order for the maintenance of the said child, as the court before which such conviction is had shall direct and appoint. Fornication and bastardy.

APPROVED—The 29th day of May, A. D. 1935.

GEORGE H. EARLE