

or support, and other necessitous cases, may make such order as may be necessary under the circumstances.

Section 3. This act shall not affect the right of any trust estate or beneficiary to take or accept the trust investments or securities in kind on the termination of any trust.

Beneficiary may accept payment in kind.

Section 4. The running of the Statute of Limitations against any claim stayed under the provisions of this act, and also all acts or parts of acts of Assembly inconsistent herewith, are hereby suspended while this act is in force.

Running of Statute of Limitations suspended.

Section 5. Nothing contained in this act shall be construed to apply where the amount of any trust estate or other fund is less than five hundred dollars (\$500).

Act does not apply to trust estate or fund of less than \$500.

Section 6. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Constitutional provision.

Section 7. This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 11th day of June, A. D. 1935.

GEORGE H. EARLE

No. 154

AN ACT

To amend section six as amended and section eight of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices.

Section 1. Be it enacted, &c., That section six of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public of-

Primary elections.

Political parties.

Nomination of candidates.

Section 6, act
of July 12, 1913
(P. L. 719), as
amended by act
of May 18, 1917
(P. L. 244),
amended.

lices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," which was amended by the act, approved the eighteenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred forty-four), is hereby further amended to read as follows:

Filing of nomi-
nation petitions.

Section 6. The names of candidates for nomination as President of the United States, and the names of all other party candidates, shall be printed upon the official ballot of a designated party, upon the filing of nomination petitions in their behalf, signed by qualified electors of the State, or of the political district or division, as the case may be, within which the nomination is to be made or election is to be held, and the filing of affidavits by the candidates as provided in this act; and the names of no candidates shall be printed upon an official ballot of a political party, to be used at any primary, unless such petitions shall have been filed, and unless such candidates, except they be candidates for the office of President of the United States, shall have filed affidavits, as hereinafter provided:

Affidavit.

Signers.

(a) Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and, in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district or division therein named, in which the nomination is to be made or the election is to be held. He shall add his occupation and residence, giving city, borough, or township, with street and number, if any, and shall also add the date of signing. No nomination petition shall be circulated prior to forty (40) days before the last day on which such petition may be filed, and no signature shall be counted unless it bears date within forty (40) days of the last day for filing the same.

Proviso.

Qualifications
of signers.

Time of
circulating and
signing.

Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. Each sheet shall have appended thereto the affidavit of some person,—not necessarily a signer, and not necessarily the same person on each sheet,—setting forth that the affiant is a qualified elector of the State, or of the political district or division, as the case may be, referred to in said petition; his residence, giving city, borough, or township, with street and number, if any; that the signers signed with full knowledge of the contents of the petition; that their respective residences are correctly stated therein; that they all reside in the county named in the affidavit, and that each signed on the date set opposite his name; and that, to the best of affiant's knowledge and belief, the signers are qualified electors and members of the designated party of the State, or of the political district or division, as the case may be.

Affidavit.

Contents.

(b) Each candidate for *United States Senator or Representative in Congress or for any State, county [or] city, borough, incorporated town, township, school, or poor district* office shall file, with his nomination petition, his affidavit stating his residence, with street and number, if any, and his postoffice address, his election district, the name of the office for which he consents to be a candidate, that he is eligible for such office, [and] that he will not knowingly violate any election law, or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith, *and unless he is a candidate for judge of a court of record, that he is not a candidate for nomination for the same office of any party other than the one designated in such petition. In no event, shall petitions of any candidates, except candidates for judge of a court of record, be accepted for filing for nomination by more than one party for the same office; in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of record, be printed as a candidate for such office upon the official primary ballot of more than one party, and [Provided, That] in no event, shall any person's name be printed upon the official ballot of any party as a candidate for delegate, State committeeman, National committeeman, or party officer unless he is a qualified elector of said party.*

Candidate's affidavit.

In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the postoffice address of such candidate shall be stated in such nomination petition.

Exception.

(c) Each candidate for election as delegate or alternate delegate to a National party convention may include, with his affidavit, the statement hereinafter set

forth in this section; but his failure to include such statement shall not be a valid ground, on the part of the Secretary of the Commonwealth, for refusal to receive and file his nomination petition. Such statement, if any be made, shall be in substantially the following form:

Delegate's Statement.

Statement of delegates.

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania" if a delegate or alternate delegate at large; otherwise, insert "..... District") that, if elected and in attendance as a delegate to the National convention of the party, I shall, with all fidelity to the best of my judgment and ability, in all matters coming before the convention, support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State," if a delegate or alternate delegate at large; otherwise, insert "..... District") by the voters of my party for said office at the ensuing primary, and shall use all honorable means within my power to aid in securing the nomination for such candidate for President.

(Signature of candidate for delegate or alternate delegate.)

Indorsement on ballot.

On the ballot used at a primary, after or under the name of each candidate for delegate or alternate delegate to a National party convention, shall appear the words, "Promises to support popular choice of party in the (here insert "State," if a delegate or alternate delegate at large; otherwise, insert "..... District") for President," or "Does not promise to support popular choice of party in the (here insert "State," if a delegate or alternate delegate at large; otherwise, insert "..... District") for President," according as if the candidate included, or failed to include, the above statement with his affidavit.

Section 8, act of July 12, 1918 (P. L. 719), cited for amendment.

Section 2. That section eight of said act is hereby amended to read as follows:

Section 8. No nomination petition shall be refused or set aside except for—

Causes for refusing petitions.

(a) Material error or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or

(b) Material alterations made after signing, without the consent of the signers; or

(c) Want of a sufficient number of genuine signatures of persons qualified, with respect to age, [sex] residence, [and] citizenship, and party membership, to be [electors] signers; or

(d) The fact that nomination petitions have been filed for printing of the name of the same person for the same

office, except the office of judge of a court of record, upon the official ballot of more than one political party.

The invalidity of any sheet of a petition shall not affect the validity of such petition, if a sufficient petition remains after eliminating such invalid sheet.

Invalidity of any sheet.

Application to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed, setting forth specifically the matters objected to, and must be filed within five days after the last day for filing said nomination petition. Upon the presentation of such a petition the court shall make an order fixing a time for hearing, which shall not be later than ten days after the last day for filing said nomination petition, and specifying the time and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside.

Application for setting aside of petition.

Procedure.

If the matters objected to are such as are specified in subdivision (a) of this section, the court upon hearing the case may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify.

Amendment.

In case the petition to set aside a nomination petition is dismissed, the petitioner shall pay the whole of the costs of the proceeding, including all witness fees.

Cost.

Section 3. The provisions of this act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 14th day of June, A. D. 1935.

GEORGE H. EARLE

No. 155

AN ACT

To provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; making an appropriation; and providing penalties.

Section 1. Be it enacted, &c., That this act shall be known, and may be cited as, the "Cigarette Tax Act."

"Cigarette Tax Act."

Section 2. The following words, terms, and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Definitions.

"Association." Any partnership, limited partnership or other form of unincorporated enterprise owned by two or more persons.