

tical experience may be given for experience acquired in the drug dispensary of a regular public hospital, which is conducted under the constant supervision of a registered pharmacist, but such credit shall not in any case exceed one year.

Section 15, act of May 17, 1917 (P. L. 208), as amended by act of April 27, 1925 (P. L. 296), further amended.

Unlawful use of titles.

Penalty.

Section 2. That section fifteen of said act which was amended by section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, two hundred ninety-six) is hereby further amended to read as follows:

Section 15. That it shall be unlawful for any person, firm, or corporation to use the title: "pharmacist," "assistant pharmacist," "druggist," or "apothecary," except as authorized by this act of Assembly, or hereafter to conduct or transact business under a name which contains as part thereof, with or without qualifying words, syllables, prefixes, or suffixes the words: "drug store," "pharmacy," "medicine store," "medicine shop," or "drug shop," or any term having a similar meaning, or in any manner by advertisement, circular, poster, sign, symbol, insignia, or otherwise, describe or refer to the place of business conducted or carried on by such person, firm, or corporation, by the terms "drug store," "pharmacy," or any other term having a similar meaning unless the place of business is a drug store or pharmacy duly registered and authorized by the State Board of Pharmacy. Any person, firm, or corporation violating this section of this act of Assembly shall, [be guilty of a misdemeanor and] upon conviction [shall] *in a summary proceeding*, be sentenced to pay a fine of not less than *twenty-five dollars (\$25.00)* nor more than fifty dollars (\$50.00) and the costs of prosecution, *and in default of the payment of such fine and costs shall be imprisoned for ten days.*

APPROVED—The 24th day of April, A. D. 1935.

GEORGE H. EARLE

No. 33

AN ACT

To amend section six of the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred forty), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," further defining the circumstances under which the remedy provided is available.

Section 6, act of June 18, 1923 (P. L. 840), amended.

Section 1. Be it enacted, &c., That section six of the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred forty), entitled "An act concerning declara-

tory judgments and decrees, and to make uniform the law relating thereto," is hereby amended to read as follows:

Section 6. Discretionary.—[The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.] *Relief by declaratory judgment or decree may be granted in all civil cases where an actual controversy exists between contending parties, or where the court is satisfied that antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation, or where in any such case the court is satisfied that a party asserts a legal relation, status, right, or privilege in which he has a concrete interest and that there is a challenge or denial of such asserted relation, status, right, or privilege by an adversary party who also has or asserts a concrete interest therein, and the court is satisfied also that a declaratory judgment or decree will serve to terminate the uncertainty or controversy giving rise to the proceeding. Where, however, a statute provides a special form of remedy for a specific type of case, that statutory remedy must be followed; but the mere fact that an actual or threatened controversy is susceptible of relief through a general common law remedy, or an equitable remedy, or an extraordinary legal remedy, whether such remedy is recognized or regulated by statute or not, shall not debar a party from the privilege of obtaining a declaratory judgment or decree in any case where the other essentials to such relief are present; but the case is not ripe for relief by way of such common law remedy, or extraordinary legal remedy, or where the party asserting the claim, relation, status, right, or privilege and who might bring action thereon, refrains from pursuing any of the last mentioned remedies. Nothing herein provided is intended to or shall limit or restrict the general powers or jurisdiction conferred by the act hereby amended; but proceeding by declaratory judgment shall not be permitted in any case where a divorce or annulment of marriage is sought.*

Relief by declaratory judgment is within the discretion of the court.

Section 2. The provisions of this act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 25th day of April, A. D. 1935.

GEORGE H. EARLE