

ty-one'' and its amendments, the amount of the loss so sustained, as determined by such agent of the Department of Agriculture, upon the approval of the report of such agent by the Secretary of Agriculture, shall be paid by the Commonwealth, notwithstanding the fact, that it has not been proven in such cases, that the bite of a dog caused the rabies, and the Secretary of Agriculture shall immediately draw a requisition in favor of the claimant for the amount of the loss such claimant has sustained, according to the report of such agent, together with necessary and proper costs incurred. Such amount shall be paid from any appropriation to the Department of Agriculture available for the purpose of paying claims for loss or damage to livestock, or poultry, by dogs.

When effective.

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

APPROVED—The 22d day of May, A. D. 1935.

GEORGE H. EARLE

No. 97

A SUPPLEMENT

To 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," prescribing the practice to be pursued in such proceedings.

Declaratory judgments and decrees.

Petition.

Section 1. Be it enacted, &c., That (a) every proceeding for a declaratory judgment shall be commenced by a petition, filed in a court of record having jurisdiction over causes of action, complaints, or subject matters of the kind involved in the controversy alleged.

Form of petition.

(b) The petition shall be as brief as the nature of the case will admit, and shall be drawn in paragraphic form, the paragraphs to be numbered consecutively and each to contain but one material allegation. It shall have attached as exhibits copies of all writings depended upon by the petitioner, or the construction of which, he desires determined, and shall conclude with a prayer for the declaratory judgment or decree, the petitioner asks to be entered.

Endorsement.

Section 2. (a) The petition shall have endorsed thereon, a notice to the defendant or defendants as follows: "You are required to file an answer within fifteen days from the service of this copy upon you, and to enter a written appearance in the court named, to the term and number stated hereon, specifying a person and a place within the county where service may be made upon you of all other papers, processes, and no-

tices in the case. If you fail in either respect, a declaratory judgment or decree may be entered against you in your absence."

(b) Petitions for declaratory judgments shall be served, and return made in the same manner as in the case of summons.

Section 3. If no answer is filed within the specified fifteen days, the facts, averred in the petition, shall be taken as admitted, and the court may, if it deems the case a proper one for such relief, enter an appropriate declaratory judgment or decree. If the court reaches a contrary conclusion, it may dismiss the petition or make such other order as right and justice may demand.

Section 4. If the court finds, that any person, who has claims or might claim an interest which would be affected by the judgment or decree prayed for, has not been served with a copy of the petition, it may require the petitioner to bring in such person or persons by serving a copy of the petition on it, him, her, or them, with an endorsement thereon as provided for in section two of this act, and such service shall make all persons so brought in, parties to the proceeding.

Section 5. A defendant may by his answer, without first replying to the averments of fact in the petition, raise any question of law which goes either to the jurisdiction of the court or to petitioner's legal right to have the disputed matter determined in this character of proceeding, and any such question of law may be set down for hearing and disposed of in limine. If, in the opinion of the court, the decision of the question, thus set for hearing, requires the determination against the petitioner of the point or points there raised, the court may make such order thereon, as the situation demands. If the court shall decide such points so raised against a defendant, he may, within fifteen days, file an answer to the averments of fact in the petition, and the case shall be set down for a hearing on the merits of the controversy.

Section 6. If the petitioner or a defendant desires any issue of fact to be tried and determined by a jury, he shall so demand in his petition or answer, and, if no such demand is made, its absence shall be treated as equivalent to an agreement to dispense with trial by jury, and that all issues of fact, as well as those of law, may be determined and found by the court, subject to exceptions and appeal, as in equity cases.

Section 7. Nothing in this act shall prevent a court from entering a declaratory judgment or decree in any civil proceeding, suit, or action, no matter how commenced, where all parties, to be affected, are actually in court or have had such notice of the proceeding, suit, or action, as is required by law, and where the court is

Service.

If no answer filed to petition.

Where interested parties not named and served.

Defendant's answer may raise questions of law.

In case of adverse decision may have hearing on merits.

Jury trial.

Power of the court.

convinced, that such a judgment or decree is appropriate and proper to be entered.

When
effective.

Section 8. The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 22d day of May, A. D. 1935.

GEORGE H. EARLE

No. 98

AN ACT

To amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

"The Fiscal
Code."

Section
505, act of
April 9, 1929
(P. L. 343),
amended.

Section 1. Be it enacted, &c., That section 505 of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable