

by the court or the entry of security: *And provided further, That when the estate of the minor shall consist of an interest in real property to the value of not more than two hundred dollars, the orphans' court may authorize the natural guardian of the minor, or the person by whom the minor is maintained, to convey or mortgage such real property, for and in behalf of said minor, without the appointment of a guardian by the court or the entry of security.*

Conveyance or mortgage of real property.

Section 2. This act shall become effective immediately upon its approval by the Governor.

When effective.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 244

AN ACT

Authorizing plaintiffs in actions on written instruments to join as defendants persons severally, jointly or severally, or jointly and severally liable thereon, and regulating the effect thereof and the procedure in such actions.

Section 1. Be it enacted, &c., That any person having a right of action on a written instrument of any kind whatsoever, except one creating a purely joint obligation, may, at his option, join as defendants in a single action thereon all or any one or more persons alleged to be severally, jointly or severally, or jointly and severally liable to him upon such instrument, regardless of the capacities in which such defendants are respectively liable thereon, and whether or not all or any of them be makers, drawers, acceptors, indorsers, assignors, sureties, guarantors, or accomodation parties. Each such defendant shall have the same rights as if sued severally.

Civil procedure.

Joinder of defendants in actions on written instruments.

Section 2. The plaintiff shall not discontinue or enter a nolle prosequi as to any such defendant unless he does so as to all, nor shall any voluntary or involuntary nonsuit be entered, except as to all such defendants, until all the evidence in the case shall have been presented. The plaintiff shall not, during the pendency of any such action, bring any other action or suit within this Commonwealth upon the same instrument against any such defendant who has been served with process in such action, but may bring other actions or suits against other persons liable thereon.

Discontinuance or nonsuit.

Other actions.

Section 3. Any defendant so joined, who claims to be entitled to contribution or indemnity from, or any other relief over, in whole or in part, against any other defendant, may, within thirty (30) days from the service upon him of the statement of claim, or any amendment thereof, file, as of course, a petition, complying with the requirements for statements of claim in assumpsit, set-

Petition for relief by one defendant against another.

ting forth particularly the nature of the relief claimed, with a statement of the facts upon which such claim is based, together with a prayer for such relief, and endorsed with a notice to file an answer thereto within fifteen (15) days from the service thereof. A copy of such petition shall be served upon the defendant against whom such relief is claimed.

Answer.

Section 4. The defendant against whom such relief is claimed shall file an answer, complying with the requirements for affidavits of defense in assumpsit, within fifteen (15) days from the date of service of the petition upon him, answering the allegations of the petition, and setting forth his defense and the facts upon which it is based. A copy of such answer shall be served upon the petitioner.

Questions of law and fact.

Section 5. All questions of law and fact raised by petition and answer under sections three (3) and four (4) hereof shall be decided by the court, unless the petitioner or respondent, within fifteen (15) days after the service of the answer, shall demand a jury trial upon any disputed questions of fact. In that event, if the court finds there is a substantial dispute thereon, it may require the jury to bring in a general verdict, or may frame issues as to such matters, in the form of separate questions, for trial by jury, and the verdict rendered upon such issues must consist only of answers to those questions. As between the plaintiff and any or all of the defendants, however, the jury may render a general verdict.

Jury trial.

Verdicts.

Section 6. The court may, at its own instance or where cause is shown, order separate trials as to any one or more of the defendants, or may try all the issues together, in which event any defendant or group of defendants having interests substantially antagonistic to those of the other defendants shall be entitled, upon showing such fact to the court, to the number of challenges to which he or such group would have been entitled if sued separately, to cross-examine the witnesses for any other party, and generally to conduct his or its case independently of that of the other defendants.

Separate trials.

Challenges, etc.

Section 7. The court may, upon the application of any party, enter appropriate interlocutory or final judgments on the pleadings, or otherwise, including judgments for want of an answer or for want of a sufficient answer, in favor of the plaintiff or of any one or more of the defendants and against any one or more of the defendants, at any stage of the proceedings in accordance with legal and equitable principles, and shall control execution on such judgments in like manner, to the end that the respective rights and liabilities inter se of all the parties to the suit shall be enforced in the same proceeding.

Judgments on pleadings.

Execution on judgments.

Section 8. Except as herein otherwise provided, the procedure in such actions shall conform to that in other

Procedure.

actions of assumpsit. The courts shall make such rules Rules.
as they deem advisable for the proper enforcement of
this act.

Section 9. All acts and parts of act inconsistent here- Repeal.
with are hereby repealed.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 245

AN ACT

To amend section two hundred and eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, and courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the continuance of a lien on motor vehicles where ownership is changed by operation of law or judicial sale, and determining the effect of the issuance of a certificate of title showing a lien or encumbrance.

Section 1. Be it enacted, &c., That section two hundred and eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks

The Vehicle Code.

Lien on motor vehicles.

Section 208, act of May 1, 1929 (P. L. 905), amended.