

the party defendant and against the garnishee or garnishees, by rules, interrogatories or otherwise, as is now practiced in cases of foreign attachment and attachment execution; and the said court shall have like powers to decree the sale of perishable property as they now have in cases of foreign attachment.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 427

AN ACT

To amend section fifty-three of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred sixty-eight), entitled "An act relating to the commencement of actions," as amended, fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

Section 53,
act of June 13,
1836 (P. L.
568), as
amended by
act of May 10,
1889 (P. L.
183), further
amended.

Section 1. Be it enacted, &c., That section fifty-three of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred sixty-eight), entitled "An act relating to the commencement of actions," as amended by the act, approved the tenth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred eighty-three), is hereby further amended to read as follows:

Section 53. It shall be lawful for the plaintiff, at and after [the third term of the court] *forty-five days* after the execution of the writ, to take judgment against the defendant for default of appearance, unless the attachment before that time be dissolved: Provided, That the said plaintiff, fifteen days prior to the entry of said judgment, shall have filed his declaration.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 428

AN ACT

To further amend section one of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, four hundred seventy-nine), entitled, as amended "An act to regulate procedure where a defendant desires to have joined, as additional defendants, persons whom he alleges are alone liable or liable over to him, or jointly or severally liable with him, for the cause of action declared on, and providing for entry of judgments against such additional

defendants," by providing for the joining of additional defendants in other cases; and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

Section 1. Be it enacted, &c., That section one of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, four hundred seventy-nine), entitled, as amended "An act to regulate procedure where a defendant desires to have joined, as additional defendants, persons whom he alleges are alone liable or liable over to him, or jointly or severally liable with him, for the cause of action declared on, and providing for entry of judgments against such additional defendants," as amended by the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred seven), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That any defendant, named in any action, may sue out, as of course, a writ of scire facias to bring upon the record, as an additional defendant, any other person alleged to be alone liable or liable over to him for the cause of action declared on, or jointly or severally *or in the alternative* liable therefor with him, *or because any question or issue, relating to or connected with the subject matter of the litigation, is substantially the same as a question or issue arising between the plaintiff and defendant and should properly be determined, not only between the plaintiff and defendant and the additional defendant, or between any or either of them,* with the same force and effect as if such other had been originally sued; and such original defendant shall have the same rights in securing service of said writ as the plaintiff in the proceedings had for service of process in said cause. Where it shall appear that service of said writ on an added defendant cannot be obtained in the county wherein the action was instituted, service of such writ may be made by the sheriff of the county in which the action was instituted deputizing the sheriff of the county wherein such added defendant resides or where service may be had upon him under the existing laws of this Commonwealth in like manner as process may now be served in the proper county. Where it shall appear that an added defendant is liable to the plaintiff, either alone or jointly with any other defendant, the plaintiff may have verdict and judgment or other relief against such additional defendant to the same extent as if such defendant had been duly summoned by the plaintiff and the statement of claim had been amended to include such defendant, and as if he had replied thereto denying all liability.

Section 1,
act of April
10, 1929
(P. L. 479),
as amended by
act of May 18,
1933 (P. L.
807), further
amended.

Joinder of
persons alleged
to be
primarily or
secondarily
liable.

Right of
original
defendant
in securing
service.

Service in
other counties.

Judgment
against
additional
defendant.

Plaintiff
not to be
prejudiced.

The plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the additional defendants in which he is not concerned, and such orders shall be given and terms imposed by the court as may be necessary to prevent delay of the plaintiff, where it can be done without injustice to the defendant and additional defendants.

Continuation
of suit after
joinder.

Upon the joinder of additional defendants under the terms of this act, such suit shall continue, both before and after judgment, according to equitable principles, although at common law, or under existing statutes, the plaintiff could not properly have joined all such parties as defendants.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 429

AN ACT

To amend section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by providing additional seasons for the taking of pickerel in the inland waters.

Section 20,
act of May 2,
1925 (P. L.
448), as
amended by
act of April
22, 1929 (P. L.
621), further
amended.

Section 1. Be it enacted, &c., That section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended by the act, approved the twenty-second day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, six hundred twenty-one), is hereby further amended to read as follows:

Section 20. Closed Seasons.—The following seasons are hereby established for:

(a) Charr, commonly called brook trout, or any species of trout except lake or salmon trout, from the first day of August to the fourteenth day of April next following, both dates inclusive;

(b) Lake trout or salmon trout, from the thirtieth day of September to the thirtieth day of June next following, both dates inclusive;

(c) Small mouth and large mouth bass, rock-bass, white bass, crappie, strawberry or calico bass, pike perch otherwise called wall-eyed pike, or Susquehanna salmon,