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Section 3 provides that where a person is sentenced to a prison other than the one where he was held before sentence, that it shall be the duty of the court to state in the sentence the date of commitment of such person.

Section 4, contains the usual repealing clauses.

D. F. Shughart

JOINDER OF PLAINTIFFS

In Pennsylvania the joinder of plaintiffs has been regulated heretofore, with few exceptions, by the technical rules and restrictions of the common law. The joinder of parties plaintiff, both in actions *ex contractu*¹ and *ex delicto*² has been confined to those having a joint interest in the subject matter of the suit. It has been necessary that the attorney determine the proper parties plaintiff to an action with considerable caution, since a misjoinder³ or non-joinder⁴ entailed serious consequences. Particular circumstances have presented problems of no little difficulty

The act of the General Assembly, No. 404, appears to have obviated substantially these problems. It provides:

Sec. 1: "That all parties who have a right of action, whether jointly, severally or in the alternative, in respect of, or arising from, the same transaction or series of transactions, and whose actions would give rise to any common question of law or fact, may join, as plaintiffs, in one civil action."

Sec. 2: "If, in any such action, it shall appear that the joinder of the plaintiffs will complicate, prejudice or delay the trial of such action, the court, on petition or on its own motion, may order separate trials, or make such other order as it deems expedient and proper."

Sec. 3: "In every such action, separate verdicts shall be rendered and judgments entered as to each plaintiff."⁵

Section 1 employs the liberal rules of the English practice⁶ which have for many years been in force in New York,⁷ New Jersey,⁸ and Illinois.⁹ In providing for joinder of parties having a several right of action it marks a sweeping change

¹Sweigart v. Berk, 8 S. & R. 308; Shaw v. Newingham, 279 Pa. 180.

²Schuylkill Nav. Co. v. Farr, 4 W. & S. 362; Kerr v. Penna. R. Co., 169 Pa. 95.

³Sturiale v. Pennsylvania Burial Co., 119 Pa. Super. Ct. 402.

⁴Donoghue v. Traction Co., 201 Pa. 181.

⁵Approved June 25, 1937.

⁶R. S. C. Ord. 16, r. 1, Halsbury, Laws of England, Vol. 23. Practice and Procedure, par. 183.

⁷N. Y. Practice Act, sec. 209.

⁸N. J. (P. L. 1912, p. 378).

⁹Ill. Civil Practice Act of 1933; (Ill. Revised Statutes 1935, Cha. 110, Sec. 23).

in the Pennsylvania law. It is impossible to foresee all the problems of interpretation involved, but in providing for joinder in circumstances presenting "any common question of law or fact" a wide latitude appears to have been granted. The apparent purpose of the act is remedial—to avoid a multiplicity of suits and to expedite trial of cases. In that respect it is comparable to the Scire Facias Act to join additional defendants.¹⁰

In *Vinnacombe v. City of Philadelphia*¹¹ it is said that this latter act is to be strictly construed to advance the legislative purpose. A similar statement of construction is to be expected concerning act No. 404.

Section 2 grants to the Court a wide discretion which will frequently need to be exercised in order to avoid confusion and improper results. By this grant of discretion the legislature has refused to concern itself with the details of application and has placed upon the Courts the responsibility for the practical efficiency of the act. The judicial administration of this discretion may serve the purpose of discouraging litigation over procedural matters.

Section 3 is a statement of general existing law. It is not to be expected that any change is intended to be effected in the rules relating to joinder of parties in appellate proceedings, and it appears obvious that there is no intent to provide for trial of issues between plaintiffs.

It is submitted that the legislative purpose would be more certainly and fully accomplished by a further act to eradicate any grounds for delay in bringing issues to trial because of alleged non-joinder or misjoinder of parties. A model as adopted in New Jersey is found in the English Rules of Court.¹²

W. O. Garber

RECOVERY FOR WRONGFUL DEATH

Our legislature has again widened the scope of our laws regulating the recovery of damages for injuries resulting in death. Under the act which went into effect on April 1, 1937,¹ to the persons entitled to recover damages for injuries causing death has been added the personal representative of the decedent.

The act provides that *if none of the above relatives (husband, widow, children, or parents of the deceased) are left to survive the decedent, then the per-*

¹⁰1929; Apr. 10, P. L. 479, 12 P. S. 141.

¹¹ 297 Pa. 564.

¹²(Order 16, r. 11). No action shall be defeated by the non-joinder or misjoinder of parties, but new parties may be added and parties misjoined may be dropped, by order, at any stage of the cause, as the ends of justice may require. N. J. (P. L. 1912, p. 378).

¹Act number 48.