

CHAPTER CLII.

*Proced. ejectional
Act. 7. 1206. page
558.*

A SUPPLEMENT to an act, entitled "An act to regulate arbitrations and proceedings in courts of justice."

SECTION I. *BE* it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,

In what cases the writ of ejectionment may issue. Who may join therein.

That the writ of ejectionment prescribed in the act to which this is a supplement, shall issue in all cases where lands, tenements or hereditaments are claimed, and give remedy as fully and effectually as in ejectionments in the form heretofore used; and all parties having an undivided interest in any such lands, tenements and hereditaments, whether as joint tenants, copartners or tenants in common, may join therein, and recover according to their interest and title; and minors may sue by their guardians as in other cases; and the defendant may defend upon his own title or the title of third persons; and the landlord may as heretofore be admitted as defendant, and in such case on the trial, shall admit himself in possession.

Of the defendant.

SECT. II. *And be it further enacted by the authority aforesaid;*

Proceedings where, on service of the writ of ejectionment, it appear that other persons not named in the writ are in possession of the premises, &c.

That where any writ of ejectionment shall be issued, and on the service thereof it shall appear to the sheriff that other persons not named in the writ are in possession of the premises or part thereof, such sheriff shall add the name of such person or persons to such writ, and serve the same, and on return thereof, the prothonotary shall enter such additional defendants to the action, and they shall be parties thereto; and in case of any of the defendants not appearing, on motion to the court, and on affidavit of the sheriff or other officer, having served the said writ, stating the manner in which the said service was made, and on the same being deemed by the court a service agreeably to law, judgment may be entered by default, for such part as he is possessed of; and a writ of possession may issue upon such judgment and the action may proceed to trial for the residue, against the other defendant or defendants, and the return by the sheriff of having served any such writ on the defendants marked, served by him, shall be evidence of such defendant or defendants being in actual possession of the premises or part thereof.

SECT. III. *And be it further enacted by the authority aforesaid,*

Writs of ejectionment not to abate for the death of either of the parties. Two verdicts on the same side to

That no writ of ejectionment shall abate by reason of the death of any plaintiff or defendant, but the person or persons next in interest may be substituted in the place of the plaintiff or defendant, who shall have died, pending the writ.

SECT. IV. *And be it further enacted by the authority aforesaid,*

That where two verdicts shall in any writ of ejectionment between the same parties be given in succession for the plaintiff or defen-

dant, and judgment be rendered thereon, no new ejection shall be brought, but where there may be verdict against verdict between the same parties and judgment thereon, a third ejection in such case, and verdict and judgment thereon shall be final and conclusive, and bar the right, and the plea in ejection shall be not guilty.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement as prescribes the form of execution, shall be, and the same is hereby repealed: *Provided nevertheless,* That no writ of *Capias ad satisfaciendum*, shall issue in any case where any defendant or defendants may have real or personal estate, to satisfy the plaintiff's demand, or if the whole cannot be satisfied, then only for the residue thereof.

SECT. VI. *And be it further enacted by the authority aforesaid,* That on the execution of a *Liberari facias*, where the defendant or his tenant is in possession of the premises to be extended, the sheriff shall deliver the actual possession thereof to the plaintiff or his agent.

SIMON SNYDER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirteenth day of April, one thousand eight hundred and seven.

THOMAS M. KEAN.

preclude a further suit in ejection.

Repeal of part of a former law. Proviso.

On a liberari facias, the plaintiff to be put into possession.