

No. 377.

## AN ACT

Directing the manner of serving writs of summons in certain cases, in the county of Mercer.

Service of writs of summons in Mercer county, on clerks, &c., to be good.

**SECTION 1.** *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,* That hereafter the service of any writ of summons, in any action to be brought within the county of Mercer, upon any clerk, agent or manager of any individual, or of any company engaged in the manufacture of pig metal or iron, or in mining in said county, shall be deemed a good and legal service upon any such individual or company not residing in said county.

Duty of clerk in such case.

**SECTION 2.** It shall be the duty of the clerk or agent served with a summons, pursuant to the first section of this act, to notify his principal within thirty days thereafter, and any failure so to do, shall subject the said agent or clerk, to the payment of three times the amount of damages which his said principal may have sustained by reason of such neglect.

When judgment may be opened, &c.

**SECTION 3.** Where any judgment shall be rendered against a party on process served under the provisions of this act, on the affidavit of the defendants, or any of them, that he or they never had notice that such suit was brought, and verily believes there is a just defence against said claim, it shall be the duty of the court, or justice of the peace rendering said judgment, to open the same, and let the party into a defence.

Party walls.

**SECTION 4.** That in all conveyances of houses and buildings, the right to, and compensation for, the party wall built therewith, shall be taken to have passed to the purchaser, unless otherwise expressed; and the owner of the house for the time being, shall have all the remedies in respect to such party wall, as he might have in relation to the house to which this attached; and so much of any previous law as is inconsistent with the provisions of this section, is hereby repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

GEORGE DARSIE,

*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.