

be by them applied in finishing the Presbyterian church, in the borough of Pittsburgh, and that said commissioners before they proceed to sell any tickets in said lottery, shall lay such scheme thereof before the governor as shall meet his approbation, and enter into bonds to him for the due performance of their duty in drawing the same, and each of them before entering on the duties of his appointment, shall take and subscribe an oath or affirmation, diligently and faithfully to perform the duties hereby intrusted to him, and two or more of the said commissioners shall attend the drawing of each day, and when the drawing shall be completed, they shall cause an accurate list of the fortunate numbers to be published in the Commonwealth Crawford Weekly Messenger and Farmers Register, and shall pay and discharge all prizes to those who shall be legally entitled thereto within six months after the drawing is finished, and all those prizes not demanded within twelve months after the drawing is finished, shall be considered as relinquished to and for the use of said church.

Approved April 13, 1807. Recorded in L. B. No. 11, p. 131.

CHAPTER MMDCCCLXXXIV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO REGULATE ARBITRATIONS AND PROCEEDINGS IN COURTS OF JUSTICE." (*)

Section I. (Section I, P. L.) 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 the writ of ejectment 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 ejectments 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.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That where any writ of ejectment 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.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That no writ of ejectment 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.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That where two verdicts shall in any writ of ejectment between the same parties be given in succession for the plaintiff or defendant, and judgment be rendered thereon, no new ejectment shall be brought, but

where there may be verdict against verdict between the same parties and judgment thereon, a third ejectment in such case, and verdict and judgment thereon shall be final and conclusive, and bar the right, and the plea in ejectment shall be not guilty.

Section V. (Section V, P. L.) 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.

Section VI. (Section VI, P. L.) 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.

Approved April 13, 1807. Recorded in L. B. No. 11, p. 132.
Note (†) Chapter 2698; Supra this volume p. 229.

ACTS OF THE GENERAL ASSEMBLY OF PENNSYLVANIA.

Passed at a Session which was begun and held at Lancaster on Tuesday, December 8th, 1807, and thence continued until March 28th, 1808, (inclusive).

CHAPTER MMDCCCLXXXV.

AN ACT TO ALTER AND AMEND THE SEVERAL LAWS OF THIS COMMONWEALTH RELATIVE TO DOMESTIC ATTACHMENTS. (†)

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted