

CHAPTER MMCM XCV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT SECURING TO MECHANICS AND OTHERS PAYMENT FOR THEIR LABOR AND MATERIALS IN ERECTING ANY HOUSE OR OTHER BUILDING WITHIN THE CITY AND COUNTY OF PHILADELPHIA." (1).

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 act entitled "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia," passed March seventeenth, one thousand eight hundred and six,⁽¹⁾ shall be, and the same is hereby declared to be in full force and operation in the borough of Erie, in the county of Erie, the borough of Lancaster, in the county of Lancaster, and the borough of Pittsburg, in the county of Allegheny; and mechanics and others in the said boroughs, respectively, shall have like remedy, under the said act, for securing the payment of their labor and materials, in erecting, any house or other building within the said boroughs, respectively.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That in all cases of lien, created by this act or the act to which this is a supplement or the act passed the first day of April, anno Domini one thousand eight hundred and three, entitled "An act securing to mechanics and others payment for their labor and materials in erecting any house or other building within the city and county of Philadelphia,"⁽²⁾ the person having a claim filed agreeably to their provisions, may at his election proceed to recover it, by personal action, according to the nature of the demand against the debtor, his executors or administrators, or by scire facias against the debtor and owner of the building, or their executors or administrators; and where the proceeding is by scire facias, the writ shall be served in like

manner as a summons, upon the persons named therein, if they can be found within the county in which the building is situate, or are resident therein, or if they cannot be found and are not resident in such county, by fixing a copy of the writ upon the door of the building against which the claim is filed, and upon the return of service and failure of the defendants to appear, the court shall render judgment as in case of a summons, but if they or either of them appear, they may plead and make defence, and the like proceedings shall be had as in personal actions for the recovery of debts: Provided, that no judgment, rendered in any such scire facias, shall warrant the issuing an execution, except against the building or buildings upon which the lien existed, as aforesaid.

Approved March 28, 1808. Recorded in L. B. No. 11, p. 250.

Note (*). Chapter 2385; 17 Statutes at Large, p. 446.

Note (*). Chapter 2675; Supra this volume, p. 170.

CHAPTER MMCMXCVI.

AN ACT SUPPLEMENTARY TO THE PENAL LAWS OF THIS COMMONWEALTH.

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 no person who may hereafter be arraigned on an indictment, and who shall be bound by recognizance to abide the judgment of the court, shall be put within the prisoners bar, to plead to the same, or be confined therein during his or her trial, but shall have an opportunity of a full and free communication with his or her counsel.⁽¹⁾

Approved March 28, 1808. Recorded in L. B. No. 11, p. 251.

Note (*). See Act March 31, 1860. P. L. 332.