

AN ACT

To amend section one, clause first; section one, clause second, as amended; section one, clause tenth, as amended; and section one, clause twelfth,—of the act, approved the ninth day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred fourteen), entitled “An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs,” giving the same effect to a single return of nihil habet in certain writs as of two returns.

Service of process.

Clause first, section 1, act of July 9, 1901, (P. L. 614), amended.

Writs of summons, attachment execution and scire facias.

Service upon an individual.

Section 1. Be it enacted, &c., That clause first of section one of the act, approved the ninth day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred fourteen), entitled “An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs,” is hereby amended to read as follows:

First. The writ of summons, the writ of attachment in execution, and the writ of scire facias in personal actions, may be served by the sheriff of the county wherein it is issued upon an individual, defendant or garnishee, in any one of the following methods:

(a) By handing a true and attested copy thereof to him personally; or,

(b) By handing a true and attested copy thereof to an adult member of his family, at his dwelling house; or,

(c) By handing a true and attested copy thereof, at his place of residence, to an adult member of the family with which he resides; or,

(d) By handing a true and attested copy thereof, at his place of residence, to the manager or clerk of the hotel, inn, apartment-house, boarding-house, or other place of lodging at which he resides; or,

(e) By handing a true and attested copy thereof, at his place of business, to his agent, partner, or the person for the time being in charge thereof, if upon inquiry thereat his residence in the county is not ascertained, or if for any cause an attempt to serve at his residence has failed.

One return of nihil habet sufficient.

Clause second, section 1, as amended by act of April 3, 1903 (P. L. 139), further amended.

Provided, That [two returns] *a return* of nihil habet shall be equivalent to personal service, in writs of scire facias to revive judgments entered in personal actions.

Section 2. That clause second of section one of said act, as supplemented or amended by the act, approved the third day of April, one thousand nine hundred and three (Pamphlet Laws, one hundred thirty-nine), entitled “A supplement to section second of an act, entitled ‘An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs,’ approved

the ninth day of July, one thousand nine hundred and one," is hereby further supplemented or amended to read as follows:

Section 2. The writ of summons, the writ of attachment in execution, and the writ of scire facias in personal actions, may be served by the sheriff upon a corporation, a partnership limited, or a joint stock company, in the county wherein it is issued, in any of the following methods:

Service upon a corporation, partnership limited, or joint stock company.

(a) By handing a true and attested copy thereof to the president, secretary, treasurer, cashier, chief clerk, or other executive officer, personally; or,

(b) By handing a true and attested copy thereof to an adult member of the family of any one of said officers, at his dwelling house; or,

(c) By handing a true and attested copy thereof, at his place of residence, to an adult member of the family of the person with whom any of said officers reside; or,

(d) By handing a true and attested copy thereof, at his place of residence, to the manager or clerk of the hotel, inn, apartment-house, boarding-house, or other place of lodging, where any of said officers reside; or,

(e) By handing an attested copy thereof, at any of its offices, depots, or places of business, to its agents or persons for the time being in charge thereof, if upon inquiry thereat the residence of one of said officers within the county is not ascertained, or if from any cause an attempt to serve at the residence given has failed; or,

(f) If the corporation, partnership limited, or joint stock company has no office or place of business in actual operation in the county where the cause of action arose, then service may be made in such county upon any member of its board of directors, in any of the methods set forth in clauses (a), (b), (c) or (d) hereof; or,

(g) If the corporation, partnership limited, or joint stock company has no office or place of business in actual operation in the county in which the cause of action arose, and no member of its board of directors, or other officer, is a resident of the county in which the cause of action arose, then service may be made in any of the methods set forth in clauses (a), (b), (c), (d), (e) or (f) hereof, in any other county than that in which the writ issues, by the sheriff of such other county, who shall be deputized for that purpose by the sheriff of the county in which the writ issues; or,

(h) In case of a registered foreign corporation, partnership limited, or joint stock company, by serving its duly registered attorney as in the case of a summons issued against him personally, or by leaving a true and attested copy thereof for him, at the registered place,

if he be not found there during the usual business hours of any business day, with the person for the time being in charge of the business carried on at such place.

One return of nihil habet sufficient.

Clause ten, section 1, as amended by act of April 23, 1903 (P. L. 261), further amended.

Provided, That [two returns] a return of nihil habet shall be equivalent to personal service, in writs of scire facias to revive judgments entered in personal actions.

Section 3. That clause tenth of section one of said act, as amended by the act, approved the twenty-third day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred sixty-one), entitled "An act to amend clause ten of section one of an act, approved the ninth day of July, Anno Domini one thousand nine hundred and one, entitled 'An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs,'" is hereby further amended to read as follows:

Writ of ejectment, summons, scire facias, etc.

Tenth. The plaintiff in any writ of ejectment, in any writ of summons to recover upon a ground-rent deed, or to recover any sum charged upon real property by will or deed, in any writ of scire facias sur mortgage, or in any writ to charge particular land with the payment of a particular debt running with the land, or some person on his behalf, shall file with his praecipe an affidavit, setting forth, to the best of his knowledge, information and belief, who are the real owners of the land charged, or in the action of ejectment are claimants thereof, as the case may be; and all such persons shall be made parties to the writ, which shall then be served by the sheriff as follows:

Affidavit.

Service.

(a) By adding to the writ and serving, as in the case of a summons, all persons, other than those named in the writ, who may be found in possession of said land or any part thereof; or, if no one be found in possession thereof, then by posting a true and attested copy of the writ on the most public part of said property; and,

(b) By serving, as in the case of a summons, such of those named in the writ as may be found in the county in which the writ issues; and,

(c) By serving, as in the case of a summons, such of those named in the writ as may be found in any other county of the Commonwealth, by the sheriff thereof, who shall be deputized for that purpose by the sheriff of the county in which the writ issues; and,

(d) By mailing a true and attested copy of the writ, in a registered letter, to such of those named in the writ as cannot be served within the Commonwealth.

But if the plaintiff, or some person in his behalf, in an affidavit filed shall aver that he does not know, and has not been able to ascertain, the owners or claimants of the property, or their addresses, or the names or ad-

dresses of some of them, then service upon the persons in possession of the property, or posting in default thereof, and service as above set forth upon those who can be served, and [two returns] a *return* of nihil habet as to the rest of those named in the writ, shall constitute a full service of such writ.

Provided, however, That nothing herein contained shall in any wise alter or affect the practice and manner of service upon the original covenantor, provided by the first section of the act, approved April eighth, one thousand eight hundred and forty, nor shall anything herein contained in any wise alter or affect the ancient practice of service upon the original mortgagor by two returns of nihil habet, *except that hereafter one return of said writ shall have the same force and effect, as to service, as two returns heretofore.*

Section 4. That clause twelfth of section one of said act is hereby amended to read as follows:

Twelfth. The writ of scire facias to revive a judgment, in any of the classes of cases mentioned in sections ten and eleven of this act, shall be served as is provided for the original scire facias therein, unless personal service was made upon the defendants in the original proceeding, in which event [two returns] a *return* of nihil habet to the writs to revive shall be equivalent to personal service upon the defendants.

APPROVED—The 24th day of April, A. D. 1931.

GIFFORD PINCHOT

No. 47

AN ACT

To validate acts done and contracts, conveyances, transfers, and mortgages of property made, to or by any corporation of the first class, created or intended to be created by decree of the courts of common pleas, granting a charter, where the applicants for incorporation had failed to register its proposed name as required by law; and to validate charters of corporations of the first class, granted since the sixteenth day of May, one thousand nine hundred and twenty-three, where there was a failure to register the name or title of the proposed corporation at the time of filing its application for a charter as required by law; providing for the subsequent filing of such registration; and providing for the amendment of names or titles of such corporations in certain cases.

Section 1. Be it enacted, &c., That where heretofore any act has been done, or contract, transfer, conveyance or mortgage of any property, been made, to or by any corporation of the first class, after the granting of a charter by decree of any court of common pleas of this

Return of nihil habet.

Proviso.

Original covenantor.

Original mortgagor.

Return of nihil habet.

Clause twelve, section 1, amended.

Scire facias to revive.

Return of nihil habet.

Corporations of first class.