

C H A P.
XIX.

come before any one of the judges of the judicial districts within which such person or persons respectively reside, or before any two of the justices of the peace of the county in which such person or persons shall respectively reside, and, together with not less than two other persons, such as the said judge or justices shall approve of, confess judgment for the debt or damages, and costs of suit, adjudged or decreed, which confession shall be in manner and form following: "You A. B, C, D, and E, F, do jointly and severally confess judgment to G. H, for the sum of —, and costs, which were recovered by the said G. H. against the said A. B. on the — day of —, in the year of our Lord one thousand —, in the — court, or, (as the case may be.) before — —, Esquire, one of the justices of the peace in and for — county; the said sum of money, and costs, to be levied of your bodies, goods or chattels, lands or tenements, for the use of the said G. H, in case the said A. B. shall not pay and satisfy to the said G. H. the said sum of money, and costs, so as aforesaid recovered, with additional costs thereon;" which confession shall be signed by the judge or justices before whom the same shall be made, and he or they, as the case may be, shall immediately on taking the same grant a certificate thereof, under his or their hand and seal, to the party confessing the judgment, and such certificate shall be sufficient authority to the sheriff, coroner or constable, as the case may be, to forbear serving the execution on the body, goods or chattels, lands or tenements, of the person so obtaining such certificate; and that if any person now in execution, or who hereafter shall be taken in execution, or whose goods or chattels, lands or tenements, are now or hereafter shall be taken in execution, during the continuance of the said act of congress, and of the several supplements thereto, or within six months after the repeal thereof, shall obtain a certificate in manner aforesaid, such certificate, so obtained, and delivered to the sheriff, or coroner or constable, (as the case may be,) shall be a sufficient authority to the sheriff, coroner or constable, (as the case may be,) to release such person or persons from confinement upon that execution, or restore and deliver the goods or chattels, lands or tenements, so taken in execution, to the person or persons against whom such execution may have issued, such person or persons giving to the sheriff, coroner or constable, as the case may be, sufficient security for the poundage or other fees due upon any such execution, and provided the goods or chattels, lands or tenements, so taken in execution, were not sold before the said certificate was delivered to the sheriff, coroner or constable, (as the case may be;) and the judge or justices before whom the judgment shall be confessed as aforesaid, shall, within thirty days thereafter, under the penalty of ten dollars for every neglect, and a further sum of three dollars for every day that he shall continue such neglect, after the expiration of the said thirty days, return the same to the clerk or register, (as the case may be,) of the respective courts where the said judgment or decree was obtained, there to be recorded, for which recording such clerk or register shall receive as a fee eight cents, and in case the said confession was on the judgment of a justice of the peace, then such confession of judgment shall be returned to the clerk of the county where the said justice may reside, to be by him recorded, and for the recording of which he shall be entitled to receive eight cents; which said penalty may be recovered by any person who shall sue for the same, by action of debt or bill of indictment, in the county court of the county where the judge or justices shall reside.

When plaintiff
may sue out execution, &c.

II. AND BE IT ENACTED, That from and after the expiration of six months after the repeal of the said act of congress, and of the several supplements thereto, and not before, and at any time within one year thereafter, it shall and may be lawful for the plaintiff or plaintiffs to sue out execution on judgments so as aforesaid confessed, or judgment so as aforesaid superseded, without suing out a scire facias, or being subject to further delay, against the principal, his securities, or either of them, any law to the contrary notwithstanding.

In case of a decree, no sale to be made, &c.

III. AND BE IT ENACTED, That in any case in which a decree for foreclosure and sale of mortgaged property has been, or shall be obtained, in any court of equity, or courts of law exercising equitable jurisdiction, within this state, no sale shall take place thereon during the continuance of the said act of congress, and of the several supplements thereto, or within six months after the repeal thereof; provided, that the mortgagor or mortgagors, or those claiming under him, her or them, if of full age, or such of them as are of full age, shall annually, if required, pay or give bond to the mortgagee or mortgagees, his, her or their executors, administrators and assigns, with a security or securities, to be approved of by the chancellor, one of the judges of the judicial district, or two justices of the peace of the county wherein the mortgaged premises may be, for one year's interest on the amount of the claim secured by such mortgage, which said interest shall nevertheless continue a lien upon said mortgaged property; and in case the said mortgaged property shall consist of personal goods and chattels, that a bond shall likewise be given, with security to be approved of as aforesaid, in the penal sum of twice the amount of the mortgaged debt, conditioned that such property shall not be wasted or concealed, but that the same shall be forthcoming upon any further order of said court.