

C H A P. XXXIII.

this Province, in the Provincial, or any County Courts of this Province, for any Cause, Matter or Thing whatsoever.

* By the Act of 1728, ch. 24, §. 4, 5, 6, the Time in this Act of 1715, shall hereafter be changed, from the 10th of November, to the 10th February; and the Words [on the 10th November next] in the Confession, shall be changed to these Words [on the 10th Day of February next.] And it shall not be lawful for any Person to sue out any Judgment, so superfeded, 'til after the 10th February next ensuing such Superfedas.

Provided the Debtor with two sufficient Sureties, confess Judgment for Debt and Costs.

III. Provided such Person or Persons against whom any such Judgment is obtained, together with Two other Persons, such as the Justices shall approve of, come before One Justice, or more, of the Provincial Court, or Two Justices, or more, of the respective County Courts where such Judgment is obtained as aforesaid, and shall confess Judgment for his Debt and Costs of Suit adjudged, with Stay of Execution 'til the Tenth Day of November next, for this present Year, or until the Tenth Day of * November, in any other Year, next following; which Confession is to be made in Manner and Form following, That is to say,

* 10th February: See the Note on §. 2.

Form of the Confession, or Security.

“ You H. M. A. B. and C. D. do confess Judgment to E. F. for the Sum of which Sum was recovered by the said E. F. against H. M. on the Day of in the Court: The said to be levied of your Bodies, Goods or Chattels, Lands or Tenements, for the Use of the said E. F. in case the said H. M. shall not pay and satisfy to the said E. F. the said so as aforesaid recovered against him, with the additional Costs thereon, on the Tenth Day of † November next.”

† 10th February: See the Note on §. 2. And a Certificate thereof under Hands of the Justices shall be a sufficient Superfedas to the Sheriff.

Which Confession is to be signed by the Justice or Justices before whom such Confession is to be made, and thereof procure Certificate under the Hand of the same Justice or Justices before whom such Judgment shall be confessed; and such Certificate shall be a sufficient Superfedas to the Sheriff, to forbear serving Execution upon the Body or Goods of the Person so obtaining such Certificate.

If arrested, such Certificate, obtained afterwards, shall release the Prisoner, or his paying Fees. Judgment so confessed shall be recorded. Clerks Fees, 5^{lb} Tobacco. After 10th February Execution may be taken out without *scire facias*, &c.

IV. And if the Party be taken in Execution before such Certificate be produced, then, such Certificate, being obtained afterwards as aforesaid, shall be a sufficient Superfedas to the Sheriff to release such Person out of Prison upon that Execution, the Party paying or giving Security to such Sheriff for his due Fees for that Imprisonment: And the Justice or Justices, before whom such Judgment shall be confessed as aforesaid, shall return the Judgment so confessed to the Clerks of the respective Courts where the first Judgment was obtained, to be entered upon Record; for which Entry the Clerk shall receive as a Fee Five Pounds of Tobacco, and no more. And that after the said Tenth Day of November, it shall be lawful to take out Execution upon the Judgment confessed as aforesaid, without any *Scire facias*, or any other Delay, against either the Principal or the Security, or all or either of them, for such Judgment so confessed as aforesaid; any Law, Usage or Custom to the contrary in any wise notwithstanding.

The President, or two Justices of any County Court, may suspend Execution of Judgment rendered in the Provincial.

V. And be it further Enacted, by the Authority aforesaid, That the President, or Two Justices of any County Court within this Province, may proceed to the Staying or Superfeding the Execution of any Judgment rendered, or to be render'd, in the Provincial Court, as fully and effectually, to all Intents, Constructions and Purposes, as any Justice of the Provincial Court might, or ought to do.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

N. B. By 1721, ch. 4, the above Power of Superfeding is extended to Judgments obtained in the High Court of Appeals, and Chancery: And also to Small Debts recovered before a Single Magistrate. And by 1732, ch. 22, Executions issued before the 10th of May, in any Year, but not served till after that Day, may be superfeded in the same Manner as if they had been issued after the 10th of May.

C H A P. XXXIV.

1715.

An Act for the Punishment of Blasphemy, profane Swearing, Cursing and Drunkenness. Lib. LL. N° 4. fol. 188. REP. by 1723, ch. 16.