

the goods and chattels of any such persons so neglecting, refusing or hindering and upon occasion of all such executions the clerk and sheriff of the county concerned were to issue out and serve execution without any fee or reward. A 1695 act provided that in the event any person marked any arms, not entered with the respective clerks of the several militia companies, with the marks adopted by such companies, he should suffer a penalty of 400 pounds of tobacco to be levied and assessed by the militia officers and execution awarded thereon.<sup>89</sup>

A 1692 act provided that no execution should issue out of any court in the province in any cause or matter whatsoever against the body or goods of any inhabitant until the 10th of October of any year for any debt or upon any judgment issued or recovered against such inhabitant between the 10th of April and the 10th of October in such year. This prohibition was subject to the condition that the person, against whom the judgment was obtained, immediately come before one or more justices of the Provincial Court or two or more justices of the county court in which the judgment was obtained, with two other persons approved by the justices, and confess judgment to the party who had obtained the judgment for the debt and costs of suit adjudged with a *cessat executio* (stay of execution) until the October 10th next following. A certificate to this effect under the hand or hands of the justice or justices before whom the judgment was confessed was to be a sufficient *supersedeas* to the sheriff to forebear serving execution upon the body or goods of the person so obtaining such certificate. If the party against whom judgment was obtained was taken in execution before such certificate was procured, a certificate obtained afterwards was to be a sufficient *supersedeas* to the sheriff for release of such party from imprisonment upon execution, the party released paying or giving security to the sheriff for his due fees for such imprisonment. The justice or justices before whom judgment was so confessed were to return such judgment to the court where the first judgment was obtained to be entered upon record.<sup>90</sup>

The 1692 act was superseded by a 1697/8 act which, after reiterating the provisions of the earlier act, provided that judgment might be confessed before the mayor, recorder or any two aldermen of the City of St. Marys or two commissioners of the Port of Annapolis and that after the October 10th date, it would be lawful to take out execution upon the judgment confessed without any *scire facias* or other delay, any law, practice, usage or custom to the contrary. A 1699 act made it clear that execution taken out after October 10th on the judgment confessed might be against the principal, or the securities or all or any of them.<sup>91</sup>

The reason for these acts is found in the legislative recital that many inhabitants of the province had been exceedingly grieved and burdened by executions laid upon them in summer time when it was impossible for them to procure tobacco for the payment and satisfaction of their creditors. As a result they were often kept in prison a long time and prevented from tending their crops to their great prejudice, if not ruin, and thereby left destitute of any means of satisfying their creditors.

Where judgment was had in the county court in any matter and the party against whom judgment was obtained fled into another county, out of the jurisdiction of the court, a 1692 statute provided that it should be lawful for the plaintiff to obtain a certificate from the justices of such court as to such flight and thereupon the justices of the Provincial Court were to award execution against the body or

89. 13 *id.* 554; 22 *id.* 562; 38 *id.* 55.

90. 13 *id.* 519.

91. 38 *id.* 111; 22 *id.* 466.