

C H A P.
LXVII.

whom any such judgment or decree is obtained, shall come before one judge of the general court, one of the justices of the county court, or two justices of the peace of the county where such person or persons shall reside, within two months after the rendition of such judgment, and, together with two other persons, such as the said judge, justice or justices, shall approve of, confess judgment for his debt, and costs of suit adjudged or decreed, with stay of execution for six months thereafter; which confession shall be made in manner and form following; that is to say, "You H. M. A. B. and G. D. do confess judgment to E. F. for the sum of ——— and ——— costs, which were 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 ——— day of ——— next;" which confession shall be signed by the judge, justice or justices, before whom the same is made, and certificate thereof shall be procured, under the hand or hands of the said judge, justice or justices, and such certificate shall be a sufficient *superfedeas* to the sheriff to forbear serving execution upon the body or goods of the person so obtaining such certificate.

No execution
to issue in cer-
tain cases, &c.

II. **And be it enacted,** That from and after the tenth day of May aforesaid no execution against the body or goods of any person or persons in this state, shall issue on any judgment or decree obtained in any county court or orphans court, provided such person or persons shall go before any justice of the county court, or two justices of the peace, of the county where such judgment or decree is obtained, within two months after the rendition of such judgment, and, together with two other persons, such as the said justice or justices shall approve of, confess judgment for his debt, and costs of suit adjudged or decreed, with stay of execution as aforesaid, which confession shall be in manner and form as aforesaid; and such confession shall be signed by the justice or justices taking the same, and certificate thereof procured under the hand of him or them; and such certificate shall be a sufficient *superfedeas* to the sheriff as herein before mentioned.

Not on cer-
tain judge-
ments, &c.

III. **And be it enacted,** That from and after the tenth day of May aforesaid no execution for the body or goods of any person or persons in this state, shall issue on any judgment rendered by a single magistrate, provided such person or persons shall go before any justice of the peace of the county wherein such judgment shall be obtained, within two months after the rendition of such judgment, and, together with security, such as the justice shall approve of, confess judgment for the debt, and costs of suit adjudged, with stay of execution as aforesaid; which confession shall be in manner and form as aforesaid, and shall be signed by the justice taking the same, and certificate thereof shall be procured under his hand, which shall be a sufficient *superfedeas* as aforesaid.

A certificate,
in certain
cases, to be a
superfedeas,
&c.

IV. **And be it enacted,** That if the party be taken in execution before any certificate, provided the confession of judgment therein certified shall have been made within two months after the rendition of the original judgment as aforesaid, be produced as aforesaid, such certificate, being afterwards obtained, shall be a sufficient *superfedeas* to the sheriff to release such person out of prison upon that execution, the party paying or giving security to such sheriff for his fees due for that imprisonment; and the judge, justice or justices, before whom such judgment shall be confessed as aforesaid, shall return the same to the clerk or register, as the case may be, of the respective court where the first judgment was obtained, or, in case the said confession was on the judgment of a single magistrate, to the clerk of the county wherein such judgment was rendered, by the next court in course which shall be held after the taking the said confession, to be entered on record, under the penalty of three pounds current money for every neglect, to 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 said judge, justice or justices reside; for which entry such clerk or register shall receive, as a fee, five pounds