

thereon, on the ——— day of ——— next," which confession shall be signed by the justice before whom the same is made and forthwith returned to the clerk of the court in which the judgment or decree was rendered, who shall record the same; if the judgment was rendered in the court of appeals the confession aforesaid may be made before a justice of the peace in the county where the defendant resides; provided, however, that no such confession of judgment shall operate as a *supersedeas* of or delay the issuing of an execution upon any judgment or decree rendered by any of the circuit courts or the court of appeals of this State, unless the same be approved, both as to form and the sufficiency of the security by the clerk of the court where the judgment or decree intended to be superseded was rendered. This section shall not apply to the city of Baltimore; and it shall not be lawful for the justices of the peace in said city to take *supersedeas* of any judgment recovered in the court of common pleas, the superior court of Baltimore city or the Baltimore city court, but such *supersedeas* shall be taken by the clerks of said courts respectively.

Where the clerk corrects an erroneous date inadvertently filled in, the judgment of *supersedeas* should be struck out. How mistakes in the *supersedeas* should be corrected. *Bowes v. Isaacs*, 33 Md. 539; *Smith v. Bowes*, 38 Md. 465.

The original judgment is not merged or destroyed by the judgment of *supersedeas*; the plaintiff may pursue his remedy at his option, either on the original or *supersedeas* judgment. (See section 69). *Smith v. Anderson*, 18 Md. 526.

The act of 1791, ch. 67, section 4, was altered as to magistrate's judgments by the act of 1801, ch. 62 (see section 68). *Candler v. Fisher*, 11 Md. 336.

*Cf.* sec. 61, *et seq.*

As to executions, see also art. 26, sec. 20, and art. 83, sec. 1, *et seq.*

See art. 17, sec. 28, *et seq.*

1904, art. 52, sec. 55. 1888, art. 52, sec. 53. 1860, art. 51, sec. 46. 1791, ch. 67, sec. 4. 1792, ch. 74, sec. 1.

57. The plaintiff in any judgment or decree may issue execution thereon at any time within two months after the rendition of the same or after expiration of the stay which may be entered thereon, unless the defendant shall supersede the same as provided in the preceding section; but if the defendant shall supersede as aforesaid within the two months, it shall stay any execution previously issued and the sheriff shall not proceed on such execution if the defendant shows him a certificate of the justice that the judgment has been superseded, the defendant paying the cost of the execution.

*Ibid.* sec. 56. 1888, art. 52, sec. 54. 1860, art. 51, sec. 47. 1826, ch. 194, sec. 2. 1829, ch. 166, sec. 1. 1830, ch. 80. 1834, ch. 126.

58. The stay of execution on a *supersedeas* taken under the preceding sections shall be computed from the date of the *supersedeas*, but where a judgment has been confessed in the circuit court at the second term thereof with stay of execution till the next term, the stay of execution by *supersedeas* on such judgment shall be computed from the first Thursday of the term next ensuing the said second term; and when the judgment of a justice of the peace is superseded, the stay of execution