

judgment or upon an authenticated copy thereof and shall be returnable before the justice issuing the same or before any other justice who may be named therein.

### Supersedeas and Execution.

An. Code, sec. 56. 1904, sec. 54. 1888, sec. 52. 1791, ch. 67, sec. 4. 1826, ch. 194. 1860, ch. 132, sec. 3. 1896, ch. 207.

59. No execution shall issue upon any judgment or decree obtained in any circuit court for any county of this State, provided the defendant therein shall come before a justice of the peace of the county where such judgment or decree was rendered within two months after the rendition of such judgment or decree, and, together with two other persons such as the said justice 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, ———, do confess judgment to ———, for the sum of ——— and costs, which were recovered by the said ———, against ———, on the ——— day of ———, in the ——— court; the said ——— to be levied of your goods and chattels, lands or tenements, for the use of the said ———, in case the said ——— shall not pay and satisfy to the said ———, 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 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as to form and the sufficiency of the security by the clerk of the court where the judgment or decree intended to be superseded was rendered.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 clerk corrects an erroneous date inadvertently filled in, the judgment of *supersedeas* should be struck out. How mistakes in *supersedeas* should be corrected. *Bowes v. Isaacs*, 33 Md. 539; *Smith v. Bowers*, 38 Md. 465; *Backus v. State*, 118 Md. 540.

The original judgment is not merged or destroyed by judgment of *supersedeas*; plaintiff may pursue his remedy at his option, either on original or *supersedeas* judgment. (See sec. 72). *Smith v. Anderson*, 18 Md. 526.

In taking a *supersedeas*, the clerk should pursue the simple form contained in this section. *Backus v. State*, 118 Md. 542.

The act of 1791, ch. 67, sec. 4, was altered as to magistrate's judgments by the act of 1801, ch. 62 (see sec. 71). *Candler v. Fisher*, 11 Md. 336.

*Cf.* sec. 64, *et seq.* See art. 17, sec. 32, *et seq.*

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