

DEC SESS.
1814.

Return of
judgments—
penalty.

or chattels, lands or tenements so taken in execution, were not sold before the said certificate was delivered to the sheriff, coroner or constable, (as the case may be.)

3. AND BE IT ENACTED, That the judge, or justices (as the case may be) before whom any judgment shall be confessed as aforesaid, shall within sixty days thereafter, under the penalty of ten dollars for every neglect, and a further sum of three dollars for every day that he shall continue such neglect after the expiration of the said sixty days, return the same to the clerk or register, (as the case may be) of the respective courts where the said judgment or decree was obtained, there to be recorded; and in case the confession of judgment under this act be on a judgment affirmed in the court of appeals of either shore it shall be returned to the court of the county where the said judgment was originally obtained, upon which process of execution may be issued by the clerk of such court, returnable to the same, as upon other judgments rendered therein; for which recording such clerk or register shall receive as a fee eight cents; which said penalty may 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 judge or justices shall reside.

4. AND BE IT ENACTED, That from and after the thirty first day of January eighteen hundred and sixteen and at any time within one year thereafter it shall and may be lawful for the plaintiff or plaintiffs, to sue out execution on judgment so as aforesaid confessed, or judgment so as aforesaid superseded, without suing out a scire facias, or being subject to further delay against the principal, his securities, or either of them, any law to the contrary notwithstanding.

Plaintiffs may
sue out executions.

5. AND BE IT ENACTED, That in any case in which a decree for foreclosure and sale of mortgaged property has been or shall be obtained, in any court of equity, or court of law exercising equitable jurisdiction within this state, no sale shall take place before the thirty first day of January eighteen hundred and sixteen; *Provided*, that the mortgagor or mortgagors, or those claiming under him, her or them, if of full age, or such of them as are of full age, shall annually, if required, pay or give bond to the mortgagee or mortgagees, his, her or their executors, administrators and assigns, with a security or securities, to be approved of by the chancellor, one of the judges of the judicial district, or two justices of peace of the county wherein the mortgaged premises may be, for one year's interest on the amount of the claim secured by such mortgage, which said interest shall nevertheless continue a lien upon said mortgaged property. And in case the said mortgaged property shall

Decrees of
foreclosure &
sales.

Proviso.