

DEC. SESS.
1814.

Sureties not
being deemed
good—remedy

Proviso.

Superseded.

consist of personal goods and chattels, that a bond shall likewise be given, with security to be approved of as aforesaid, in the penal sum of twice the amount of the mortgaged debt, conditioned that such property shall not be wasted or concealed, but that the same shall be forthcoming upon any further order of said court.

6. AND BE IT ENACTED, That as often as any creditor, or the executors or administrators of any such creditor, shall conceive himself or herself in danger of suffering from the insufficiency of any security so as aforesaid to be taken by virtue of and under this act, he, she or they may apply to the judge, justices or justice (as the case may be) before whom the said confession was made, or in case of the death, removal, resignation, or disqualification of such judge, justices or justice, or either of the said justices, then to any other judge of the judicial district, or justices as aforesaid; and if it shall appear to the said judge, justices or justice that the said application is well founded, he or they shall issue a summons, directed to the sheriff or constable of the county where the person or persons having confessed such judgment may reside, requiring him, her or them, within a fixed reasonable time to be mentioned in such summons, to enter into another confession of the same judgment, with other securities, to be approved of by said judge, justices, or justice (as the case may be;) and upon the failure or neglect of such person or persons to comply with the requisition in such summons contained, the said judge, justices or justice (as the case may be,) upon proof of the serving of such summons, or of its being left at the last place of abode of the person or persons on whom it should have been served, are hereby directed, to deliver, upon the same being applied for, a statement under his or their hands and seals, of the issuing of such summons, and the failure of compliance therewith; upon the delivery whereof to the clerk or register of the court where such confession of judgment was returned, or to a justice of the peace of the county, where such judgment was superseded, the plaintiff or plaintiffs in the original judgment his or their executors or administrators, may have and use the same proceedings thereon which might or could have been had if this act had never passed; *Provided always*, that if after the expiration of the time mentioned in the said summons, a confession of judgment as therein required shall be entered into, and a certificate thereof obtained, such certificate shall have the same force and operation as it would have had under this act if no antecedent confession of judgment had ever been made; and the said confession or judgment shall be returned and recorded in the same manner, and under the same penalties, as are herein before prescribed.

7. AND BE IT ENACTED, That in all and every

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