

1778.

L A W S of the S T A T E of

C H A P.  
XXI.

action of debt brought by the said John Doe against the said Richard Roe in the general court. They acknowledge themselves to be content therewith, this            day of            before

To the honourable the judges of the general court.

Varying nevertheless the said form, according as the nature of the action may require; and that the said recognizance shall have the same force and effect as any recognizance of bail acknowledged and taken in open court.

Justices to examine into the sufficiency of bail, &c.

V. And be it further enacted, That the judge or justices, by and before whom any such recognizance of bail shall be taken and acknowledged, shall, and they are hereby required, carefully to examine into the circumstances and sufficiency of the bail so to be taken as aforesaid, and to be careful that they do not take any recognizance of bail of persons that shall not appear to them to have sufficient estate within this state to answer the same at the time of taking and acknowledging thereof; provided that nothing herein shall be construed to abridge or take away the power of the justices of the general or county courts within this state, to make rules and orders for the justifying bails and making the same absolute, or to examine the sureties upon oath, touching the value of their estates, as by the said recited act they are required to do.

Upon judgment on recognizance of bail, plaintiff may issue execution, &c.

VI. And be it also enacted, That upon any judgment hereafter to be rendered upon any recognizance of bail, it shall and may be lawful for the plaintiff or plaintiffs therein, to issue execution against the body, goods or chattels, lands or tenements of the defendant, as if the said judgment were for his own proper debt, any law, usage, or custom, to the contrary thereof in any wise notwithstanding.

Execution may be issued, &c. on judgment rendered, &c.

VII. And be it enacted and declared, That execution may be issued on any judgment rendered in the provincial court, or rendered or to be rendered in the general court, or in any county court of this state, with stay of execution; at any time within one year next after the expiration of such stay; provided that the stay of execution be entered upon the clerk of the court his docket, at the same court when the judgment shall be rendered; and also after the dissolution of any injunction of or from the court of chancery, or the discharge or expiration of any *superfedeas*, on appeal, or any writ of error; at any time within one year after dissolution of such injunction or discharge, or expiration of such *superfedeas*.

Courts may give judgment in causes referred to arbitration, &c.

VIII. And be it further enacted, That if any cause, instituted, or hereafter to be instituted, in any of the courts of this state, shall, by rule of court, and by the consent and agreement of the parties thereto, be submitted and referred to the award and arbitrament of any person or persons, it shall and may be lawful to and for such court to give judgment upon the award of the person or persons to whom such submission and reference shall be made, as of the court to which such award shall be returned, and to award execution thereon, in the same manner as they might do upon verdict, confession, or nonsuit, and that such judgment shall have the same effect, to every intent and purpose, as any judgment upon verdict or confession would have.

IX. Pro