

MAY SESS.
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thereon;" which confession shall be signed by the judge or justices before whom the same shall be made, and he or they (as the case may be) shall immediately on taking the same, grant a certificate thereof, under his or their hand and seal to the party confessing the judgment; and such certificate shall be sufficient authority to the sheriff, coroner or constable, (as the case may be,) to forbear serving the execution on the body, goods or chattels, lands or tenements, of the person so obtaining such certificate; and that if any person now in execution, or who hereafter shall be taken in execution, or whose goods or chattels, lands or tenements are now, or hereafter shall be taken in execution before the end of the next session of the general assembly, shall obtain a certificate in manner aforesaid, such certificate, so obtained and delivered to the sheriff, coroner or constable, (as the case may be,) shall be a sufficient authority to the sheriff, coroner or constable, (as the case may be;) to release such person or persons from confinement upon that execution, or restore and deliver the goods or chattels, lands or tenements, so taken in execution, to the person or persons against whom such execution may have issued, such person or persons giving to the sheriff, coroner or constable, (as the case may be,) sufficient security for the poundage or other fees due upon any such execution: *And Provided*, the goods 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,) and the judge or justices before whom the judgment shall be confessed as aforesaid, shall within thirty 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 thirty 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; for which recording such clerk or register shall receive as a fee, eight cents; and in case the said confession was on the judgment of a justice of the peace, then such confession of judgment shall be returned to the clerk of the county where the said justice may reside, to be by him recorded, and for the recording of which he shall be entitled to receive 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.

Proviso.