AN ACT

To suspend Executions for a limited time.

[Passed Dec. 17, 1812.]

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when any judgment shall be obtained for any debt or damages in any Court having jurisdiction thereof, against any debtor or debtors at any time after the 31st day of the present month of December, and before the 1st of February, 1814, it shall be the duty of such Court before whom such judgment shall be obtained, to stay Execution and all further proceedings thereon until the first term or regular session of such Court after the first day of February, one thousand eight hundred and fourteen, on such debtor or debtors first giving two sufficient Freeholders (such as shall be approved by the Court) securities for the stay of Execution, an acknowledgment of such securities in open Court, and entered on the records of the same, shall be considered as part thereof; and if such judgment shall not be paid, with six per cent interest thereon, before the first term or session of the Court after the first day of February, one thousand eight hundred and fourteen, it shall then be the duty of said Court, immediately to award execution, in a summary way against the principal and his securities for the full amount of such judgment, or so much thereof as shall remain unpaid, together with the lawful interest thereon and costs.

II. *And be it further enacted*, That when any judgment shall be obtained before any Justice of the Peace against any debtor or debtors, on or after the thirty-first of the present month of December, it shall be the duty of such Justice of the Peace, before whom such judgment shall be obtained, to stay Execution and all further proceedings thereon until the first day of February, one thousand eight hundred and fourteen, on such debtor or debtors first giving sufficient security in two Freeholders (such as shall be approved by said Justice) for the stay of Execution; and if such judgment, with six per cent interest thereon, be not paid and satisfied before the first day of February, one thousand eight hundred and fourteen, then it shall be the duty of the Justice of the Peace on application, to award Execution instanter against the principal and his securities, for the full amount of such judgment, or so much thereof as shall remain unsatisfied, together with the lawful interest thereon and costs; *Provided*, That nothing herein contained shall be so construed as to prevent any defendant or defendants from claiming or obtaining the stay of Execution as heretofore practised.

III. *And be it further enacted*, That it shall be the duty of every Sheriff, Constable or other Officer to whom any other Execution has been or shall be directed in consequence of any judgment already obtained, or which may be obtained before the first December current, to stay all further proceedings thereon on the person or persons against whom such Executions has or shall have issued, first giving bond with two sufficient freeholders securities in the full sum specified in the Execution, payable to him, her or them for whose debt or damages such Execution aforesaid has or shall have issued:— Which bond, together with the Execution, the Sheriff, Constable or other Officer shall return to the Court or Justice of the Peace to whom the same shall be made returnable: And the Court or Justice of the Peace on such return being made, should they think such securities fully sufficient, shall stay all further proceedings on such Execution until the expiration of the times respectively specified in the first and second sections of this act; and at the expiration of such times it shall be the duty of such Court or Justice respectively to award Execution in a summary way against the principal and his securities for the full amount of such bond, or so much thereof as shall remain unpaid, togetherwith the lawful interest thereon, and the Constable or other Officer shall receive from the principal giving such bond the sum of two shillings for the same.

IV. *And be it further enacted*, That where any Sheriff, Constable or other Officer has levied or shall have levied on any goods, chattels, lands and tenements before the 31st December current, by virtue of any Execution, or has arrested and imprisoned, or shall have arrested or imprisoned before that day, any person by writ of Ca. Sa. which has or shall have issued for any debt or damages, it shall be the duty of such Sheriff, Constable or other Officer, on bond with sufficient security being given, (as prescribed in the 3d section of this Act) to deliver the property thus levied on the debtor, on demand, and release the person arrested or imprisoned from custody.

V. *And be it further enacted*, That nothing herein contained shall be deemed to apply to judgments or Executions which are or may be obtained or issued in consequence of any contract made after the first day of January next, or in the name of the State, or at the instance of the Treasurer, or to alter the mode by which such judgments and Executions are carried into effect, or to exonorate Clerks, Sheriffs, County Treasurers or Treasurers of public buildings, and Constables from paying or satisfying on Execution, or otherwise, all such sums of money as they have received and collected by virtue of their office, and if Execution issues against any of them, their property shall be sold to the highest bidder to satisfy such Execution; any thing herein contained to the contrary notwithstanding.

VI. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent Clerks, Sheriffs, County Treasurers or Treasurers of public buildings from collecting such monies as may be due them for the use of the public.

VII. *And be it further enacted*, That this Act shall be in force and operation immediately from the ratification thereof.

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