

Case No. 6,569. HODGSON ET AL. V. MOUNTZ ET AL.
[1 Cranch. C. C. 366.]¹

Circuit Court, District of Columbia.

Dec. Term, 1806.

AUTHORITY OF MAYOR OF GEORGETOWN—CONFESSION OF
JUDGMENT—STAY—HOW RECKONED.

1. The mayor of Georgetown may, in that town, do any act which a justice of the peace of the county can do.
2. A judgment against two, may be superseded by one of the defendants, and the new confession will bind him and his sureties; and the other defendant need not be named in the supersedeas.
[Cited in Chesapeake & O. Canal Co. v. Barcroft, Case No. 2,644.]
3. The six months' stay is reckoned from the day of the confession of the new judgment.
4. The sum confessed need not be repeated and specially set forth in the blank at the end of the supersedeas.
5. Parol evidence may be given that the confession was made at a place within the jurisdiction of the magistrates before whom it was made.

[This was an action at law by Hodgson & Thompson against Mountz, Knowles, and another.]

Upon the return of a ca. sa. issued upon a supersedeas,—

Mr. Morsell and F. S. Key, for defendants, moved the court to quash the execution.

1. Because the law of Maryland of 1791 (chapter 67, § 1) requires that the confession of judgment shall be made before two justices of the peace of the county, but this confession was made before the mayor of Georgetown, and one justice of the peace of the county only.
2. The original judgment was against Jacob Mountz and George Reintzel; and it is superseded by Mountz only.
3. The original judgment is misrecited in the supersedeas, the original judgment being against both and the supersedeas stating that it was a judgment against one.
4. That the six months' stay is to be reckoned from the day of the original judgment, but the supersedeas reckons it from the day of the date of the supersedeas, that is, the day of confession of the new judgment
5. That the blank, at the end of the supersedeas, ought to be filled up with the actual sum to be paid.
6. That it does not appear, upon the supersedeas, that the judgment was confessed in Georgetown, so as to be within the jurisdiction of the mayor, and that parol evidence cannot be now given of that fact.

Mr. Jones, for plaintiffs.

But THE COURT, after argument, overruled all these objections, and refused to quash the execution.

¹ [Reported by Hon. William Cranch, Chief Judge.]