

1904. art. 8, sec. 2. 1888, art. 8, sec. 2. 1860, art. 9, sec. 2.
1830. ch. 165, sec. 2.

2. The equitable assignee of a judgment may issue *scire facias* in his own name, to revive the same without administration upon the estate of the legal plaintiff.

The assignee of a judgment need not recite in the *sci. fa.* that the assignment was in writing. *Bank of United States v. Lyles*, 10 G. & J. 326.

The person to whose use a judgment has been entered, may prosecute a *sci. fa.* *Clark v. Digges*, 5 Gill. 118.

An assignment may be not only by the original plaintiff in a judgment, but also by any *bona fide* assignee. *McAleer v. Young*, 40 Md. 445; *Kent v. Somervell*, 7 G. & J. 265.

See notes to sec. 1.

Ibid. sec. 3. 1888. art. 8. sec. 3. 1860, art. 9, sec. 3. 1829. ch. 51.
1830. ch. 165, sec. 3.

3. Any defendant may make the same legal or equitable defences as might or could have been had and maintained against the assignor at the time of such assignment and before notice thereof, and to the same extent.

The assignee of a non-negotiable *chose in action* takes it subject to all legal and equitable defences which the obligor has, unless the latter refuses to give the assignee information when he requires it. *Harwood v. Jones*, 10 G. & J. 420. See also. *Steele v. Sellman*, 79 Md. 6; *Timms v. Shannon*, 19 Md. 314; *Kemp v. McPherson*, 7 H. & J. 336.

If the obligor pays the debt to the assignor without notice of the assignment, he will be protected. *Robinson v. Marshall*, 11 Md. 255.

Only such claims can be set off against the assignee of a *chose in action* as existed at the time of the assignment. *Fusting v. Sullivan*, 51 Md. 496.

An assignment may be made not only by the original plaintiff in a judgment, but also by any *bona fide* assignee. *McAleer v. Young*, 40 Md. 445.

This section, as well as the entire act, shows a purpose to extend the right of action free from technical niceties, at the same time preserving the rights of the debtor. *Lucas v. Byrne*, 35 Md. 495.

This section applied. *Goldsborough v. Cradie*, 28 Md. 487; *Job v. Walker*, 3 Md. 132.

Cited but not construed in *Hampson v. Owens*, 55 Md. 586.

As to the assignee of a claim against the state, see art. 95, sections 14 and 15.

Ibid. sec. 4. 1888, art. 8, sec. 4. 1860, art. 9, sec. 4. 1830. ch. 165, sec. 2.
1880. ch. 161. sec. 4.

4. When the legal plaintiff in any suit entered for the use of any person shall die before or after judgment, the person for whose use the same may be entered, or who may be entitled to the same, or his representative, may prosecute the same to judgment and satisfaction, as if the legal plaintiff had not died.

An assignment may be made not only by the original plaintiff in a judgment, but also by any *bona fide* assignee. *McAleer v. Young*, 40 Md. 445.

Ibid. sec. 5. 1888. art. 8. sec. 5. 1860. art. 9, sec. 5. 1763, ch. 23, sec. 7.

5. The surety in any bond or other obligation for the payment of money or promissory note, or the endorser of any protested bill of exchange, who shall pay or tender the money due thereon, whether the whole be due or part has been previously paid, shall be entitled to an