

isfied. There shall likewise be a certificate of some person authorized to administer an oath, endorsed on or annexed to a statement of the debt due on such judgment or decree, that the creditor, since the death of the deceased, hath taken before him the following oath, to wit: "That he hath not received any part of the sum for which the judgment or decree was passed, except such part (if any) as is credited;" and if the creditor on the judgment or decree be an assignee of the person who obtained it, the oath shall go on and say further, "and that to the best of his knowledge or belief, no other person hath received any parcel of the said sum, except such part (if any) as is credited;" and an assignee shall also produce the assignment under the hand of the assignor; and if there be more than one assignment, each assignment shall be produced under the hand of the party.

Where a claim is not disputed, the auditor will allow it in equity upon its being proved as provided in this section. (See also notes to section 86.)  
*Third National Bank v. Lanahan*, 66 Md. 469.

1904, art. 93, sec. 84. 1888, art. 93, sec. 85. 1860, art. 93, sec. 86. 1798, ch. 101, sub-ch. 9, sec. 3.

**85.** If there be more than one creditor, the whole oath, with the other vouchers, shall be sufficient.

*Ibid.* sec. 85. 1888, art. 93, sec. 86. 1860, art. 93, sec. 87. 1798, ch. 101, sub-ch. 9, sec. 5.

**86.** In case of a specialty, bond, note or protested bill of exchange, the vouchers shall be the instrument of writing itself, or a proved copy in case it be lost, with a certificate of the oath made as aforesaid since the death, and endorsed on or annexed to the instrument, or a statement of the claim "that no part of the money intended to be secured by such instrument hath been received, or any security or satisfaction given for the same except what (if any) is credited."

Where real assets are to be distributed, equity will require the claims to be authenticated as provided in this section. *Simmons v. Tongue*, 3 Bl. 358; *Dorsey v. Hammond*, 1 Bl. 463; *Strike's Case*, 1 Bl. 88.

Cited but not construed in *Watson v. Watson*, 58 Md. 446.

*Ibid.* sec. 86. 1888, art. 93, sec. 87. 1860, art. 93, sec. 88. 1798, ch. 101, sub-ch. 9, sec. 5.

**87.** If the creditor on such instrument be an assignee, there shall be the same oath of the original creditor, with respect to the time of the assignment, and in case of successive assignees, there shall be the same oath taken by each with respect to the time of each respective assignment.

*Ibid.* sec. 87. 1888, art. 93, sec. 88. 1860, art. 93, sec. 89. 1798, ch. 101, sub-ch. 9, sec. 6.

**88.** In case of a bill of exchange, the protest and other things which would be required (if the deceased were alive) shall be necessary to justify an executor or administrator in making payment or distribution.

As to the protest of bills of exchange, see art. 13, sec. 171, *et seq.*