

to bring suit as aforesaid, the party shall be liable to a suit on his administration bond, and to such damages as shall be found by the jury.

PROVING DEBTS AGAINST ESTATE.

Art 93, s 88
1798, c 101,
sub-c 8, s 22
Administrator
not to pay
claims unless
proven or
passed
11 Md 419, 18
Md 72, 30 Md
553

149. No administrator shall discharge any claim against his decedent (otherwise than at his own risk), unless the same be first passed by the Orphans' Court granting the administration, or unless the said claim shall be proved according to the following rules:

Id s 84
1798, c 101,
sub-c 9, s 1
Judgments or
decrees, how
proven

150. The voucher, or proof of a judgment or decree, shall be a short copy thereof under seal, attested by the clerk of the court where it was obtained, who shall certify that there is no entry or proceeding in the court to show that the said judgment or decree hath been satisfied. There shall likewise be a certificate of some person authorized to administer an oath indorsed 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.

Id s 85
1798, c 101,
sub-c 9, s 2
Special bail dis-
charging judg-
ment substi-
tuted as judg-
ment creditor.

151. If a special bail shall have discharged a judgment against the deceased, he shall be considered as the judgment creditor; and in case the plaintiff who obtained the judgment shall not have assigned the same (as he ought to do) to the bail, a receipt from him given to the bail shall be considered equivalent to an assignment.

Id s 86
1798, c 101,
sub-c 9, s 3,
If more than
one creditor,
what sufficient

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

153. 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 indorsed 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."

Id s 87
1798, c 101,
sub-c 9, s 4
Proof of speci-
alty, bond, note,
or protested bill
of exchange.

154. 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.

Id s 88
1798, c 101,
sub-c 9, s 5
When assigned.