

decedents'  
estates.

Id s 42.  
1785, c 46, s 4.  
Foreign ac-  
counts, how  
proven  
8 Md 25, 22 Md  
71, 1 H & J  
136, 567, 2 H &  
McH 380, 4 H  
& McH 217.

Affidavit.

provisions thereof in relation to the proof of claims against the estates of deceased persons.

**41.** The oath of any disinterested, credible witness, made and certified as aforesaid, proving the payment or delivery of any money, or the delivery or sale of any goods, wares, merchandise, chattels, or effects whatsoever, by any merchant or person carrying on commerce, or using and carrying on any trade whatsoever, by buying and selling, or manufacturing for sale, and being an inhabitant of any other of the United States or of any foreign country, shall be legal evidence in any court of this State to charge the person to whom such money, goods, wares, merchandise, or effects shall be so proved to be delivered; and the oath of such witness, made and certified as aforesaid, shall be good evidence to prove the price of the goods, wares, merchandise, and effects delivered or so sold, and also to prove an assumption to pay for the same; *provided*, the party bringing suit for such money or the price of such goods shall, at or before the first imparlance court, make oath as aforesaid before some judge or justice of this State, or before some judge, justice, or other officer of the State or country where such money or goods shall have been delivered, having authority and to be certified as aforesaid, that he believes the money, goods, wares, merchandise, effects, or chattels charged in the account to which such oath shall be annexed, were *bonâ fide* delivered as charged; that he hath not, to his knowledge or belief, received any payment or satisfaction for the articles charged, more than credit is duly given for, in and appearing upon the said account, nor hath he received any security for the same, and that the balance charged and claimed is justly due, according to the best of his knowledge and belief.

#### DOMESTIC ACCOUNTS.

Art 37, s 43  
1785, c 46, s 5.  
Proof of do-  
mestic accounts.  
8 Md 25, 22 Md  
71, 30 Md 326,  
39 Md 585

Time.

**42.** The oath of any clerk, storekeeper, or disinterested credible witness, taken before any judge or justice or court of this State, to the delivery or payment of any money, or delivery or sale of any goods, wares, merchandise, effects, or chattels, by any person merchandising or carrying on commerce, or manufacturing for sale within this State to any person within this State, shall be good and sufficient evidence in any court of this State to charge the person to whom such money shall be delivered or paid, or such goods, wares, merchandise, effects, or chattels shall be sold or delivered, and also to prove the assumption of the receiver or any person claiming under him to pay for the same; *provided*, such oath be made within twelve months from the date of the articles respectively paid or delivered; but if any suit shall be brought to recover any money paid or delivered, or the price of any goods, wares, effects, or chattels sold or delivered, the plaintiff shall, at or before the first imparlance court, make oath before some judge or justice of this State, that he believes the money, goods, wares, merchandise, effects, or chattels charged in the account to which such oath shall be annexed, were *bonâ fide*