

said attorney filing in the case a certificate of the comptroller stating that said judgment has been so satisfied, and said surety or sureties shall then be entitled to execution in his or their own name or names against the principal and the other sureties, in the same manner and subject to the same provisions contained in the two preceding sections.

1888, art. 8, sec. 9. 1860, art. 9, sec. 8. 1763, ch. 23, sec. 9.

9. The assignee of any bond or other obligation under seal that has been assigned under hand and seal may maintain an action in his own name against the obligor therein named—and if such obligor shall be unable to pay the debt mentioned in the obligation, or cannot be found in the place or county of his usual abode, or any other thing or casualty should happen whereby the assignee should not be able to recover his debt from the obligor, an action may be maintained by the assignee against the obligee in such obligation, unless the assignee be a surety therein; provided, that where any debt shall be lost by the negligence or default of the assignee, the assignor shall not be liable.

Parrott v. Gibson, 1 H. & J. 398. *Gover v. Christie*, 2 H. & J. 67. *Boyer v. Turner*, 3 H. & J. 285. *Lewis v. Hoblitzell*, 6 G. & J. 259. *Crawford v. Berry*, 6 G. & J. 63. *Carroll v. Bowie*, 7 Gill, 34. *Trustees of Poor v. Pratt*, 10 Md. 13. *Jackson v. Myers*, 43 Md. 452. *Taylor v. Suit*, 68 Md. 443.

Ibid. sec. 10. 1860, art. 9, sec. 9. 1763, ch. 23, sec. 10.

10. No action shall be maintained in the name of any assignee upon any assignment mentioned in the preceding section, upon the default of the obligor, unless the obligee shall have made or shall make oath, to be endorsed on such bond or obligation, before some justice of the peace, that he hath received no part of the sum mentioned in such obligation, or but such part thereof as shall be mentioned in such oath, at the time of making such assignment.

Dorsey v. Barnes, 2 H. & McH. 477. *Taylor v. Suit*, 68 Md. 443. *Steele v. Sellman*, 79 Md. 6.