ments or decrees have been paſſed againſt the deceaſed, unleſs in the high court of chancery, or the general court of the ſhore, or the court of the county, where the deceaſed laſt reſided.

19. If a claim be exhibited againſt an executor or adminiſtrator, which he ſhall think it his duty to diſpute or reject, he may retain in his hands aſſets proportioned to the amount of the claim, which aſſets ſhall be liable to other claims, or be delivered up or diſtributed as hereafter mentioned, in caſe the claim be not eſtabliſhed; and if on any claims exhibited and diſputed as aforeſaid, the creditor or claimant ſhall not, within nine months after ſuch diſpute or rejection, commence a ſuit for recovery, the ſaid creditor or claimant ſhall be for ever barred, and the executor or adminiſtrator may plead this act in bar, together with the general iſſue, or other plea proper to bring the merits of the cauſe to trial; and, on any dividend to be made nine months after ſuch diſpute or rejection, and failure to bring ſuit, the executor or adminiſtrator may proceed to pay, or diſtribute, as if he had not knowledge or notice of ſuch claim, or as if it did not exiſt, but if the claim be put in ſuit within the nine months, it may be aſcertained by verdict, or otherwiſe, and the court ſhall proceed as herein before directed, regard being had to the rules herein before laid down as to the notice to be given by the executor or adminiſtrator, and diſtribution or payment to be made after ſuch notice.

20. In no caſe ſhall an executor or adminiſtrator be allowed to retain for his own claim againſt the deceaſed, unleſs the ſame be paſſed by the orphans court, and every ſuch claim ſhall ſtand on equal footing with other claims of the ſame nature.

21. The bare naming of an executor in a will ſhall not operate to extinguiſh any juſt claim which the deceaſed had againſt him, but it ſhall be the duty of every ſuch executor, accepting the truſt, to give in ſuch claim in the liſt of debts, and on his failure to give in ſuch claim, or any part thereof, any perſon intereſted in the adminiſtration may allege the ſame, by petition to the orphans court granting the adminiſtration, and the ſaid court, with conſent of the parties, may decide on the ſame, or it may be referred by the parties, with the court's approbation, or, at the inſtance of either party, the court may direct an iſſue or iſſues to be tried, and the ſame ſhall be tried in any court of law proper for the trial, and moſt convenient under all circumſtances; and the court of law ſhall have power to direct the jury, and grant a new trial, as if the iſſue or iſſues were in a ſuit therein inſtituted, and a certificate from ſuch court, or any judge thereof, of the verdict or finding of the jury, under the ſeal thereof, ſhall be admitted by the orphans court to eſtabliſh or deſtroy the claim, or any part thereof; and if the executor ſhall give in ſuch claim, or the ſame, or any part, be eſtabliſhed as aforeſaid, he ſhall account for the ſum due in the ſame manner as if it were ſo much money in his hands, and in failure his bond may be put in ſuit.

22. In like manner it ſhall be the duty of every adminiſtrator to give in a claim againſt himſelf, and on giving it, or failure to give it in, there ſhall be the ſame proceedings in every reſpect as are herein preſcribed with regard to an executor.

23. No executor or adminiſtrator ſhall diſcharge any claim againſt the deceaſed, (otherwiſe than at his own riſk,) unleſs the ſame be firſt paſſed by the orphans court granting the adminiſtration, or unleſs the ſaid claim be proved according to the following rules.

CHAP. X.

Rules for authenticating or proving claims againſt a deceaſed perſon.

1. THE voucher or proof of a judgment or decree ſhall be a ſhort copy thereof, under ſeal, atteſted by the clerk, or regiſter of the court, where it was obtained, who ſhall certify, that there is no entry, or proceeding in

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