

strators, and the plaintiff may also proceed against the securities in the same manner as against the securities of an executor or administrator whose letters have not been revoked.

C H A P.
CI.

VIII. AND, whereas compelling an executor or administrator to take notice of all judgments and decrees against the deceased is productive of great inconvenience, as well to the executor or administrator as to the other creditors, in as much as he cannot, with safety, pay off other debts, though the said judgments or decrees may be fully discharged, unless such executor or administrator is in possession of the receipt or other legal evidence of the payment; and it appearing proper that such creditors, as to the manner and time of producing their claims, should be placed in the same situation as others, therefore, BE IT ENACTED, That an executor or administrator shall not be bound to take notice of or discover any judgment or decree against his or her deceased, but such judgment or decree creditor shall exhibit his claim in the same manner as other creditors, and in case the same shall not be exhibited, such claim shall be barred in the same manner as if it rested on bond or simple contract; provided, that nothing herein contained shall extend, or be construed to extend, to deprive such creditor of the preference given by the original act, in cases where the claim is in due time exhibited.

Executor, &c.
not bound, &c.

IX. AND BE IT ENACTED, That in no case shall the order made by the orphans court, or by the register of wills, that an account or claim will pass when paid, be deemed of validity to establish such account or claim, but in case the executor or administrator thinks fit to contest the same, such account or claim shall derive no validity from the order aforesaid, but shall be proved in the same manner as if no such order had been made.

Order not to be
of validity, &c.

X. AND BE IT ENACTED, That in all cases where suits have been brought, and are now depending, against an executor or administrator, the same shall be proceeded on according to the provisions of this act; provided, that to enable such executor or administrator to plead such new matter or plea as this alteration of the law may require, and to support the same by evidence, it shall be lawful for the court before whom such suit may be depending to continue such suit until the end of the third term after the term to which such suit might have been continued before the passage of this act.

Suits brought
to be proceeded
on, &c.

XI. AND, whereas the personal property of deceased persons, who have died or shall die intestate, without leaving representatives within certain degrees of consanguinity by the acts of seventeen hundred and nineteen, chapter fourteen, and seventeen hundred and twenty-nine, chapter twenty-four, devolved on the free-schools of the county of the deceased, and in most of the counties the free-schools having been abolished, the executor or administrator of such deceased persons have retained the property to their own use and benefit; BE IT ENACTED, That in all instances where by law the property of deceased persons would have descended or devolved on the free-schools of any county, if such free-schools had existed, the same shall be, and it is hereby declared to be, the property of the college, if any, in such county, or if none, the property of any school to which the public aid by law has been or may be extended, and if none, to go to the county where the property of such person or persons so dying may lie; and that the trustees of the college or school, or the justices of the levy court, respectively, as the case may be, shall have the same right, power and authority, to sue for and recover such property, as the visitors, trustees or governors, of any such free-school might or could have done; saving to the different schools in this state the rights which, by existing laws, they now respectively possess.

Property de-
scending, &c.
to belong to the
college, &c.

XII. AND BE IT ENACTED, That all monies or other property recovered or obtained under this act, if by a college or school, shall be applied in the same manner that other public funds granted them are to be applied, and if by the levy court, towards the discharge of the levy, or for the support of schools in the county, as the justices of the court may determine on.

Monies, &c.
how to be ap-
plied.

XIII. AND BE IT ENACTED, That the seventh, eighth and ninth sections of chapter eight, and such other parts, of the act to which this is a supplement, as are repugnant to the provisions of this act, be and the same are hereby repealed.

Sections repeal-
ed.

C H A P. CII.

An ACT declaring part of Bridge-street Continued a public highway.

Passed 9th of
January, 1802.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of the county and city of Baltimore, that Bridge-street Continued, lying within the precincts of

Preamble

of