

Accounts of administration, and the conduct of executors and administrators relative to paying and collecting debts.

case the executor or administrator shall not tender as aforesaid before the suit brought, the creditor shall recover no more than the proportionable part due at the time of the dividend, and such further proportion as he was entitled to on the coming in of further assets, with interest on each to the time of judgment.

SEC. 11. And if any action be commenced or prosecuted against an executor or administrator, for the recovery of larger debt or damages than the said executor or administrator shall think due, so that the same cannot be ascertained before verdict, the executor or administrator shall be allowed to retain such sum to meet the said debt or damages as the orphans court shall allow, and if more than enough be allowed, the party shall afterwards account for it, but nothing shall be retained on account of such further debt or damages, where the court shall be satisfied that there will be money sufficient coming in after such dividend to meet the said damages, or a just proportion thereof, regard being had to other claims.

SEC. 12. The orphans court shall have power, with the consent of both parties, to be entered on their proceedings, to arbitrate between a claimant and an executor or administrator, or the dispute may, by the parties, be referred to any person or persons approved by the orphans court.

SEC. 13. No executor or administrator, who shall, after the lapse of one year from the date of his letters, have paid away assets to the discharge of just claims, shall be answerable for any claim, of which he had no notice or knowledge; provided, that at least six months before he shall make distribution, he shall have caused to be inserted in such and so many newspapers as the orphans court may direct, an advertisement, as follows, or fully to the following effect, viz. 'This is to give notice, that the subscriber (or subscribers) of ———, hath (or have) obtained from the orphans court of ——— county in Maryland, letters testamentary (or of administration) on the personal estate of ———, late of ———, deceased; all persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the ——— day of ——— next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this ——— day of ———.'

SEC. 14. It shall be the duty of an executor or administrator, within thirteen calendar months after the date of his letters, or within such further time, not exceeding four months longer, as shall be allowed by the orphans court, on his making oath (or affirmation) as aforesaid respecting the insufficiency of the personal estate to discharge all just claims known to him, or pay each claimant his just proportion of the money then in his