

Id s 116
1798, c 101,
sub-c 8, s 17,
1836, c 192, s 1.
Order of pay-
ment of debts
10 Md 156, 18
Md 504, 32 Md
209

173. In paying the debts of a decedent, an administrator shall observe the following rules: All taxes due and in arrear from the decedent, shall be preferred, to the exclusion of all other debts, and claims for rent in arrear against deceased persons, for which a distress might be levied by law, shall next have preference. Judgments and decrees shall next be wholly discharged. After such claim for taxes and rent, and judgments and decrees, shall be satisfied, all other just claims shall be on an equal footing without priority or preference. If there be not sufficient to discharge all such judgments and decrees, a proportionate dividend shall be made between the judgment and decree creditors.

Id. s. 117
1823, c 131, s 2,
1854, c 86, s 1
Administrator
not bound to
notice claim un-
less proven or
passed, etc.
25 Md 395,
33 Md. 183.

174. No administrator shall be bound to take notice of any claim against his decedent, unless the same shall be exhibited to such administrator legally authenticated; or unless such claim shall have been passed by the Orphans' Court, and entered by the register upon his docket, or unless a suit shall be pending against such administrator for such claim.

Id s 118
1798, c 101,
sub-c 14, s 12
May appoint
meeting of cred-
itors for distri-
bution.

175. Any administrator shall be entitled to appoint a meeting of creditors on some day by the court approved, and passage of claims, payment or distribution, may be there made under the court's direction and control.

SUITS AGAINST ADMINISTRATORS, ETC.

Art 93, s 106
1720, c. 24, s 2,
1838, c 329
When adminis-
tration bond
may be sued by
creditor
8 Md 88,
30 Md 8.

176. No creditor shall bring a suit upon an administration or testamentary bond for any debt or damages due from, or recovered against the decedent, before a *non est* on a summons is returned against the administrator or a *fiere facias* returned *nulla bona* by the sheriff of the county where the administration was granted or where the effects of such deceased lie, or such other apparent insolvency or insufficiency of the estate of such administrator as shall in the judgment of the court render such creditor remediless by any other reasonable means save that of suing such bond.

Id s 107
1798, c 101,
sub-c 8, s 11
Administrator
to retain to
meet suits.
9 Md 53.

177. And if any action shall be commenced against an administrator for the recovery of a larger debt or damages than he shall think due, so that the same cannot be ascertained before verdict, the 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.

Id s 108
1798, c 101,
sub-c 8, s 18.
Creditor to
bring suit
within nine
months after
rejection of
claim.
9 Md 53, 21 Md
427, 44 Md 359

178. If a claim be exhibited against an 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 to be delivered up or distributed in case the claim be not established; and if on any claims exhibited