

1904, art. 93, sec. 108. 1888, art. 93, sec. 109. 1860, art. 93, sec. 110. 1798, ch. 101, sub-ch. 8, sec. 13. 1802, ch. 101. 1823, ch. 131, sec. 2. 1882, ch. 125.

**109.** No administrator who shall, after the full expiration of the notice herein provided for, have paid away the assets to the discharge of just and legally proven claims shall be answerable for any claim of which he had no notice; provided, that at least six months before he shall make distribution amongst creditors or persons entitled, he shall have caused to be inserted in as many newspapers as the orphans' court shall direct, an advertisement as follows, or fully to the following effect, viz.: "This is to give notice that the subscriber, \_\_\_\_\_, hath 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 deceased are warned to exhibit the same, with the vouchers thereof, legally authenticated, to the subscriber, on or before the \_\_\_\_\_ day of \_\_\_\_\_ next; they may otherwise by law be excluded from all benefit of said estate. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_."

An administrator who has given the notice prescribed by this section may safely pay debts. *Wethered v. Safe Deposit Co.*, 79 Md. 160; *Coward v. State*, 7 G. & J. 479; *Hammond v. Hammond*, 2 Bl. 366.

An administrator who fails to give the notice prescribed by this section is not entitled to the benefit of section 108. *Steuart v. Carr*, 6 Gill, 440.

If distribution of an estate is made prior to the expiration of six months, it is at the risk of the administrator and his surety. *Jones v. Harbaugh*, 93 Md. 278.

To render a plea of *plene administravit* available it must appear that the notice to creditors was given; proof thereof. Validity of notice. *Rawlings v. Adams*, 7 Md. 44.

Where letters *pendente lite* are revoked by letters testamentary or of administration, a new notice to creditors should be given. *Ex Parte Worthington*, 54 Md. 361.

The notice provided for by this section is in order to enable the administrator to ascertain the extent of the estate's indebtedness. *Van Bibber v. Reese*, 71 Md. 613. (See notes to section 110.)

The six months referred to in this section are calendar months and not lunar months. *Glenn v. Smith*, 17 Md. 282.

This section will be followed by analogy in a creditors' suit. *Welch v. Stewart*, 2 Bl. 39.

Cited but not construed in *Zollickoffer v. Seth*, 44 Md. 370.

*Ibid.* sec. 109. 1888, art. 93, sec. 110. 1860, art. 93, sec. 111. 1846, ch. 147, sec. 1.

**110.** The administrator may report to the court, with an affidavit of the truth thereof annexed, the fact of having given such notice, and the court, on being satisfied that their order has been complied with and the said notice has been given shall endorse on said report their certificate that it hath been proven to their satisfaction that said notice hath been given as therein reported, and shall order said report and certificate to be recorded among the records of the court.

This section referred to in upholding a title to property devised and sold by the devisee after the expiration of the notice to creditors, although subsequently creditors preferred claims against the testator's estate. *Van Bibber v. Reese*, 71 Md. 610.