

1904, art. 93, sec. 142. 1888, art. 93, sec. 143. 1860, art. 93, sec. 143. 1798, ch. 101, sub-ch. 14, sec. 12. 1896, ch. 255.

**143.** Any administrator or executor shall be entitled to appoint a meeting of persons entitled to distributive shares or legacies, or a residue of a decedent's estate, on some day by the orphans' court named and appointed, on petition, and distribution or payment may be then and there made under the court's direction and control, subject, however, to such adjournments from time to time as the court shall deem proper to order; and where the parties in interest are known and reside in the State of Maryland they may be notified under order of court by summons issued to any county in the State; and when they are non-residents of the State and are known, they may be notified under order of court by published notice, as hereinafter provided, of the day of meeting as aforesaid, and the object of it; and when the places of residence of the persons in interest are unknown, or when the parties in interest are unknown, or when it is not known whether the persons in interest be actually living or dead, they may be proceeded against as non-residents, and in all cases when the parties are non-residents, or may be proceeded against as non-residents, as aforesaid, the court may order notice to be given by publication in one or more newspapers, stating the time and purpose of the meeting, and warning such person or persons, if known, and all persons interested as distributees, legatees or otherwise in the residue of the decedent's estate to be and appear in person, by guardian, solicitor or agent, on or before the day named in such order for distribution or payment, and such notice shall be published as the court shall direct, not less than once a week for four successive weeks, thirty days before the day named in such notice for distribution and payment to be made; and distribution and payment as aforesaid made under the direction and control of the court shall protect and indemnify the administrator or executor acting in obedience to it.

Ordinarily it is safer for an administrator to follow the course pointed out by this section, but he is not compelled to do so. Payment may be made either before or after the passage of the account. *Biays v. Roberts*, 68 Md. 513; *Donaldson v. Raborg*, 28 Md. 56.

In most cases an administrator is safe in acting under this section. The requirements of this section must, however, be complied with. *Shriver v. State*, 65 Md. 282; *Clarke v. Sandrock*, 113 Md. 423; *Scott v. Fox*, 14 Md. 396; *Conner v. Ogle*, 4 Md. Ch. 450. *Cf. Wilson v. McCarty*, 55 Md. 283.

The petition, order of court and publication, held to have been in compliance with this section. This section is valid—distribution held to have been made thereunder. *Garrett v. Kerney*, 107 Md. 503. *Cf. Scott v. Fox*, 14 Md. 397; *Conner v. Ogle*, 4 Md. Ch. 450.

Ordinarily an administrator can safely proceed under this section, but in a dispute as to who are entitled to the decedent's estate as next of kin, where certain of the claimants are non-residents, resort may be had to a court of equity although a day has been set and notice given in accordance with this section. A proceeding in accordance with this section does not protect a distributee improperly receiving money. *Alexander v. Leakin*, 72 Md. 201. *Cf. Macgill v. Hyatt*, 80 Md. 257.

What the orphans' court can determine under section 235 on a petition filed under this section. *Gallagher v. Martin*, 102 Md. 117.

This section referred to in construing section 70—see notes thereto. *Smith v. Dennis*, 33 Md. 449.