

sonally binding upon them as individuals or upon their property or upon the sureties on their bonds.

Although absolute judgments at law by a creditor of decedent against executor generally amount to an admission of assets and could not, prior to this section, be resisted on ground of a deficiency of assets, yet as between creditors and heirs, such judgment was not conclusive in a proceeding to subject real estate to payment of debts. *McLaughlin v. McGee*, 131 Md. 161.

An. Code, sec. 109. 1904, sec. 108. 1888, sec. 109. 1798, ch. 101, sub-ch. 8, sec. 13. 1802, ch. 101. 1823, ch. 131, sec. 2. 1882, ch. 125. 1914, ch. 624. 1924, ch. 457.

113. 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 or the Register of Wills 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" And it is also further provided that in all cases in which there are two or more administrations, of whatever kind, upon the estate of a decedent and in which the said notice to creditors in the manner and form aforesaid shall have been given by any administrator or executor of said decedent, no further notice to creditors shall be required; and after the expiration of such notice so given, the provisions of this section shall inure to the benefit of any and all subsequent administrators and executors.

Where a notice to creditors is given and all claims filed have been settled, no other claims can be presented against real estate in the hands of purchaser in good faith for value without notice. Sec. 114 does not alter law as laid down in *Van Bibber v. Reese*, 71 Md. 608. Purpose of sec. 114; it did not repeal or amend sec. 14. Question whether form of notice provided in sec. 113 sufficiently complies with sec. 114, not passed upon. *Seaman v. Seaman*, 141 Md. 2.

An administrator who has given the notice prescribed by this section may safely pay debts. *Whethered 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 sec. 111. *Steuart v. Carr*, 6 Gill, 440.

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

To render a plea of *plene administravit* available it must appear that 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 sec. 115.)