

An. Code, sec. 226. 1904, sec. 225. 1888, sec. 222. 1798, ch. 101, sub-ch. 10, sec. 5.

**233.** It is not the intent of this article that an administrator shall be answerable at all events for a debt which he shall return sperate, but merely to enable the court and all parties concerned to form a just estimate of the circumstances of the decedent.

See notes to sec. 232.

An. Code, sec. 227. 1904, sec. 226. 1888, sec. 223. 1798, ch 101, sub-ch. 10, sec. 4.

**234.** The court shall examine every list of debts returned by an administrator, and for every debt which the court shall not mark as desperate or improper to be put in suit, the administrator shall commence a suit, unless the debt be paid within six months thereafter, or unless the debtor be out of the State, or unless the court shall think reasonable an excuse made within one month after the lapse of the said six months for not bringing suit; and on failure to bring suit as aforesaid, the party shall be liable to a suit on his administration bond, and to such damages as shall be found by the jury.

See notes to sec. 232.

An. Code, sec. 228. 1904, sec. 227. 1888, sec. 224. 1798, ch. 101, sub-ch. 8, sec. 20.

**235.** The bare naming an executor in a will shall not operate to extinguish any just claim which the deceased had against him; but it shall be the duty of every such executor accepting the trust to give in such claim in the list of debts; and on his failure to give in such claim, or any part thereof, any person interested in the administration may allege the same by petition to the orphans' court granting the administration, and the said court, with the consent of the parties, may decide on the same, or it may be referred by the parties with the court's approbation; or at the instance of either party, the court may direct an issue or issues to be tried, and the same shall be tried in the circuit court for the county, or the superior court of Baltimore city, the court of common pleas or the Baltimore city court, as other issues from the orphans' court; and the circuit court or superior court, court of common pleas or Baltimore city court shall have power to direct the jury and grant a new trial, as if the issue or issues were in a suit therein instituted; and a certificate from such court, or the judge thereof, of the verdict, or finding of the jury, under the seal thereof, shall be admitted by the orphans' court to establish or destroy the claim, or any part thereof; and if the executor shall give in such claim, or any part thereof be established as aforesaid, he shall account for the sum due in the same manner as if it were so much money in his hands, and on failure his bond may be put in suit.

#### **Issues.**

Where a testatrix provides that all residue of her estate, including all debts due her, shall go to A, B & C, and A owes the testatrix money, A, B, and C also being named as executors, and executors have stated an account in orphans' court which shows a balance ready for distribution to residuary legatees, orphans' court will not, under this section and sec. 252, grant issues to a court of law to determine whether A is indebted to the testatrix. B and C may sue A at law direct for their respective interests in his indebtedness to testatrix. Where a testatrix bequeaths