

in such real or leasehold estate shall pass under a domestic or foreign will hereafter probated elsewhere than in the county or city in the State of Maryland in which such real or leasehold estate is situated, a certified copy of such will and of the order admitting the same to probate shall be recorded and indexed at the expense of the estate of the testator in the office of the register of wills of the county or city in which the said real estate or leasehold estate is situated; the copy of the will and order shall be certified from the court or office in which the will was probated, whether domestic or foreign. Nothing herein contained shall be construed to dispense with the necessity of ancillary administration upon any leasehold estate held by a non-resident of Maryland. In all cases of titles passing under wills hereafter probated of which copies are not recorded in the method above provided, no purchaser shall be required to take title to such real or leasehold estate, whether sold under judicial proceedings or otherwise until the provisions of this section be complied with.

1939, ch. 501.

86. Whenever any surviving spouse shall be entitled to take under the provisions of either Section 130, Section 314 or Section 318 of this Article, the equivalent of \$2,000.00, or any part thereof in real or leasehold property, the Orphans' Court shall, by its order, designate the real or leasehold property or interest therein so to be taken by said spouse; and any executor, administrator or administrator c.t.a. of the decedent shall, in such case, execute and deliver to said spouse a proper deed of such real or leasehold property or interest therein so designated by the order of the Orphans' Court. Such deed shall be good and valid and shall pass all the right, title, claim and interest of the decedent in the real or leasehold property or interest therein, as by said deed conveyed.

Debts.

An. Code, 1924, sec. 85. 1912, sec. 83. 1904, sec. 82. 1888, sec. 83. 1798, ch. 101, sub-ch. 8, sec. 22.

87. No administrator shall discharge any claim against his decedent (otherwise than at his own risk), unless the same be first passed by the orphans' court granting the administration, or unless the said claim shall be proved according to the following rules.¹

The general rule is that administrator may not pay claims against his decedent, except at his own risk, unless passed by Orphans' Court or proved as required by secs. 88-101; exceptions. *Blum v. Fox*, 173 Md. 534

If a claim is duly passed by orphans' court and the administrator has no reason to question its validity, he is protected in making payment without exacting proof prescribed by this section. *Newcomer v. Beeler*, 116 Md. 650.

Under this and the following sections, particularly sec. 102, claims against decedent not passed or proven cannot be allowed. Where such defects exist, executors and administrators should have opportunity to correct them, if they can. *Parker v. Leighton*, 131 Md. 419.

A *bona fide* payment by administrator of a claim after it has been passed by court relieves him from liability. *Connor v. Ogle*, 4 Md. Ch. 449; *Owens v. Collinson*, 3 G. & J. 38.

Claims for taxes need not be proved or passed; the executors must take notice of, and pay them. *Bonaparte v. State*, 63 Md. 470.

The reversal by appellate court of allowance of a claim by orphans' court constitutes no bar to prosecution of claim at law. *State v. Reigart*, 1 Gill, 29.

For want of full proof when demanded orphans' court may reject a claim before payment, although it has been passed. *Bowling v. Lamar*, 1 Gill, 363.

¹ As to the objects of secs. 87 to 102 relative to payment of claims when they are exhibited with proper vouchers, see *Bowie v. Ghiseln*, 30 Md. 557.