

An. Code, 1924, sec. 100. 1912, sec. 98. 1904, ch. 97. 1888, sec. 98. 1798, ch. 101, sub-ch. 9, sec. 9. 1933, ch. 372.

103. It shall not be considered as the duty of an administrator or executor, to avail himself of the act of limitations to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion. One of two or more administrators or executors, however, may avail himself of the act of limitations on behalf of all of the administrators, or executors, and his act in so doing shall be taken to be the act of all the administrators or executors.

If an administrator acts honestly under this section, he will not be removed for not pleading statute of limitations. *Dunningan v. Cummins*, 115 Md. 297.

If the executor does not plead statute, no one else can. *Gordon v. Small*, 53 Md. 559; *Spencer v. Spencer*, 4 Md. Ch. 465. And see *Miller v. Dorsey*, 9 Md. 323; *Bowling v. Lamar*, 1 Gill, 359.

For a case dealing with limitations, where the administrator is also a creditor of the estate, see *Semmes v. Young*, 10 Md. 242.

As to how far the plea of limitations is applicable to orphans' court proceedings, see *Bowling v. Lamar*, 1 Gill, 358.

See notes to sec. 101.

An. Code, 1924, sec. 101. 1912, sec. 99. 1904, sec. 98. 1888, sec. 99. 1798, ch. 101, sub-ch. 9, sec. 13.

104. No administrator shall be obliged to discharge any claim of which vouchers and proofs shall be exhibited as aforesaid, but may reject and at law dispute the same, in case he shall have reason to believe that the deceased never owed the debt or had discharged the same or a part thereof or had a claim in bar.

Where an executor pays a claim in part, an administrator *d. b. n.* subsequently appointed may dispute balance of claim. *Pole v. Simmons*, 49 Md. 19.

This section referred to in construing sec. 112—see notes thereto. *Coburn v. Harris*, 53 Md. 372.

Cited but not construed in *Flater v. Weaver*, 108 Md. 672; *Frank et al. v. Warehime*, Daily Record, July 7, 1939.

See notes to secs. 105 and 124.

An. Code, 1924, sec. 102. 1912, sec. 100. 1904, sec. 99. 1888, sec. 100. 1802, ch. 101, sec. 9.

105. In no case shall the order made by the orphans' court or register of wills that an account or claim will pass when paid be deemed of validity to establish such claim or account, but in case the administrator thinks fit to contest the same, such account or claim shall derive no validity from the order aforesaid, but shall be proved in the same manner as if no such order had been made.

The executor alone decides when to dispute a claim, and the only restraint upon him is that provided by sec. 109. *Bowie v. Ghiselin*, 30 Md. 557.

This section applied. Improper charges in a funeral bill. Custom. *Schaeffer v. Schaeffer*, 54 Md. 684.

In a suit by a creditor against an administrator, a *devastavit* may be inquired into. *Seighman v. Marshall*, 17 Md. 570.

For effect of orphans' court's determination upon a claim against an estate, and of decision of appellate court thereon, see *Levering v. Levering*, 64 Md. 413.

Cited but not construed in *Flater v. Weaver*, 108 Md. 672; *State v. Md. Casualty Co.*, 164 Md. 74.

See notes to sec. 124.

An. Code, 1924, sec. 103. 1912, sec. 101. 1904, sec. 100. 1888, sec. 101. 1798, ch. 101, sub-ch. 8, sec. 14.

106. An administrator shall discharge all just claims known to him, or pay each claimant his just proportion of the money then in his hands (retaining as herein directed), within thirteen months from the date of his letters, or within such further time, not exceeding four months longer, as shall be allowed by the orphans' court, on his making oath that he hath