

reason to apprehend that the personal estate and assets which are or shall be in his hands will be insufficient to discharge the just debts of and claims against the deceased; it shall likewise be his duty, once in every term of six months, after the first distribution, to make a distribution of the money which hath since come to his hands, until he shall have fully administered, and on failure, his administration bond may be put in suit.

The provisions of secs. 1-3, 106, 112, 116, 127 and 212-220 with respect to time of accounting are directory, as time of settlement is subordinate to exigencies of reasonable and prudent administration. *Goldsborough v. DeWitt*, 171 Md. 253.

The time limit specified for administering estate is no excuse for delay in filing account but restricts time which may be properly taken for complete administration. Right of legatee to sue on administration bond on failure of administrator to make distribution. *State v. Brown*, 170 Md. 97.

The time limit within which payments of claims should be made must be read in connection with its own implicit reservations and with other sections of the Article that are *in pari materia*; exigencies of particular estates or conditions. Delay in sale of securities of estate on order of Orphans' Court does not subject executor to payment of interest on mortgage debt. *Goldsborough v. DeWitt*, 171 Md. 225.

Cited but not construed in *Watkins v. State*, 162 Md. 617; *State v. Md. Casualty Co.*, 164 Md. 74.

Executors should pay creditors within thirteen months, and then distribute any surplus in their hands. *Coward v. State*, 7 G. & J. 479.

If administrator has the money and fails to pay creditors, he may be charged with interest after expiration of thirteen months. *Gwynn v. Dorsey*, 4 G. & J. 462. And as to legatees, see *Mickle v. Cross*, 10 Md. 352.

As to interest on the claims of creditors, see also *Donaldson v. Raborg*, 26 Md. 313; *Hammond v. Hammond*, 2 Bl. 306.

Ordinarily legacies are payable at expiration of one year from testator's death, and bear interest from that time. When interest is payable from testator's death. *White v. Donnell*, 3 Md. Ch. 526. And see *Iglehart v. Kirwan*, 10 Md. 559; *Hammond v. Hammond*, 2 Bl. 306; *Thomas v. Frederick County School*, 9 G. & J. 115.

This section referred to in determining the distribution of money in a creditor's suit. *Welch v. Stewart*, 2 Bl. 39.

This section and sec. 110 are *in pari materia* and must be construed together—see notes to sec. 110. *Mertens v. Moore*, 108 Md. 637.

An. Code, 1924, sec. 104. 1912, sec. 102. 1904, sec. 101. 1888, sec. 102. 1798, ch. 101, sub-ch. 8, sec. 16.

**107.** In all cases where an administrator is to make payment or distribution amongst the creditors of his decedent, he may give notice three successive weeks previously in some convenient newspaper, of the time and place for making it; and in case the creditor shall not attend in person or by agent or attorney to receive the amount or proportionable part of his claim, all interest on such claim, or proportionable part, shall cease from that time; provided that the administrator shall at any time thereafter, on demand, pay the said claim or proportionable part to the party, his agent or attorney duly authorized; and whenever the administrator shall proceed to make an additional payment or dividend, he may advertise as aforesaid, and interest shall stop as aforesaid; and if, at any additional dividend, a just claim, established as hereinbefore directed, shall be exhibited, the creditor shall be entitled to such sum as will place him on equal footing with those who have already received a dividend.

This section referred to as showing that it is executor's duty to distribute to representatives of deceased whenever debts are paid. *Coward v. State*, 7 G. & J. 479.

Cited in *Goldsborough v. DeWitt*, 171 Md. 266.

An. Code, 1924, sec. 105. 1912, sec. 103. 1904, sec. 102. 1888, sec. 103. 1798, ch. 101, sub-ch. 8, sec. 10.

**108.** It shall be the duty of an administrator to pay all just claims against his decedent exhibited to him, or a just proportionable part thereof, according to the assets; and if any claim be known to him (although the same be not exhibited) he shall retain the same, or a just proportionable