

P. G. L., (1860,) art 93, sec. 224. 1798, ch. 101, sub-ch. 8, sec. 20.

**224.** 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.

Beale v. Hilliary, 1 Md 189 Kirby v State use Pascault, 51 Md 383. Lambrecht v. State use Gill, 57 Md. 240. Handy v. Collins, 60 Md 228.

Ibid. sec. 225. 1798, ch. 101, sub-ch. 8, sec. 21. 1884, ch. 381.

**225.** In like manner it shall be the duty of every administrator to give in a claim against himself, and on giving it in, or failure to give it in, there shall be the same proceedings in every respect as are before prescribed in regard to an executor; but nothing herein, or in the preceding section, in reference to executors, shall be construed to make the bond of such executor or administrator liable for a claim so given in or established, if such executor or administrator shall have been insolvent or unable to pay his debts at the time of his qualification as such executor or administrator; provided, however, that all commissions allowed