

his hands assets proportioned to the amount of the claim, which assets shall be liable to other claims, or to be delivered up or distributed in case the claim be not satisfied; and if on any claim exhibited and disputed as aforesaid, the creditor or claimant shall not, within nine months after such dispute or rejection, commence a suit for recovery, the creditor shall be forever barred; and the administrator may plead this section in bar, together with the general issue or other plea proper to bring the merits of the cause to trial; and on any dividend to be made nine months after such dispute or rejection and failure to bring suit, the administrator may proceed to pay or distribute as if he had not knowledge or notice of such claim, or as if it did not exist; but if the claim be put in suit within nine months, it may be ascertained by verdict or otherwise, and the court shall proceed as herein directed, regard being had to the rules herein laid down as to the notice to be given by the administrator, and distribution or payment to be made after such notice.

Peterson's Exrs. v. Ellicott, 9 Md. 53. Monteith's Exr v. Balto. Asso., etc., 21 Md. 426. Zollhoffer v. Seth, 44 Md. 359. Orendorff v. Utz, 48 Md. 298. Coburn v. Harris, 53 Md. 367. Ibid., 58 Md. 87. Bradford v. Street, 84 Md. 276.

1888, art. 93, sec. 108. 1860, art. 93, sec. 109. 1798, ch. 101, sub-ch. 8, sec. 15. 1823, ch. 131, sec. 2.

107. In case all the assets have been paid away, delivered or distributed as herein directed, and a claim shall afterwards be exhibited of which the administrator hath not notice by the exhibition of the claim legally authenticated as herein required, he shall not be answerable for the same; and if he be sued for any claim, and shall make it appear to the court in which suit is brought that he hath so paid away, delivered or distributed, and the plaintiff cannot prove that the defendant had notice as aforesaid before such payment, delivery or distribution, the court shall not proceed to give judgment (although the amount of the claim against the deceased may be ascertained), until the plaintiff shall be able to show further assets coming into the defendant's hands; but if the plaintiff shall prove notice as aforesaid of the said claim against the defendant, judgment may immediately be given for such sum as the plaintiff ought to have received at the dividend, and *feri facias* may issue and have effect, and further judgment may be given on coming in of further assets.

Zollhoffer v. Seth, 44 Md. 359. Coburn v. Harris, 53 Md. 367. Bona-partie v State, 63 Md. 465.