

provisions of the code, touching the writ of *habeas corpus* or proceedings thereunder; for all of which enumerated wrongs, actions may be maintained by and against executors as they may be or might have been by and against the party or parties deceased

Beeston's Exr. v. Dorsey, 1 H. & McH. 224. Ferguson v. Cappeau, 6 H. & J. 394. Curtis' Exr. v. Bank, 7 H. & J. 25. Kennerly's Exrx. v. Wilson, 1 Md. 107. Baugher v. Wilkins, 16 Md. 35. Bowie v. Ghiselln, 30 Md. 553. Clark v. Carroll, 59 Md. 180. Dalrymple v. Gamble, 68 Md. 164.

1888, art. 93, sec. 105. 1860, art. 93, sec. 106. 1720, ch. 24, sec. 2.  
1838, ch. 329.

**104.** No creditor shall bring a suit upon an administration or testamentary bond for any debt or damages due from or recovered against the decedent before a *non est* on a summons is returned against the administrator, or a *feri facias* returned *nulla bona* by the sheriff of the county where the administration was granted, or where the effects of such deceased lie, or such other apparent insolvency or insufficiency of the estate of such administrator as shall, in the judgment of the court, render such creditor remediless by any other reasonable means save that of suing such bond.

Seegar's Exr. v. State, 5 H. & J. 488. Laidler v. State, 2 H. & G. 277. Iglehart v. State, 2 G. & J. 235. Owens v. Collinson, 3 G. & J. 25. Dorsey v. State, 4 G. & J. 471. Clark v. State, 6 G. & J. 288. Duvall v. Snowden, 7 G. & J. 430. State v. Nicholls, 10 G. & J. 27. State v. Jones, 8 Md. 88. Brown v. Murdock, 16 Md. 531. Seighman v. Marshall's Admr., 17 Md. 570. Dalrymple v. Gamble, 68 Md. 164.

Ibid. sec. 106. 1860, art. 93, sec. 107. 1798, ch. 101, sub-ch. 8, sec. 11.

**105.** If any action shall be commenced against an administrator for the recovery of a larger debt or damages than he shall think due, so that the same cannot be ascertained before verdict, the administrator shall be allowed to retain such sum to meet the said debt or damages as the orphans' court shall allow, and if more than enough be allowed, he shall afterwards account for it, but nothing shall be retained on account of such further debt or damages where the court shall be satisfied that there will be money sufficient coming in after such dividend to meet the said damages, or a just proportion thereof, regard being had to other claims.

Ibid. sec. 107. 1860, art. 93, sec. 108. 1798, ch. 101, sub-ch. 8, sec. 18.

**106.** If a claim be exhibited against an administrator, which he shall think it his duty to dispute or reject, he may retain in