

An. Code, sec. 24. 1904, sec. 24. 1888, sec. 24. 1888, ch. 442.

24. Any party to an action or suit at law, or in equity, may, at any stage thereof, apply to the court for such order or judgment as he may, upon any admissions of fact in the pleadings or other written admissions in the case, be entitled to without waiting for the determination of any other question between the parties. Such application may be made by motion or petition so soon as the right of the party applying to the relief claimed has appeared from the pleadings or other written admissions in such action or suit, and the court may, upon such application, give such relief, subject to such terms, if any, as such court may think fit, and such order or judgment shall, with the proceedings relating thereto, form part of the record and be reviewable on appeal from the final judgment or decree in such action or suit.

An. Code, sec. 25. 1904, sec. 25. 1888, sec. 69. 1888, ch. 260.

25. No court shall refuse to issue a mandamus or injunction on the mere ground that the party asking for the same has an adequate remedy in damages, unless the party against whom the same is asked shall show to the court's satisfaction that he has property from which the damages can be made, or shall give a bond in a penalty to be fixed by the court, and with a surety or sureties approved by the court, to answer all damages and costs that he may be adjudged by any court of competent jurisdiction to pay to the party asking such mandamus or injunction by reason of his not doing the act or acts sought to be commanded, or by reason of his doing the act or acts sought to be enjoined, as the case may be.

This section does not authorize the issue of mandamus or injunction to enforce the payment of a debt. What this section was intended to reach. *Frederick County Bank v. Shafer*, 87 Md. 58; *Conner v. Groh*, 90 Md. 684.

For a plea in accordance with this section, see *Gill v. Staylor*, 93 Md. 473.

This section is identical with art. 16, sec. 87—see notes thereto.

An. Code, sec. 26. 1904, sec. 26. 1888, sec. 25. 1802, ch. 101, sec. 1.

26. If an administrator conceives that he has not assets sufficient to discharge the claim, or any part thereof for which a suit shall be brought against him, he may plead the fact and a trial by a jury shall be thereupon had.

As to suits by and against administrators, see art. 93, sec. 106.

As to cases before justices of the peace to which an executor or administrator is a party, see art. 52, sec. 9, *et seq.*

An. Code, sec. 27. 1904, sec. 27. 1888, sec. 26. 1802, ch. 101, sec. 1.

27. If, on any trial so had against an administrator, the debt or demand of the plaintiff shall be contested, and there be any other issue joined than upon the subject of assets, the jury, if they find for the plaintiff upon the issue so joined, and the amount of assets found by them to be less than the debt or demand of the plaintiff, shall declare the amount of the debt or demand, and also the sum to be paid by the defendant to the plaintiff, regard being had to the amount of the assets in hand, and the debts due from the deceased; and the court shall thereupon enter judgment against the defendant for the penalty of the bond or damages laid in the plaintiff's