

P. G. L., (1860,) art. 93, sec. 105. 1798, ch. 101, sub-ch. 8, sec. 5. 1861, ch. 44. 1888, ch. 262.

104. Executors and administrators shall have full power to commence and prosecute any personal action whatever, at law or in equity, which the testator or intestate might have commenced and prosecuted, except actions of slander; and they shall be liable to be sued in any court of law or equity, in any action (except for slander and injuries to the person) which might have been maintained against the deceased; and they shall be entitled to and answerable for costs in the same manner as the deceased would have been, and shall be allowed for the same in their accounts, if the court awarding costs against them shall certify that there were probable grounds for instituting, prosecuting or defending the action on which a judgment or decree shall have been given against them. The words "actions for injury done to the person," hereinbefore used, shall not be held to embrace actions for illegal arrest, false imprisonment or violation of the twenty-third, twenty-sixth, thirty-first and thirty-second articles of the declaration of rights, or any of them, or of the existing or any future 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. Ghiselin, 30 Md. 553. Clark v. Carroll, 59 Md. 180.

Ibid. sec. 106. 1720, ch. 24, sec. 2. 1888, ch. 329.

105. 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 *ferri 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. 486. Laidler v. State, 2 H. & G. 277. Iglehart v. State, 2 G. & J. 235. Owens v. Collinson, 3 G. & J. 25. Dorsey v. State,