

92.

See notes to sec. 120.

An. Code, 1924, sec. 106. 1912, sec. 104. 1904, sec. 103. 1888, sec. 104
1798, ch. 101, sub-ch. 8, sec. 5. 1861, ch. 44. 1888, ch. 262. 1929, ch. 570.

106. 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) 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; provided, however, that any such action for injuries to the person to be maintainable against an executor or administrator must be commenced within six calendar months after the death of the testator or intestate.

To first note to this section under "Generally," page 2905, vol. 2, of Code, add *Keyser v. Richards*, 148 Md. 677. (Demurrer to *narr.* against joint wrongdoers, sustained.)

109.

In view of intention of executors to invoke "limitations" clause of this section against a valid contract, case remanded for passage of money decree to bind assets in hands of executors—see sec. 112: decree modified. *Marden v. Scott*, 154 Md. 429.

112.

See notes to sec. 109.

120.

In settling estate, claims against decedent for rent for which distraint might issue are, after taxes in arrear, preferred debts. See notes to art. 66, sec. 31. *Calvert Bldg Co. v. Winakur*, 154 Md. 527.

Taxes due by decedent and in arrear, without being proved and passed, are preferred to exclusion of all other debts. See notes to art. 81, sec. 69. *Thompson v. Henderson*, 155 Md. 667.

123.

See notes to secs. 37 and 264.

Distribution.

126.

Wife cannot by will or otherwise deprive husband of his share of personalty. See notes to sec. 326. *Jaworski v. Wisniewski*, 149 Md. 115.

This section referred to in construing Trading with Enemy Act. *Von Schwerdtner v. Piper*, 23 F. (2nd), (Dist. Ct. Md.), 865.

132.

This section applied in *Woodworth v. Tepper*, 152 Md. 333 (involving unpaid instalments of war veterans' insurance).