No. 8569 Equity.

The testimony of Mrs. Hedges was excepted to upon ground that while she was nominally a defendant, yet she was really interested as a creditor on account of the services rendered by his wife and upon which her claim was predicated, and that therefore she should have been made a co-plaintiff. It is contended that as this should be regarded as his true relation to the case, he is an incompetent witness under the Code, Article 35 section 3. It has already been found from the testimony that Mrs. Hedges is entitled to prosecute the claim in controversy independently of her husband, and I am unable therefore to sustain the exception. It is not necessary to deal with the exception to the testimony of Mrs Hedges, as I have disregarded her testimony so far as adverse to the defendants, in reaching my conclusion. The other exceptions to testimony are not material.

There is no evidence in the record removing the bar of the statute of limitations as to the defendants by whom it has been pleaded. While Mrs. Hedges testified to certain declarations made by Mrs. Abel in recognition of her obligations to her daughter, no time was mentioned in this connections except as to the first agreement for compensation which was made eight or nine years ago, and the court would not be justified in referring any of these declarations to any particular date with a view to the removal or suspension of the bar of the statute.

It was testified by Mr. Hedges that Mrs. Abel frequently said on occasions not designated as to time, that her daughter was to get all of her property in return for the care and attention she was rendering, but as this suit is to recover the value of services upon the basis of an ordinary contract for monetary compensation, I think the claim must be held subject to the ordinary requirements as to proof before the bar of the statute duly interposed can be removed. Gill vs Stanton, 97 Md. 665. As the plea of limitations can enure to the benefit only of the party by whom it is filed, Dannow vs Lloyd, 64 Md 47. Lloyd vs Sims, 58 Md 477. the claim of Mrs. Hedges will not be affected by the statute as against the interests of the other defendants and as limitations are suspended by Code, Article 57 section 8, for the purposes of a proceeding of this character for eighteen months after the death of the debtor, the claim will be allowable for three years prior to the debtor's decease, now as against the plea.

My conclusion, therefore, is that the claims of all the plaintiff creditors have been duly proven, except that as against the defendant pleading the statute