No. 8569. Equity.

of Limitations, the plaintiff, Mrs. Hedges, is entitled to the sum of only $1095.00 being compensation at the rate of $1.00 per day for the period of three years immediately preceding her mother's death. As against the other defendants the claim is allowed to the amount of $2190.00 covering the full period of six years at the same rate, but such sum as would have been appropriated towards its payment out of the interest of the objecting defendants if the plea of limitations had not been interposed. The necessary calculations and adjustments can be made after the property has been sold and the fund is in Court of Distribution. While the general rule as stated is that the statute benefits only the party who pleads it, yet I do not think it equitable that in case like the present the claim against which the plea is filed should be allowed in full out of the legacies in remainder of those who have not relied upon limitations, as this might result in the latter interests being more heavily burdened than they would have been if the statute had not been pleaded at all. I am convinced, therefore, that the just and equitable disposition of the matter with reference to the effect of the statute is to provide, as already indicated, that the legacies of the defendants who do not plead the statute shall be applicable to the payment of the claim in question to the same and no greater extent to which they would be available if the plea of limitations had not been interposed.

A decree will be accordingly passed, when presented, in accordance with this opinion.

Hammond Clover.

Decree

Filed January 25-1911

The above cause standing ready for a hearing, and being submitted, the Bill, Answer, Exhibits, and Testimony and all other proceedings were by the Court read and considered and the debts alleged in the bill being found to be owing to the extent indicated in the opinion, It is therefore, this 25th. January in the year nineteen hundred and eleven by Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreed that land and premises mentioned in these proceedings be sold at Public Sale, and that Reno O. Harp, and Jacob Rohrback and Leo Weinberg, of Frederick County, be, and they are hereby appointed Trustees to make the