

statement or transaction with decedent), which, together with the affidavit of a disinterested credible witness, constitutes what is generally known as double probate. *Bogart v. Willis*, 158 Md. 401.

99.

Cited but not construed in *State v. Md. Casualty Co.*, 164 Md. 74.

An. Code, 1924, sec. 100. 1912, sec. 98. 1904, ch. 97. 1888, sec. 98. 1798, ch. 101, sub-ch. 9, sec. 9. 1933, ch. 372.

100. It shall not be considered as the duty of an administrator or executor, to avail himself of the act of limitations to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion. One of two or more administrators or executors, however, may avail himself of the act of limitations on behalf of all of the administrators, or executors, and his act in so doing shall be taken to be the act of all the administrators or executors.

102.

Cited but not construed in *State v. Md. Casualty Co.*, 164 Md. 74.

103.

Cited but not construed in *Watkins v. State*, 162 Md. 617; *State v. Md. Casualty Co.*, 164 Md. 74.

105.

Cited but not construed in *State v. Md. Casualty Co.*, 164 Md. 74.

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