

267.

Co-executors are in law one individual person; the acts of one relative to administration are acts of all, and possession of one is possession of all. Powers and duties of executors which remain unexecuted and unfulfilled pass to surviving executor. Rights of surviving executor against executor of his co-executor. *Crothers v. Crothers*, 121 Md. 118.

See notes to art. 93, sec. 11.

Art. 93, sec. 305, which was identical with this section, has been repealed.

1929, ch. 501.

267A. Whenever in any will, deed or other instrument executed after July 1, 1929, real or personal property is given to a trustee with or without a personal or discretionary power of sale or investment of any assets of the trust estate, any person having under the will, deed or other instrument an interest in the trust estate shall be entitled to have the trust estate administered under the supervision of a court of equity, and may apply to the court to assume jurisdiction thereof, and the court shall thereupon assume jurisdiction over the entire trust estate or such part thereof as it may deem proper, unless a contrary intention be expressly stated in the instrument creating the trust; and the court may thereafter, if it deems proper, require that all persons interested be made parties to the proceeding.

Witnesses and Testimony.

An. Code, 1924, sec. 269. 1912, sec. 252. 1904, sec. 234. 1888, sec. 216.
Rule 34. 1929, ch. 489.

269. Except where testimony is to be taken beyond the limits of the State, or beyond the limits of the county or city for which the Court exercises jurisdiction, no commissions to take testimony shall issue. The Circuit Court for each of the counties, and the Supreme Bench of Baltimore City shall each appoint two or three experienced and competent examiners, who shall, upon qualification, be officers of the Court; and for any special reason, a special examiner may be appointed; provided that the Circuit Court for Prince George's County may appoint four such examiners. These examiners shall have authority to issue subpoenas for witnesses, administer oaths, notify parties of the time of their sittings, and to preserve order and decorum during their sessions. Any person refusing to obey subpoenas issued by such examiners, or who shall be guilty of violating the order and proper decorum of the sessions of said examiners while in the discharge of their duties shall be reported by the examiners, together with the facts of the case, to the Court; and upon hearing, the Court, if satisfied of the facts as reported, and that the party was guilty of the matter charged, shall punish the party so offending. Such examiners shall be entitled to receive four dollars per day, for each and every day actually employed; to be paid by the party at whose instance the service may have been rendered. And it shall be the duty of such examiners, in making their returns to the Court, in each case, to certify the time that they have been actually employed, and at whose instance, and the amount taxable to each party for services rendered.