

ceed in either Court, the statute is equally a bar in both; and in all such cases, equity adopts, by analogy, the time prescribed by law.

As soon as the cause of action accrues, whether it be the case of a trust or not, if it be a fit subject for a suit at law as well as in equity, the statute of limitations begins to run.

The statute may be pleaded, as a defence, at any time after the claim has been filed; or brought before the Court, either before the case has gone to the Auditor, or after he has made a report on it.

[The real estate of Thomas Mackall, deceased, was sold under the proceedings in this case for the purpose of partition among his heirs-at-law, and claims were filed by various parties against the proceeds. These claims are disposed of in the following opinions of the Chancellor. Claim No. 1 is founded upon a judgment recovered against the said Thomas Mackall, by Joseph W. Reynolds, and is presented by the executors of the latter. The objections to this claim are fully stated in the first opinion of the Chancellor. No. 2 is a single bill for \$629 69, executed by the deceased to his sister, Anne R. G. Mackall, on the 22d of March, 1833, and payable two years after date, with interest from date. No. 5 is founded upon the copy of a single bill, the original of which was alleged to be lost; executed by said Thomas Mackall, in favor of his said sister, Anne R. G. Mackall, for \$705 65, dated the 15th of July, 1837, payable in three years from date. In support of this claim was offered a certificate by Thomas Mitchell, for William Hance, clerk, certifying, that on the 15th of July, 1837, Thomas Mackall deposited in the Clerk's Office of Calvert County a note of that date, drawn by him in favor of Anne R. G. Mackall, for the sum of \$705 65, payable three years after date, with interest from the 9th of April, 1833, and the deposition of Augustus R. Sollers, Clerk of Calvert County Court, taken before a justice of the peace, stating that he had, at the request of the attorney of Miss Anne R. G. Mackall, made frequent and repeated searches among the papers in his office, for the purpose of finding the note of Thomas Mackall, referred to in the certificate of William Hance, former Clerk of said Court, and that he has been unable to find the said note, and he believes the same to be lost or mislaid. No. 6 is