

Where one partner is asking for an account in equity against his co-partners, if the moneys which the co-partners are charged with having received may have been received within three years, the statute is not a bar. *Wood v Gault*, 2 Md. Ch. 441.

This section is applicable to a bill for an account in equity as well as to an action at law. Limitations in equity discussed. *Wilhelm v. Caylor*, 32 Md. 155. See also, *Emerson v. Gaither*, 103 Md. 579; *Harper v. Clayton*, 84 Md. 351; *Weaver v. Leiman*, 52 Md. 713; *McKaig v. Hebb*, 42 Md. 235; *Bowle v. Stonestreet*, 6 Md. 431; *Hertle v. Schwartz*, 3 Md. 383 (approving *Dugan v. Gittings*, 3 Gill, 161, and stating that *Lamar v. Jones*, 3 H. & McH. 328, is overruled as to limitations in equity); *Hertle v. McDonald*, 2 Md. Ch. 133; *Green v. Johnson*, 3 G. & J. 394; *Lingan v. Henderson*, 1 Bl. 273; *Baker v. Cummings*, 169 U. S. 206; *Willard v. Wood*, 164 U. S. 502.

The filing of a bill to carry out the directions of a will for the sale of real estate with prayer for general relief, is not a creditors' bill and does not prevent the running of the statute as against a debt recoverable under a creditors' bill. *Sabel v. Slingluff*, 52 Md. 135.

The possibility of limitations being pleaded at law, is no ground of relief in equity. *Dickey v. Permanent Land, etc., Co.* 63 Md. 176.

Where an order in a court of equity allowing the filing of an answer, prohibits the defense of limitations, such defense can not prevail. *Jackson v. West*, 22 Md. 83.

When it is not necessary to verify a plea of limitations in equity by oath. *Carroll v. Waring*, 3 G. & J. 503.

The running of the statute is suspended by an injunction. *Little v. Price*, 1 Md. Ch. 187.

Where an estate is being distributed in equity and certain of the claims which would otherwise be barred are alleged to have been revived, there must be no collusion. *Cape Sable Co.'s Case*, 3 Bl. 673.

Limitations in particular cases.

In an action of *replevin*, where it was shown that the property was originally held by the defendant with the consent of the plaintiff, the plea of limitations will not prevail although three years have elapsed, unless knowledge of an adverse claim has been brought home to the plaintiff or his intestate. *Cole v. Hebb*, 7 G. & J. 43; *Callis v. Tolson*, 6 G. & J. 92. See also, *Ward v. Reeder*, 2 H. & McH. 154.

All actions for trespass for injury to rights of property in land, such as for *mesne* profits, are within the operation of this section. The statute bars all rents and profits accruing more than three years before suit brought. *Tongue v. Nutwell*, 31 Md. 313. And see *Mitchell v. Mitchell*, 10 Md. 241.

Where limitations is pleaded to a bill for an account of rents and profits, and the defendant claims allowance for improvements, such allowance must be deducted from the amount of the rents and profits for the whole period the defendant is in possession. *Ridgely v. Bond*, 18 Md. 451. See also, *Mitchell v. Mitchell*, 10 Md. 241.

The statute as a positive bar, held to have no application in a suit in equity to redeem a life insurance policy and to recover the amount thereof. *Dungan v. Mutual Benefit Ins. Co.*, 46 Md. 498.

In an action of slander, the plaintiff, in order to establish malice, may prove declarations made by the defendant more than a year prior to the suit, since limitations applies to the cause of action and not to evidence. *Boteler v. Bell*, 1 Md. 178.

A suit against a railway company for an injury caused by a collision, is not an action for assault to be brought within one year. *City Pass. Ry. Co. v. Tanner*, 90 Md. 317.

In *Grant v. Beall*, 4 H. & McH. 419, it was held that the statute was not a bar to a suit against an agent for money received more than three years prior to the suit, but that case was overruled on this point in *Green v. Johnson*, 3 G. & J. 397.

Limitations is no defense to an action against a sheriff for a false return. *Newcomer v. Keedy*, 2 Md. 25.

The statute is no bar to an action on the case against a sheriff for an escape. *French v. O'Neale*, 2 H. & McH. 401.