

1904, art. 26, sec. 41. 1888, art. 26, sec. 39. 1860, art. 29, sec. 47.
1852, ch. 75, sec. 2.

41. The courts and judges aforesaid may grant the relief and extension provided in the preceding section in favor of sheriffs and collectors to the securities, executors, administrators or trustees of sheriffs and collectors, who may respectively succeed to their rights and duties.

Ibid. sec. 42. 1888, art. 26, sec. 40. 1860, art. 29, sec. 48.
1852, ch. 75, sec. 3.

42. The said courts and judges may, in their discretion, require the party applying for such relief to serve notice on the comptroller and county commissioners, or on either of them, according to the character of the taxes represented to be in arrears, previous to passing a final order on such application.

Ibid. sec. 43. 1888, art. 26, sec. 41. 1860, art. 29, sec. 49.
1852, ch. 75, sec. 5.

43. Nothing contained in the three preceding sections shall prevent or delay the enforcement by the comptroller, county commissioners or others interested of their rights and remedies.

Removal of Cases from Courts of Law to Courts of Equity.

Ibid. sec. 44. 1896, ch. 229, sec. 42.

44. In every case at law or in equity in which it shall appear that the plaintiff is entitled to some relief or to some remedy, but not in the particular court, or on the side of the court in which the suit is brought or the relief is prayed, the plaintiff shall not on that account be nonsuited or the case dismissed; but the case may, in the discretion of the judge presiding in the court in which the suit is pending, at any time, in any action at law, before the jury retire to consider their verdict, or in a suit in equity, before the final decree is signed, be removed by an order in writing signed by the judge or judges there presiding, to such proper court or docket, either of equity or law, in the same county or city, as the nature thereof may require, and thereupon such proceedings shall be had by amendment of the pleadings and otherwise, as shall conform the case to the course of the court to which the same shall have been removed under such general or special rules as each of such courts may prescribe for the adjustment of costs, the prevention of delay and the promotion of justice.

This section is constitutional. *Insurance Co. of North America v. Schall*, 96 Md. 227.

No appeal from the action of the lower court in removing, or refusing to remove, a case under this section. *Summerson v. Schilling*, 94 Md. 607; *Safe Deposit Co. v. Cahn*, 102 Md. 542.

This section shows that it is the declared policy of the law that where it appears the plaintiff is entitled to some remedy, his suit shall not be dismissed because he has invoked the aid of the wrong tribunal. *Safe Deposit Co. v. Cahn*, 102 Md. 542.

For a case which was reversed in the court of appeals on the ground that no relief could be had in equity, but was remanded under this section without