

Equitable Defenses.

86.

Demurrer to pleas under this section properly sustained, since everything which could have been proved under such pleas were matters of defense under the plea of fraud. A defense which is good at law may not be pleaded on equitable grounds. *McGrath v. Peterson*, 127 Md. 413. And see *Morgan v. Cleaver*, 130 Md. 618.

Plea under this section held bad, since equity would not have granted relief. *Jamesson v. Citizens Bank*, 130 Md. 86.

Legal Sufficiency of Evidence.

91A.

Cited but not construed in *Conowingo Land Co. v. McGaw*, 124 Md. 652.

Removal of Causes.

102.

To the first note to this section on page 1683 of volume 2 of the Annotated Code, add *Taxicab Co. of Balto. v. Emanuel*, 125 Md. 265.

To the second note to this section under the heading "Up to What Time a Case May Be Removed" on page 1682 of volume 2 of the Annotated Code, add *Taxicab Co. of Balto. v. Emanuel*, 125 Md. 265.

III.

PROCESS.

144.

As to suit and process against Adams Express Company and other unincorporated stock companies, see article 73, section 23.

147.

See notes to article 16, section 88.

1904, art. 75, sec. 145. 1888, art. 75, sec. 133. 1860, art. 75, sec. 88. 1785, ch. 87, sec. 4. 1838, ch. 329. 1916, ch. 617.

148. If any trespass shall be committed on any real property and the person committing the same shall remove from the county where said property may lie or cannot be found in such county, such trespasser may be sued in any county where he may be found, and all warrants of resurvey in such cases shall be directed to and executed by the Sheriff and Surveyor of the County where the land lies and returned to the Court from which the warrant issued or to the Court to which the case may have been removed for trial before the return of said warrant; and an executor may be sued either in the county where he resides or where he obtained administration.

To the last note to this section on page 1698 of volume 2 of the code, add *Hopper v. Brodie*, 130 Md. 445.

See notes to this section in volume 2 of the Annotated Code.

Non-Pros.

173.

A *non-pros.* may not be taken after argument on the law and facts before the judge sitting as a jury. *Easter v. Overlea Land Co.*, 128 Md. 102.