

Lamar v. Jones, 3 H. & McH. 328, is overruled as to limitations in equity); Herte 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 directions of a will for sale of real estate with prayer for general relief is not a creditors' bill and does not prevent running of 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 filing of answer, prohibits the defense of limitations, such defense cannot 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 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 defendant with consent of plaintiff, plea of limitations will not prevail although three years have elapsed, unless knowledge of an adverse claim has been brought home to 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 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 bill for account of rents and profits, and defendant claims allowance for improvements, such allowance must be deducted from amount of rents and profits for whole period 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 suit in equity to redeem life insurance policy and to recover 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 defendant more than a year prior to suit, since limitations applies to cause of action and not to evidence. Boteler v. Bell, 1 Md. 178.

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

A plaintiff in ejectment must show a legal title and right of possession not barred by the statute of limitations. Joseph v. Bonaparte, 118 Md. 593.

In Grant v. Beall, 4 H. & McH. 419, it was held that statute was not a bar to a suit against an agent for money received more than three years prior to 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.

This section has no application to an action of *assumpsit* for taxes—see art. 81, sec. 93. Gunther v. Baltimore, 55 Md. 462.

The application of this section to a riot (even before act of 1867, ch. 282), questioned—see art. 82, sec. 2. Hagerstown v. Sehner, 37 Md. 190.

Re. limitations in suits for negligence causing death, see art. 67, sec. 2, and notes.

Re. limitations applicable to ground-rents in arrear, see art. 53, secs. 26 and 27.

As to the conclusive presumption of the renewal of a lease for 99 years renewable forever, upon possession by lessee for 12 months after such lease expires, see art. 21, sec. 97.

A will cannot be caveated after three years from probate—art. 93, sec. 352.

Re. barring a claim presented to an administrator and rejected, see art. 93, sec. 109.

As to time within which creditors must attack conveyances from husband to wife, see art. 45, sec. 1.