

**Suits against stockholders and directors.**

In an action by a trustee appointed to sue stockholders of a defunct corporation, stockholder cannot defend on ground that debts to corporation which they are called upon to pay are barred by limitations. *Glenn v. Williams*, 60 Md. 120.

Where a stockholder was to pay for his stock in weekly instalments, the period of such payments extending beyond time allowed by act of the legislature under which the company was incorporated, contract cannot be construed to have contemplated payment within period prescribed by legislature, so as to make statute a bar. *Frank v. Morrison*, 55 Md. 405.

The Maryland statute of limitations may be set up by demurrer to a suit here against a stockholder in a New York corporation on a statutory liability imposed by latter state. *Attrill v. Huntington*, 70 Md. 199.

Limitations is a bar to a bill against a director of a corporation for improperly declaring a dividend, filed more than three years after he ceased to be a director. The facts giving rise to application of statute must be set up by plea or answer. *Emerson v. Gaither*, 103 Md. 579.

**Fraudulent conveyances.**

Where a deed is impeached by creditors of grantor as fraudulent, the fraudulent grantee may rely upon statute. *McDowell v. Goldsmith*, 6 Md. 319.

Limitations will avail parties relying upon it who claim under a deed declared fraudulent against creditors of grantor. *McDowell v. Goldsmith*, 2 Md. Ch. 391.

A plea of limitations cannot prevail against a judgment confessed by a fraudulent grantor before claim has become barred. *Schaferman v. O'Brien*, 28 Md. 573.

**Trusts.**

Whether a trust is subject to statute is largely dependent upon character and terms of trust; facts and circumstances held insufficient to show that a proceeding would be barred by statute. *Tyson v. George's Creek C. & I. Co.*, 115 Md. 579.

The mere existence of fiduciary relations between parties to suit does not *per se* prevent running of statute. To what extent existence of a trust operates to suspend statute in a court of law. *Planters' Bank v. Farmers' Bank*, 8 G. & J. 467. And see *Green v. Johnson*, 3 G. & J. 394.

The statute is a bar to trusts created by operation of law, though not to express trusts. *McDowell v. Goldsmith*, 6 Md. 337.

As soon as the trust ceases, limitations begins to run. *Green v. Johnson*, 3 G. & J. 395; *White v. White*, 1 Md. Ch. 56.

As to the nature of trusts which are and are not affected by the statute, see *Young v. Mackall*, 3 Md. Ch. 398; *White v. White*, 1 Md. Ch. 56; *Weaver v. Leiman*, 52 Md. 713; *Gordon v. Small*, 53 Md. 559.

No trust being established, the statute applies in equity. *Piper v. Tuck*, 26 Md. 221. See also *Fishwick v. Sewell*, 4 H. & J. 430; *Oehler v. Walker*, 2 H. & G. 331; *Belt v. Hepburn*, 4 H. & McH. 525.

**Dower.**

Limitations is no bar in equity to widow's claim for dower or rents and profits thereof. *Wells v. Beall*, 2 G. & J. 473. See also *Mitchell v. Farrish*, 69 Md. 241.

Although limitations does not apply to wife's suit for dower, it does not follow that lapse of time may not become a bar to bill for an account. *Kiddall v. Trimble*, 1 Md. Ch. 150.

The position that an annuity being in lieu of dower is like dower, exempt from limitations, may be sound. *Chew v. Farmers' Bank*, 2 Md. Ch. 248.

**Application of last clause of this section.**

The last clause of this section applies to dealings between a merchant creditor residing out of Maryland and a debtor residing in Maryland, and in order to take case out of the exception, it is not sufficient to aver that creditor returned to, and was within state of Maryland after cause of action accrued and more than three years before suit brought. (*Cf.* notes to sec. 5). *Bond v. Jay*, 7 Cranch. 350 (based on act of 1715, ch. 23).

The exception in the last clause of this section has no application to transactions between banks; nor to a bill by a partner for an accounting. *Farmers' Bank v. Planters' Bank*, 10 G. & J. 441; *Wilhelm v. Caylor*, 32 Md. 160.