An. Code, 1924, sec. 14. 1912, sec. 14. 1904, sec. 14. 1888, sec. 13. 1868, ch. 357.

14. In all actions where a party has a cause of action of which he has been kept in ignorance by the fraud of the adverse party, the right to bring suit shall be deemed to have first accrued at the time at which such fraud shall or with usual or ordinary diligence might have been known or discovered.

Buyer's bill to cover payments under executed contract caused by seller's alleged fraud, held insufficient to avoid limitations under this section. Feeser, Inc. *v.* American Can Co., 2 F. Supp. 561.

This section referred to in overruling demurrer to bill to set aside, on ground of misrepresentation and fraud, sale of stock and to require defendant to repay money paid for such stock; setting aside conveyances. When limitations and laches begin to run. Sears *v.* Barker, 155 Md. 331.

Evidence in case not sufficient to show that defendant fraudulently kept plaintiff in ignorance of his alleged cause of action; mistaken statements do not constitute fraud. Public Utilities Co. *v.* Baile, 152 Md. 374.

The suspension of the running of limitations does not apply in favor of mortgagee seeking to recover from prior mortgagee (both mortgages being forgeries), the prior mortgagee having acted in good faith and in no way misled subsequent mortgagee. Bankers', etc., Assn. *v.* Bldg. Assn., 167 Md. 461.

Limitation on recovery by agents of unpaid part of commissions held postponed by fraud of insurance company where facts were within its knowledge and were not disclosed. Parr *v.* Ins. Co. of North America, 33 Fed. (2nd), 567.

In the event of fraud, accident or surprise, time should only run against the prejudiced party from the acquisition or imputation of notice of the granting of the issues. Holland *v.* Enright, 169 Md. 397.

Cited in construing Sec. 1 and Art. 37A, Sec. 5. Banking & Trust Co. *v.* Bender, 175 Md. 625.

See notes to sec. 1.

A replication is good which alleges that cause of action did occur within three years, etc., inasmuch as defendant fraudulently kept plaintiff in ignorance of such cause of action by fraudulently, etc., denying that it had been guilty of acts alleged in said cause of action and that facts did not come to knowledge of plaintiff until within three years before suit brought, although he used ordinary diligence to discover same. Cumberland Glass Co. *v.* De Witt, 120 Md. 389.

Where plaintiff's attorney has notice of facts which would have put an ordinarily prudent person on inquiry as to validity of defendant's title to land, and no examination of records or other inquiry is made, a mere statement by defendant that he owned an outstanding title, could not be said to have fraudulently prevented an investigation, and this section does not apply. Meaning of words "ordinary diligence." Burden upon plaintiff. Case taken from jury. Purpose of this section. Wilson *v.* Le Moyne, 204 Fed. 730.

Where the fraud is concealed, or is of such a character as to conceal itself, whereby plaintiff remains in ignorance without any lack of diligence on his part, statute only begins to run when the fraud is discovered, though there be no special effort on part of defendant to conceal such fraud—there need be no independent fraud. Reeder *v.* Lanahan, 111 Md. 384; New England Ins. Co. *v.* Swain, 100 Md. 572; Wear *v.* Skinner, 46 Md. 264. *Cf.* State *v.* Henderson, 54 Md. 341.

Evidence held not sufficient to bring a case within this section so as to remove the bar of the statute of limitations. Schuck *v.* Bramble, 122 Md. 413.

This section held to prevent the operation of the statute of limitations. Peoples *v.* Ault, 128 Md. 405.

The act of 1868, ch. 357, discussed and construed. Whether plaintiff's failure to discover cause of action was due to a failure to exercise due diligence, or to defendant's concealment of his wrong, is ordinarily a question for jury. Where fraud is committed by an agent within scope of his employment, the bar of statute is removed as against the principal. New England Ins. Co. *v.* Swain, 100 Md. 572.

A plaintiff held not to have used ordinary diligence so as to entitle it to the benefit of this section. Stieff Co. *v.* Ullrich, 110 Md. 634.

Knowledge, or want of diligence on the part of trustees, imputed to plaintiff. Reeder *v.* Lanahan, 111 Md. 384.

For a discussion of this subject prior to the adoption of this section, see MacDowell *v.* Goldsmith, 2 Md. Ch. 390.

As to extension by fraud of time within which appeal may be entered, see art. 5, sec. 36.

See notes to art. 45, sec. 1.

An. Code, 1924, sec. 15. 1912, sec. 15. 1906, ch. 803.

15. Whenever land or lands shall be sold for the payment of county or State taxes, or both, assessed thereon and in default, and the owner or