

where avowry or cognizance is made) in which, if judgment were obtained, he would be entitled to relief against such judgment on equitable grounds to plead the facts which entitle him to such relief by way of defence, and the court in which said action is pending is hereby empowered to receive such defence by way of plea, provided that such plea shall begin with the words: "For defence on equitable grounds," or words to that effect. Plead the facts

58B. The plaintiff or the defendant in replevin may demur to such plea for want of equity, or reply thereto facts which avoid such plea upon equitable grounds; provided that such replication shall begin with the words "For replication on equitable grounds," or words to the like effect. May demur.

58C. In case it shall appear to the court that any such equitable plea or equitable replication cannot be dealt with by a court of law, so as to do justice between the parties, it shall be lawful for such court to order the same to be struck out, on such terms as to costs and otherwise as to such court may seem reasonable; all replevin bonds and *retorno habendo* bonds may be given by the plaintiff or defendant, as the case may be, or, on their behalf, the clerk shall have power to swear all parties executing such bonds, whether as principals or securities, as to their pecuniary sufficiency, and may also interrogate under oath the plaintiff in any replevin touching the value of the goods and chattels proposed to be replevied, in order to determine the proper penalty to be named in the replevin bond. Lawful to strike out.

SEC. 3. *And be it enacted*, That sections nine and forty of said article seventy-five of the Code of Public General Laws, title "Pleadings, Practice and Process," be and the same are hereby severally repealed. Repealed.

SEC. 4. *And be it enacted*, That this act shall take effect from the date of its passage. Effective.

Approved April 5, 1888.