

Although there were some early decisions to the contrary, and the Lord Proprietary was decidedly averse to the extension of this Statute, it has long been settled that it was adopted in Maryland, and its adoption is the same as its re-enactment, *per* Chase C. J. in *Pancoast v. Addison*, 1 H. & J. 350; indeed it was found in the special verdict in *Calvert v. Eden*, 2 H. & McH. 290, to have extended to Maryland. The provision of this section has been held to apply to the rights of the lord of a manor as to mines, lands, &c. within the manor, *Rich v. Johnson*, 2 Str. 1142, and to the right of entry of a commoner, where the common has been enclosed twenty years, *Hawke v. Bacon*, 2 Taunt. 160. But it does not apply where the dispute relates to bounds only, and not to title, *Miller's lessee v. Hynson*, 1 H. & McH. 84; *Cresap's lessee v. Hutson*, 9 Gill, 269; and more than twenty years' adversary possession of land, over which a party claims a right of way, is no bar to an action by him for obstructing it, though it might be ground to presume a release from the parties interested in the road to the defendant, *Wright v. Freeman*, 5 H. & J. 476.²

Ejectment on different right of entry—Remaindermen.—But, though the party may have had a right upon which more than twenty years adverse possession or user have run, this will not prevent him from availing himself of a different right of entry which has accrued to him within twenty years. Tenant in tail of lands in ancient demesne demised them by fine for three lives, and afterwards levied a fine of the reversion in the court of ancient demesne to the use of himself and his heirs, and granted it over by bargain and sale; fines in that court did not bar the estate tail, and it was held that the first fine created a discontinuance during the lives of the lessees, but the second did not, and though the issue in tail did not bring his formedon within twenty years after the death of his ancestor, he was not barred of his right of entry within twenty years from the determination of the lease for lives, *Hunt v. Bourne*, 1 Salk. 339; 2 Salk. 422; S. C. 1 Bro. P. C. 48. So possession of a lessee after forfeiture of the lease is not adverse, *Gwynn v. Jones' lessee*, 2 G. & J. 173, the principle being perhaps better illustrated in *Doe v. Danvers*, 7 East, 299, where a deviser of lands had made a lease for years, with a clause of re-entry for non-payment of rent, and his heir, after his death, received the rent during the lease for more than twenty years without the devisee attempting to recover possession, and the latter was held not barred on the expiration of the lease, for he could not have entered during the lease, and although a forfeiture was committed he was not bound to enter, and a right of entry is reserved to the owner of a subsisting lease, though no rent has been received by him, *Runnington*, *Ejectment*, App. 1, *Orville v. Maddox*; see *Roe v. Ferrars*, 2 B. & P. 542. So a remainderman may await the determination of the particular estate, although the owner of that estate may have committed an act of forfeiture. The Statute in no case begins to operate until the title to possession has accrued,³ and the right of the remainderman does

² *Browne v. Trustees*, 37 Md. 120. As to title to incorporeal hereditaments by prescription, see Venable's Syllabus on Title 20.

³ **Limitations against remaindermen.**—Limitations do not begin to run against a remainderman until the previous life estate, legal or equitable,