

since the death of the person last seised. It was contended that her title accrued only on the death of her brother, the time of which had been found by the jury, that the first section gave a party twenty years after his title first accrued to make his entry, and that the object of the second section was to extend, not to limit, the time of entry given by the first section. The second section, therefore, was intended to allow every person at least twenty years after his title accrued, if there was a continuing disability from the death of the ancestor last seised, and ten years more to the heir of the person dying under a disability, which ten years are in addition to the twenty years allowed by the first section. But Lord Ellenborough said that the time for making an entry might be indefinitely extended if such a construction were adopted, and that there was no calculating how far it might be carried by parents and children dying under age, or continuing under other disabilities in succession. "The brother, through whom the lessor of the plaintiff claimed, being under the disability of non-age at the time of his father's death, when his title first accrued, and dying under that disability, it appears to me that the proviso in the second clause (where resort is to be had to it to extend the period for making an entry beyond the twenty years) required her to make her entry within ten years after his death, and not having done so the ejectment is brought too late. The word *death* in that clause must mean and refer to *the death of the person to whom the right first accrued* and whose heir the claimant is; and the Statute meant that the heir of every person, to which person a right of entry had accrued during any of the disabilities there stated, should have ten years from the death of his ancestor, to whom the right first accrued during the period of disability and who died under such disability, (notwithstanding the twenty years from the first accruing of the title to the ancestor should have before expired)."⁵⁰ And Lawrence J. added, that the Statute gives to a party, to whom a right of entry accrues and who is under a disability at the time, ten years after the disability removed, notwithstanding the twenty years should have elapsed after his title first accrued;⁵¹ and to *his heir* the Statute gives ten years after the *death* of such party dying under the disability.⁵²

⁵⁰ Quoted with approval in *Carter v. Woolfork*, 71 Md. 291.

⁵¹ But where the disability ceases while the twenty years are running, the ten years given to the person under disability runs concurrently with the twenty and not successively to it. *Wickes v. Wickes*, 98 Md. 326; *Merryman v. Cumberland Co.*, 98 Md. 227; *Kopp v. Herrman*, 82 Md. 350.

⁵² The leading case on this point in Maryland is *Carter v. Woolfork*, 71 Md. 292. The rule is clearly stated by Judge Bryan as follows: "We think that where a disability exists at the time when a right of entry on land accrues, and the person entitled dies during the disability, the heir has ten years to make his entry; and that he is not barred then unless twenty years have elapsed since the right of entry first accrued. In other words he is entitled to twenty years from the origin of the title, and ten years from the death of the ancestor; but that these limitations run concurrently and not successively. We also think that no disability of the heir can protract these periods, or postpone the running of limitations." Affirmed in *Baumeister v. Silver*, 98 Md. 424. The same construction of the statute was applied in *Davis v. Coblens*, 174 U. S. 719.