

This section has no application to an action of *assumpsit* for taxes—see article 81, section 88. *Gunther v. Baltimore*, 55 Md. 462.

The application of this section to a riot. (even before the act of 1867, ch. 282), questioned—see article 82, section 2. *Hagerstown v. Sehner*, 37 Md. 190.

As to limitations in suits for negligence causing death, see article 67, section 2 and notes.

As to limitations applicable to ground-rents in arrear, see article 53, sections 25 and 26.

As to the conclusive presumption of the renewal of a lease for 99 years renewable forever, upon possession by the lessee for 12 months after such lease expires, see art. 21, sec. 95.

A will can not be caveated after three years from its probate—art. 93, sec. 342.

As to the barring of a claim presented to an administrator and rejected, see art. 93, sec. 107.

As to the time within which creditors must attack conveyances from husband to wife, see art. 45, sec. 1.

Running accounts.

The operation of the statute is prevented by the running of mutual accounts, if some of the items are within the statutory period. When accounts are not mutual. *Webster v. Byrnes*, 32 Md. 89.

The fact that one item in an account is within three years, does not withdraw the whole account from the operation of the statute. *Sprogle v. Allen*, 38 Md. 335.

Effect of an amendment of the declaration.

The general rule is that where limitations is not a bar before suit brought, an amendment of the declaration *when the cause of action remains the same*, will not warrant the filing of the plea of limitations, although the period has then expired, and this is true though the original declaration is bad on demurrer; *contra*, when the amendment changes the cause of action. *Zier v. Chesapeake Ry. Co.*, 98 Md. 37; *Western Union Co. v. Nelson*, 82 Md. 293; *Hamilton v. Thirston*, 94 Md. 256; *Wolf v. Bauereis*, 72 Md. 488; *Schulze v. Fox*, 53 Md. 41; *State v. Green*, 4 G. & J. 384.

The statute does not apply to a suit on a note brought within a year after its maturity, the declaration being amended more than three years after its maturity. *Hamburger v. Paul*, 51 Md. 229. See also. *Wolf v. Bauereis*, 72 Md. 488.

When a suit is a new one, and when it is a continuation of an old one. *White v. Joyce*, 158 U. S. 128.

Application of the statute.

The plaintiff's ignorance of his rights, does not affect the application of the statute. The mere knowledge of an adverse claim by the defendant does not operate as a bar; there must be such an act of invasion of the rights of the plaintiff as gives him a cause of action. *Abell v. Harris*, 11 G. & J. 371.

There is no principle of limitation except that recognized in the statutes or adopted in analogy thereto, which limits the duration of a lien such as that given city authorities against abutting property for the grading and paving of streets. Limitations is not applicable to such lien. *Eschbach v. Pitts*, 6 Md. 76.

This section has no application to a legacy made a charge on lands. *Greenwood v. Greenwood*, 5 Md. 336; *Crawford v. Severson*, 5 Gill, 448. See also. *Ward v. Reeder*, 2 H. & McH. 154; *Ogle v. Taylor*, 49 Md. 176.

Municipal corporations, including the District of Columbia, held to come within the application of this section. The fact that the duty which the defendant failed to perform, and which failure gave rise to the suit, is a statutory one, does not defeat the operation of this section. *Metropolitan Road v. District of Columbia*, 132 U. S. 1; *District of Columbia v. Woodbury*, 136 U. S. 457.