ARTICLE LVII.

LIMITATION OF ACTIONS.

1.

An express promise is not necessary to remove the bar of the statute; when a member of a firm in the hands of receivers, authorizes, in writing, the receivers to distribute to the creditors of the firm any and all sums theretofore or thereafter in his hands, and especially the proceeds of certain insurance policies, such paper is a sufficient acknowledgment of a debt proved and allowed in the receivership proceedings, to remove the bar of the statute. Hemsley *v.* Hollingsworth, 119 Md. 445.

Where a defendant, in his answer to a bill of discovery, does not rely upon limitations, but only sets up the statute after the court his directed the manner in which the account is to be stated and certain items to be charged against the defendant, he has waived the statute and cannot rely on it. Wilmer *v.* Placide, 119 Md. 53.

Whether a trust is subject to the statute is largely dependent upon the character and terms of the trust; facts and circumstances held insufficient to show that a proceeding would be barred by the statute. Tyson *v.* George's Creek C. & I. Co., 115 Md. 579.

Where the effect of the statute, if applied, would be to permit certain overhead charges complained of in a bill in equity to stand against certain profits, without the right of equity to investigate the correctness of such charges, and although the plaintiffs had no knowledge of the charges until a short time before the bill was filed, the statute will not be applied, especially since the collateral held for the payment of the debt, or so much thereof as may be necessary, can be sold to pay any unpaid balance of said debt although such debt was barred by the statute. Campbell *v.* Burnett, 120 Md. 225.

So long as an administrator acts honestly, he will not be removed for a failure to plead the statute of limitations—see article 93, section 98. Duningan *v.* Cummins, 115 Md. 297.

A plaintiff in ejectment must show a legal title and right of possession not barred by the statute of limitations. Joseph *v.* Bonaparte, 118 Md. 593.

To the second note to this section under the heading "Limitations in Equity" on page 1391 of volume 2 of the Annotated Code, add the case of Campbell *v.* Burnett, 120 Md. 226.

3.

See article 23, section 97A, and notes to article 26, section 20.

11.

While the state must prove that the offense was committed within one year prior to the commencement of the prosecution, it is not confined in its proof to the date alleged in the indictemnt, but may show that the offense occurred at some time within the period of limitations. Curry *v.* State, 117 Md. 592.

12.

As to "Blasphemy," see article 27, section 21.
As to Sabbath-breaking, see article 27, section 436, *et seq.*
As to "Drunkenness," see article 27, section 103.