

In an action of trover, statute begins to run from the conversion, unless perhaps plaintiff has been prevented by fraud of defendant from knowing of conversion. (See sec. 14). *Belt v. Marriott*, 9 Gill, 338.

Incompetency to sue.

The statute begins to operate only from the time there is a competent person to sue. Where a creditor dies before a debt is due him, his administrator may recover it, provided he sues within three years from date of his letters. *Ruff v. Bull*, 7 H. & J. 16; *Fishwick v. Sewell*, 4 H. & J. 428; *Haslett v. Glenn*, 7 H. & J. 24.

The statute does not begin to run on a claim of an individual against himself as executor because he cannot sue himself. *Spencer v. Spencer*, 4 Md. Ch. 464. And see *State v. Reigart*, 1 Gill, 32; *Glover v. Patten*, 165 U. S. 405.

Limitations is no bar to equitable claim of wife which she could not enforce against husband at law during his lifetime. *Bowie v. Stonestreet*, 6 Md. 431.

If defendant corporation cannot be sued during a certain period by reason of act of assembly, limitations is no bar. If plaintiff proposes to rely upon such an act to remove bar of statute, he should plead it. *Planters' Bank v. Bank of Alexandria*, 10 G. & J. 354.

Revival of the debt.

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

As to the sufficiency of an acknowledgment or promise to remove bar of statute, see *Wilmer v. Gaither*, 68 Md. 345; *Shipley v. Shilling*, 66 Md. 562; *Stewart v. Garrett*, 65 Md. 393; *Hall v. Bryan*, 50 Md. 212; *Goldsmith v. Kilbourn*, 46 Md. 293; *Sprogle v. Allen*, 38 Md. 335; *Knight v. House*, 29 Md. 196; *Dawson v. King*, 20 Md. 447; *Felty v. Young*, 18 Md. 167; *Higdon v. Stewart*, 17 Md. 111; *Quynn v. Carroll*, 10 Md. 208; *Peterson v. Ellicott*, 9 Md. 62; *Stockett v. Sasscer*, 8 Md. 378; *Carroll v. Ridgeway*, 8 Md. 336; *Mitchell v. Sellman*, 5 Md. 386; *Ellicott v. Nichols*, 7 Gill, 98; *Carter v. Cross*, 7 Gill, 47; *Guy v. Tams*, 6 Gill, 85; *Brookes v. Chesley*, 4 Gill, 207; *Duval v. Peach*, 1 Gill, 181; *Hall v. Creswell*, 12 G. & J. 47; *Beltzhoover v. Yewell*, 11 G. & J. 215; *Sothoron v. Hardy*, 8 G. & J. 135; *Kent v. Wilkinson*, 5 G. & J. 499; *Frey v. Kirk*, 4 G. & J. 521; *Stockett v. Watkins*, 2 G. & J. 344; *Keplinger v. Griffith*, 2 G. & J. 301; *Rogers v. Waters*, 2 G. & J. 71; *Chapman v. Dixon*, 4 H. & J. 529; *Barney v. Smith*, 4 H. & J. 496; *Allston v. Contee*, 4 H. & J. 358; *Poe v. Conway*, 2 H. & J. 307; *Oliver v. Gray*, 1 H. & J. 215; *Young v. Mackall*, 3 Md. Ch. 398; *Moreton v. Harrison*, 1 Bl. 493; *Shepherd v. Thompson*, 122 U. S. 231.

For cases taken out of operation of statute by reason of an acknowledgment of debt, or promise to pay same, see *Hardy v. Hardy*, 79 Md. 17; *Robinson v. Hurst*, 78 Md. 68; *Duval v. Perkins*, 77 Md. 591; *Bouie v. Maught*, 76 Md. 445; *Stewart v. Garrett*, 65 Md. 393; *Johnson v. Evans*, 8 Gill, 162.

For debts not barred by statute because of payments on account, see *Brady v. Brady*, 110 Md. 665; *Wilmer v. Gaither*, 68 Md. 343; *Moreton v. Harrison*, 1 Bl. 493.

The question of whether alleged acknowledgment applies to debt in issue is for jury. For cases involving such question, see *Hopper v. Beck*, 83 Md. 648; *Hardy v. Hardy*, 79 Md. 17; *Shipley v. Shilling*, 66 Md. 563; *Quynn v. Carroll*, 10 Md. 208; *Peterson v. Ellicott*, 9 Md. 63; *Guy v. Tams*, 6 Gill, 86; *Beltzhoover v. Yewell*, 11 G. & J. 216.

The construction of this section and of sec. 3, with reference to the revival of a debt, compared. *Brooks v. Preston*, 106 Md. 706; *Felty v. Young*, 18 Md. 167. And see *Post v. Mackall*, 3 Bl. 520.

Payments on a running account do not *per se* revive debt, where party who makes the payment has no knowledge of entries contained in account; *contra*, if party has such knowledge. *Quynn v. Carroll*, 10 Md. 209; *Beltzhoover v. Yewell*, 11 G. & J. 216.

In case a debt covered by this section is revived, suit is brought on original cause of action and not on new promise. *Oliver v. Gray*, 1 H. & J. 215; *Guy v. Tams*, 6 Gill, 84. See also *Barney v. Smith*, 4 H. & J. 495.

Where a specialty becomes barred and is revived by a new promise, an action upon the new promise is itself barred after three years. *Young v. Mackall*, 4 Md. 372; *Young v. Mackall*, 3 Md. Ch. 398.