

Running accounts.

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

Fact that one item in an account is within three years, does not withdraw whole account from operation of 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 declaration *when cause of action remains the same* will not warrant filing of plea of limitations, although period has then expired, and this is true though original declaration is bad on demurrer; *contra*, when amendment changes 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, 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.

Where an amended declaration introduces a new or different cause of action, and makes a different claim or demand, it is equivalent to a new suit, and opens case to bar of statute of limitations. Pleas of limitations held sufficient. *Spencer v. B. & O. R. R. Co.*, 126 Md. 200. And see *W., B. & A. R. R. Co. v. Moss*, 130 Md. 204.

Application of the statute.

The plaintiff's ignorance of his rights does not affect application of statute. Mere knowledge of an adverse claim by defendant does not operate as a bar; there must be such an act of invasion of rights of 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 statutes or adopted in analogy thereto, which limits duration of lien such as that given city authorities against abutting property for grading and paving 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 application of this section. The fact that duty which defendant failed to perform, and which failure gave rise to suit, is a statutory one does not defeat operation of this section. *Metropolitan Road v. District of Columbia*, 132 U. S. 1; *District of Columbia v. Woodbury*, 136 U. S. 457.

Where a husband promises to pay his wife for money collected from sale of her land, statute becomes a bar just as in case of any other debt. *Sabel v. Slingluff*, 52 Md. 135.

How the running of the statute is arrested.

The running of the statute is arrested by docketing of suit with directions to clerk to issue process, whether such process is issued or not. *Bank of United States v. Lyles*, 10 G. & J. 334.

The statute runs against a creditor who files his claim in court, up to time of such filing. What amounts to a filing? *Abrahams v. Myers*, 40 Md. 507. See also *Ohio Life Ins. Co. v. Winn*, 4 Md. Ch. 254; *Hall v. Creswell*, 12 G. & J. 48.

If claim of a creditor is not barred at time it is filed against estate of an insolvent, it does not become barred thereafter during settlement of estate. *Insolvent Estate of Leiman*, 32 Md. 240; *Hignutt v. Garey*, 62 Md. 192.

In order to keep suit alive and prevent running of statute, a summons which proves ineffectual must be renewed from term to term. *Hazlehurst v. Morris*, 28 Md. 74.

The appointment of a receiver does not prevent the running of the statute. *Ellicott v. United States Ins. Co.*, 7 Gill, 320.