An. Code, sec. 10. 1904, sec. 10. 1888, sec. 9. 1818, ch. 90. 1849, ch. 424.

10. Whenever land shall be taken up under a common or special warrant, or warrant of re-survey, escheat or proclamation warrant, any person, body politic or corporate may give in evidence under the general issue his possession thereof; and if it shall appear in evidence that the person, body politic or corporate, or those under whom they claim have held the lands in possession for twenty years before the action brought, such possession shall be a bar to all right or claim derived from the State under any patent issued upon such warrant; but nothing herein contained shall apply to any warrant laid before the 26th day of January, 1819.

If the possession is not under color of title, twenty years' exclusive adverse possession by actual enclosures must be shown. Newman *v.* Young's Lessee, 30 Md. 420. See also Davis *v.* Furlow's Lessee, 27 Md. 546.

When a party entitled to benefit of this section ought not to have his title clouded by a subsequent grant upon an escheat warrant. Armstrong *v.* Bittinger, 47 Md. 111. See also Hoye *v.* Swan, 5 Md. 244; Dorothy *v.* Hillert, 9 Md. 574; Jay *v.* Van Bibber, 94 Md. 695.

Quaere whether plaintiffs as well as defendants can avail themselves of act of 1818, ch. 90, and as to whether that act is a grant or confirmation of title. The act of 1818, ch. 90, was not repealed by act of 1839, ch. 4. The former act held under admitted facts, not to relieve plaintiff from showing that there was no such outstanding title in the state as bars recovery. Mitchell *v.* Mitchell, 1 Md. 53.

The proprietary could not be affected by adverse possession before the land had been granted. Steuart *v.* Mason, 3 H. & J. 507.

This section applied. Chapman *v.* Hoskins, 2 Md. Ch. 493.

For law prior to adoption of this section, see Hall *v.* Gittings, 2 H. & J. 112; Cheney *v.* Ringgold, 2 H. & J. 87; Russell *v.* Baker, 1 H. & J. 71; Kelly *v.* Greenfield, 2 H. & McH. 121; Tasker *v.* Whittington, 1 H. & McH. 151.

Cited but not construed in Jay *v.* Van Bibber, 94 Md. 695; Hepburn's Case, 3 Bl. 111; Campbell's Case, 2 Bl. 237.

As to a ground-rent being extinguished by a failure to collect for twenty years, see art. 53, sec. 27.

Actual enclosure is no longer necessary to adverse possession—art. 75, sec. 84. See also art. 54, sec. 19, *et seq.*

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 10. 1777, ch. 6. 1801, ch. 74, sec. 32.

11. No prosecution or suit shall be commenced for any fine, penalty or forfeiture, or any misdemeanor, except those punished by confinement in the penitentiary, unless within one year from the time of the offense committed.

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

The presentment, if valid, begins prosecution and stops running of statute. If presentment is invalid and indictment is found more than one year after commission of offense, statute is a bar. State *v.* Keifer, 90 Md. 171.

Although a decision on a *scire facias* against a defendant involves a forfeiture of its franchise, this section has no application. The act of 1777, ch. 6, shows the meaning of this section. Washington, etc., Turnpike Road *v.* State, 19 Md. 294.

A prosecution for being a common thief must be commenced within one year. Acts of larceny prior to such period are not admissible in evidence. World *v.* State, 50 Md. 55.

This section applies to a prosecution for Sunday liquor selling. Seim *v.* State, 55 Md. 570; State *v.* Popp, 45 Md. 438.

This section applies to a prosecution under art. 12 for bastardy. Bake *v.* State, 21 Md. 426.