

As to how this section should be pleaded in a prosecution under art. 12, see *Neff v. State*, 57 Md. 391.

Where an offense may be punished by confinement in the penitentiary, it is within the exception of this section. *Schaumloeffel v. State*, 102 Md. 472.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 11. 1723, ch. 16, sec. 13.

12. All actions or prosecutions for blasphemy and Sabbath breaking, or drunkenness shall be made within one month after the fact.

This section has no application to a prosecution for Sunday liquor selling. *Seim v. State*, 55 Md. 570; *State v. Popp*, 45 Md. 438.

The act of 1723, ch. 16, sec. 13, discussed and construed. *State v. Popp*, 45 Md. 436. As to "Blasphemy," see art. 27, sec. 24. As to "Drunkenness," see art. 27, sec. 120. As to Sabbath-breaking, see art. 27, sec. 483, *et seq.*

An. Code, sec. 13. 1904, sec. 13. 1888, sec. 12. 1833, ch. 258, sec. 1.

13. The fees of attorneys, solicitors, clerks, registers, sheriffs, constables and other officers shall be collected in three years from their date, and not after.

How this section should be pleaded to a suit on sheriff's bond for fees placed in his hands for collection by a former clerk. A fee debtor may rely upon this section. *Jamison v. State*, 55 Md. 104.

An. Code, sec. 14. 1904, sec. 14. 1888, sec. 13. 1868, ch. 357.

14. In all actions where a party has a cause of action of which he has been kept in ignorance by the fraud of the adverse party, the right to bring suit shall be deemed to have first accrued at the time at which such fraud shall or with usual or ordinary diligence might have been known or discovered.

A replication is good which alleges that cause of action did occur within three years, etc., inasmuch as defendant fraudulently kept plaintiff in ignorance of such cause of action by fraudulently, etc., denying that it had been guilty of acts alleged in said cause of action and that facts did not come to knowledge of plaintiff until within three years before suit brought, although he used ordinary diligence to discover same. *Cumberland Glass Co. v. De Witt*, 120 Md. 389.

Where plaintiff's attorney has notice of facts which would have put an ordinarily prudent person on inquiry as to validity of defendant's title to land, and no examination of records or other inquiry is made, a mere statement by defendant that he owned an outstanding title, could not be said to have fraudulently prevented an investigation, and this section does not apply. Meaning of words "ordinary diligence." Burden upon plaintiff. Case taken from jury. Purpose of this section. *Wilson v. Le Moyne*, 204 Fed. 730.

Where the fraud is concealed, or is of such a character as to conceal itself, whereby plaintiff remains in ignorance without any lack of diligence on his part, statute only begins to run when the fraud is discovered, though there be no special effort on part of defendant to conceal such fraud—there need be no independent fraud. *Reeder v. Lanahan*, 111 Md. 384; *New England Ins. Co. v. Swain*, 100 Md. 572; *Wear v. Skinner*, 46 Md. 264. *Cf. State v. Henderson*, 54 Md. 341.

Evidence held not sufficient to bring a case within this section so as to remove the bar of the statute of limitations. *Schuck v. Bramble*, 122 Md. 413.

This section held to prevent the operation of the statute of limitations. *Peoples v. Ault*, 128 Md. 405.

The act of 1868, ch. 357, discussed and construed. Whether plaintiff's failure to discover cause of action was due to a failure to exercise due diligence, or to defendant's concealment of his wrong, is ordinarily a question for jury. Where fraud is committed by an agent within scope of his employment, the bar of statute is removed as against the principal. *New England Ins. Co. v. Swain*, 100 Md. 572.

A plaintiff held not to have used ordinary diligence so as to entitle it to the benefit of this section. *Stieff Co. v. Ullrich*, 110 Md. 634.