

## ARTICLE 57.

### LIMITATION OF ACTIONS.

#### 17. Tax Sales in Montgomery County.

##### 1.

To take case out of statute, acknowledgment must be of subsisting debt equivalent to implied promise to pay, and not accompanied by qualifications negating moral obligation. Case reviewed. *Knight v. Knight*, 155 Md. 247.

Claim by executrix for over-payment to creditor under belief that estate was solvent, not barred where she had no knowledge of such insolvency until within three years of suit brought. *Chestertown Bank v. Perkins*, 154 Md. 462.

Plaintiff's right of action accrued at beginning of flow of water into basement and continued until expiration of three years after he ceased to be injuriously affected; recovery limited to damages sustained within three years prior to suit. *Prayers. Public Utilities Co. v. Baile*, 152 Md. 376.

This section not applicable where delay due to agent's concealment of his appropriation of partnership profits. *Curtin v. Gildea*, 2 F. (2nd), (Dist. Ct. Md.), 866.

Maritime lien filed within period required by this section. *The Fort Gaines*, 24 F. (2nd), (Dist. Ct. Md.), 439.

While this section is not conclusive in admiralty, it will generally be followed. *The General Lincoln*, 24 F. (2nd), (Dist. Ct. Md.), 442.

This section referred to in construing art. 101, sec. 39—see notes thereto. *Vang Constr. Co. v. Marcoccia*, 154 Md. 403.

As to limitations on the collection of taxes, see art. 81, sec. 151.  
See notes to sec. 14.

##### 3.

Award of Industrial Accident Commission is not a judgment, but a specialty and not barred by limitation if suit thereon is instituted within 12 years from date of award. *Mattare v. Cunningham*, 148 Md. 314.

That breach of contract under seal continued over five years before bill filed to enjoin further breaches, does not support demurrer on ground of laches, plaintiff's right under contract being legal. Covenantor's obligation was continuous throughout entire period. *Kaliopulus v. Lumm*, 155 Md. 40.

Execution of negotiable instrument with seal would continue to make twelve years period of limitations applicable. See notes to art. 13, sec. 47. *Citizens' Natl. Bank v. Custis*, 153 Md. 241.

This section referred to in holding a cause of action to be based upon a deed. *Ewell v. Weagley*, 13 F. (2nd), (C. C. A. 4th), 714.

##### 11.

Meaning of this section not affected by amendments to art. 27, sec. 700: prosecutions for conspiracies or other misdemeanors not "placed along with felonies" by grades of punishments fixed for them by common law or statute, must be begun within one year. *Archer v. State*, 145 Md. 136.

##### 14.

This section referred to in overruling demurrer to bill to set aside, on ground of misrepresentation and fraud, sale of stock and to require defendant to repay money paid for such stock; setting aside conveyances. When limitations and laches begin to run. *Sears v. Barker*, 155 Md. 331.

Evidence in case not sufficient to show that defendant fraudulently kept plaintiff in ignorance of his alleged cause of action; mistaken statements do not constitute fraud. *Public Utilities Co. v. Baile*, 152 Md. 374.