

ARTICLE 57.

LIMITATION OF ACTIONS.

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| 1. Actions other than those upon specialties; to what accounts section not applicable. | 17. Tax Sales in Montgomery County. |
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An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1715, ch. 23, sec. 2. 1861, ch. 73. 1884, ch. 502. 1933, ch. 54.

1. All actions of account, actions of assumpsit, or on the case, except as hereinafter provided, actions of debt on simple contract, detinue or replevin, all actions for trespass for injuries to real or personal property, all actions for illegal arrest, false imprisonment, or violation of the twenty-third, twenty-sixth, thirty-first and thirty-second articles of the declaration of rights, or any of them, or of the existing, or any future provisions of the code touching the writ of habeas corpus, or proceedings thereunder, and all actions, whether of debt, ejectment or of any other description whatsoever, brought to recover rent in arrear, reserved under any form of lease, whether for ninety-nine years renewable forever, or for a greater or lesser period, and all distrains issued to recover such rent shall be commenced, sued or issued within three years from the time the cause of action accrued; and all actions on the case for libel and slander and all actions of assault, battery and wounding, or any of them, within one year from the time the cause of action accrued; this section not to apply to such accounts as concern the trade or merchandise between merchant and merchant, their factors and servants who are not residents within this State.

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.