

The notice requirement is a condition precedent to filing a suit but if notice is given, the plaintiff may actually file his suit at any time within the applicable limitations period.

See inter alia, §3-904(f) of this article - Wrongful Death; Art. 45, §1 - Creditor's rights in wife's property; Art. 43, §64 - Recovery of hospital expenses; Art. 47, §23 - Insolvents; Art. 82, §2 - Riots; Art. 100, §55D - Equal pay; Art. 101, §58 - Workman's compensation; Art. 93, §8-103 - Claims against estates.

Throughout this draft the language in some present sections "barring" an action after limitations have run is proposed for deletion. An action is not "barred", in the usual sense, by limitations; limitations is an affirmative defense and must be specially pleaded.

The "shall be brought within" language of the revised sections requires that an action be brought before limitations have run.

The "laundry list" of actions contained in the present statute is confusing because many of the actions listed are obscure, i.e. Account (the legal action); habeas corpus (it is not clear which of the eight writs of habeas corpus this section applies to); case; and assumpsit (generally referred to now as quasi contract).

In addition, it is possible that the legislature has provided no statute of limitations for some statutory causes of action which cannot properly be considered action of "case", "assumpsit", or "contract". Some "modern common-law" torts (i.e., invasion of privacy), may not technically be actions on the case.

Apparently the legislature intended to cover all causes of action existing in 1729 when this section was enacted, subject to certain exceptions. It is believed that this section effectuates this intention in