

limitations in effect on the date their cause of action arose. To accomplish this, a declaration of applicability was annexed to the bill. It was intended that this clause provide that for causes of action still alive July 1, 1971, the statute of limitations would be extended from two years to three years after the cause of action arose.

Unfortunately, through a technical drafting defect it was declared that the Act "shall be applied prospectively and retrospectively ... to any cause of action arising prior to July 1, 1968". The intent of the General Assembly has been clouded by this error and confusion and misunderstanding among judges, attorneys and citizens has resulted. The uncertainty engendered by this error is contrary to the purpose of Chapter 784 as set forth in its preamble. That preamble stated, in part, that this Act was to prevent citizens from being misled to their detriment and to avoid undue forfeiture of rights.

As a result of claims filed by persons seeking to press their cause of action under the retroactive provision of the applicability clause of this Act, this statute has been interpreted and reinterpreted at each level of appeal. These appeals have resulted in varying decisions couched in diverse principles of legal reasoning. One of the principal travesties wrought by this Act is that claimants whose cause of action had not expired on July 1, 1971 and who relied on the applicability of this clause to their case and disregarded the word "prior" in that clause as an obvious error, have been forced to wage appeals through the courts in order to press a right which the General Assembly intended to grant them by Chapter 784.

Most recently, the decisions in Slate v. Zitomer 275 Md. 534 (1975) and Church v. Gasperich 275 Md. 534 (1975) have denied the benefit of the retroactive provision of the applicability clause to circumstances which it was intended to benefit, thereby misinterpreting this Act, which is admittedly, on its face, contradictory in its terms and subject to question as to the Legislature's intent.

To date, all potential confusion and misunderstanding has not been resolved by court decisions. Although the statute of limitations is now unquestionably three years by virtue of the enactment of Chapter 2 of the First Special Session of 1973, some doubt still exists as to whether the statute of limitations is three years for causes of action arising between the effective date of Chapter 784 (July 1, 1971) and the effective date of Chapter 2 (January 1, 1974).

This doubt exists because the issue has not been presented to the courts and because in previous decisions concerning Chapter 784, the courts have not addressed the