

In action against a dentist for extracting two good teeth instead of two baby roots, charging him with carelessness, unskilfulness and negligence, the action is one of trespass, case or contract, and period of limitations is three years. *McClees v. Cohen*, 158 Md. 64.

In action on life insurance policy which has been barred by statute of limitations for more than half a century, held that verdict was properly directed for defendant insurer in absence of evidence that its assistant claim agent, who acknowledged liability, had authority to waive bar of the statute of limitations. *Kennedy v. Life Ins. Co.*, 162 Md. 340.

Cited but not construed in *Seeley v. Dunlop*, 157 Md. 384.

Suit for refund of taxes erroneously paid barred by limitations if not brought within three years. *Baltimore v. Household Finance Corp.*, Daily Record, Jan. 19, 1935.

Libels against boat filed well within statutory period of limitations held not barred by laches. *The Little Charley*, 31 Fed. (2nd), 120.

One claiming limitation period was postponed by fraud on part of adverse party under sec. 14 must prove diligence. *Ins. Co. of North America v. Parr*, 44 Fed. (2nd), 573.

This section referred to in construing art. 48A, sec. 54. *Bass v. Standard Acc. Ins. Co.*, 70 Fed. (2nd), 87.

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.

Where decree for divorce required certain monthly payments during life or until remarriage, sums which became payable more than 12 years before filing petition for enforcement cannot be recovered. *Marshall v. Marshall*, 164 Md. 114.

Limitations do not begin to run against remaindermen until life tenant's death as regards claim against surety on trustee's bond. *Fid. & Dep. Co. v. State*, 164 Md. 315.

Suit for refund of taxes erroneously paid cannot be brought as a specialty under this section within 12 years. *Baltimore v. Household Finance Corp.*, Daily Record, Jan. 19, 1935.

Where part of mortgaged farm was sold to third party in consideration of a second mortgage and assumption of original mortgage debt, held original mortgagors and third party were not joint obligors and payment of interest by third party would not keep alive mortgage debt against original mortgagors. *Henry v. Harrington*, Daily Record, Feb. 4, 1935.

### 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 punishment fixed for them by common law or statute, must be begun within one year. *Archer v. State*, 145 Md. 136.

This section does not apply to prosecution for false pretenses, since this crime is punishable by confinement in penitentiary under art. 27, sec. 139. *Simmons v. State*, 165 Md. 167.

### 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