decided and determined as fully to every intent as if the party demurring had not pleaded over.

Purpose and effect of this section; the law prior to its adoption. This section distinguished from section 91. Barabasz *v.* Kabat, 91 Md. 55.

This section followed in a criminal case. Avirett *v.* State, 76 Md. 514.

1904, art. 75, sec. 9. 1888, art. 75, sec. 9. 1860, art. 75, sec. 8. 1809, ch. 153. sec. 2. 1856, ch. 112, sec. 40. 1888, ch. 547.

9. No judgment shall be arrested or set aside for any omission of mere matter of form, nor because one or more of the counts in the declaration may be bad, if there be one count sufficient in substance, nor because of any misjoinder of forms of actions or of counts, nor for any other matter or cause which might have been subject of general demurrer to the declaration or other pleadings.

A judgment will not be reversed if there is one good count in the declaration, though the others are insufficient. Baltimore, etc., Ry. Co. *v.* Wilkinson, 30 Md. 230.

Where no demurrer is interposed to the declaration, all questions as to the sufficiency of the *narr.* with regard to allegations of the consideration for the agreement sued on, are waived. Dryden *v.* Barnes, 101 Md. 353.

A judgment will not be arrested because while the jury was out the judge sent for the declaration and had certain blanks therein filled up. Spencer *v.* Trafford, 42 Md. 21.

A judgment for the plaintiff will not be stricken out or arrested because the plaintiff joins issue on the defendant's pleas, when a traverse was required. Huntington *v.* Emery, 74 Md. 71.

A failure to join issue upon a plea may be regarded as a matter of form, so as to give rise to the application of this section. Charles County *v.* Mandanyohl, 93 Md. 155.

Certain reasons assigned in support of a motion in arrest of judgment, held to involve matters of form only, and this section applied. Eakle *v.* Clarke, 30 Md. 326. And see Campbell *v.* Webb, 11 Md. 478.

The last clause of this section applied. Davis *v.* Carroll, 71 Md. 569; Kellenbeck *v.* State, 10 Md. 437.

A judgment under the practice act of 1864 applicable to Baltimore city, will not be arrested because the claim was not filed with the declaration. Loney *v.* Bailey, 43 Md. 16.

The judgment will not be arrested because there are two counts in the declaration, both of which are good. Streeks *v.* Dyer, 39 Md. 428.

For cases involving article 75, section 9, of the code of 1860, see Keller *v.* Stevens, 66 Md. 134; Northern Central R. R. Co. *v.* Mills, 61 Md. 363; Loney *v.* Bailey, 43 Md. 16; Gent *v.* Cole, 38 Md. 114; Blackburn *v.* Beall, 21 Md. 230.

Cited but not construed in Gaither *v.* Wilmer, 71 Md. 366.

Ibid. sec. 10. 1888, art. 75, sec. 10. 1860, art. 75, sec. 10. 1856, ch. 112, sec. 89. 1888, ch. 547.

10. The plaintiff in any action may plead in answer to the plea, or any subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action; and the defendant in any action may plead, in answer to the declaration or other subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defense; provided, that the pleading of the party be consistent with his previous allegation and not a departure therefrom.

This section does not change the rule of the common law that duplicity should be taken advantage of by demurrer. When a plea is bad for duplicity. State *v.* McNay, 100 Md. 625.