

ARTICLE LXXV.

PLEADINGS, PRACTICE AND PROCESS AT LAW.

I.

Pleadings.

- 10A. Upon dilatory plea being overruled, defendant may plead over without withdrawing dilatory plea, and upon appeal, ruling on such plea may be reviewed.
- 11A. Same persons may sue and be sued on sealed instrument as might sue and be sued thereon but for the seal.
12. In suits *ex contractu* or upon judgment, defendant may plead specially liquidated or unliquidated claim of same nature, whether it was available by recoupment or not.
13. When set-off is pleaded, judgment may be given for excess of one claim over the other if such excess supports judgment; otherwise such excess is basis of judgment in court of lower jurisdiction.

Forms of Pleadings.

- 24, sub-sec. 107. Common law or statutory forms may be used; bill of particulars, when may be required; cause of action filed with declaration under Speedy Practice Act treated as one of the pleadings and plaintiff restricted to items therein.

II. PRACTICE.

Continuance.

- 70A. During session of Legislature, cases of attorney who is a member thereof, shall be continued unless such attorney waives this section.

Legal Sufficiency of Evidence.

- 91A. No question as to sufficiency of pleadings which might have been raised by demurrer shall be raised by prayer; proviso.

Removal of Causes.

- 109A. Payment for transcript in removed cases.
- 111A. Copy of docket entries to be forwarded to court in which case entered.

III.

Process.

- 144A. Writs returned not executed; renewal.

Non-Pros.

173. Call of plaintiff before verdict, abolished. Plaintiff may take *non pros.* until argument on facts begins; where "set-off" is pleaded, defendant may take *non pros.* as to.

I.

PLEADINGS.

2.

A plea in ejectment that the defendant is holding and in possession of the property under the provisions of the original lease which is still in force and effect, is bad because it involves a conclusion of law. *Feldmeyer v. Werntz*, 119 Md. 290.