

## ARTICLE LXXV.

### PLEADINGS, PRACTICE AND PROCESS AT LAW.\*

#### Pleadings.

3A. Distinction in pleadings by reason of seal (with certain exceptions) abolished; joinder of counts; one form of action—assumpsit; general issue plea; set-off; proviso as to limitations.

#### Process.

14S. A trespasser; where suable.

### I.

#### PLEADINGS.

2.

See notes to section 3.

3.

Pleas of limitation upheld under this section and section 24. *Spencer v. B. & O. R. R.*, 126 Md. 202.

1918, ch. 392.

3A. In all actions *ex contractu* there shall be no distinction in the pleadings by reason of the presence or absence of a seal upon any instrument or writing involved in the case, except in so far as the presence or absence of a seal may affect the substantive rights of the parties (such as necessity for a valuable consideration, period of limitation, etc.), as distinct from matters of procedure; and counts for recovery upon sealed instruments may be joined with counts for recovery upon unsealed contracts, express or implied; and there shall be but one form of action for recovery upon any cause of action arising *ex contractu* or *quasi ex contractu*, namely, the action of assumpsit, in which it shall be sufficient for the plaintiff to state briefly in his declaration the facts essential to recovery (but nothing hereunder shall be construed as abolishing the use of the common counts). Provided, that no period of limitations

\*The act of 1917, chapter 22, provides for suspension or stay, during the world war, of civil proceedings at law or in equity instituted by or against persons in the national guard or naval militia, or in the Maryland state guard, while in active service, or in the military or naval service of the United States.

The act of 1917, chapter 23, provides for the suspension or stay, during the world war, of any judgment, order or decree, levy, right of entry or foreclosure, lien, power of sale, forfeiture or default on application of persons against whom or against whose property interests the same may be executed or enforced, and who are unable, by reason of military or naval service, to pay or satisfy the same.