

For cases involving act of 1763, ch. 23, see *Baltimore v. State*, 15 Md. 458; *State v. Mayugh*, 13 Md. 378; *Shafer v. Stonebraker*, 4 G. & J. 353; *Perkins v. Turner*, 1 H. & McH. 405.

See notes to secs. 2, 5 and 8.

An. Code, sec. 7. 1904, sec. 7. 1888, sec. 7. 1856, ch. 112, sec. 37.

8. No general demurrer shall be allowed for a mere informal statement of a cause of action or defense; provided, such statement is sufficient in substance.

This section applied to a declaration. *Wilms v. White*, 26 Md. 385.

This section cures a declaration claiming \$5,000 damages, containing only two counts each of which claims \$2,000 damages. *Mitchell v. McCleary*, 42 Md. 377.

A plea in a suit by the state to recover a franchise tax, upheld by virtue of this and preceding section. *State v. German Savings Bank*, 103 Md. 204.

See sec. 97 and notes to secs. 2, 3 and 5.

1920, ch. 684.

9. In all jurisdictions where provision has been or shall be made for the obtention of speedy judgments, whenever a defendant files a demurrer to the declaration, said demurrer shall not be received unless the defendant shall state the specific grounds for the demurrer, and unless the defendant or some one in his behalf shall, under oath or affirmation, state that the said demurrer is not filed for the purpose of delay, and that he is advised by counsel to file said demurrer, and such demurrer shall be accompanied by a certificate of counsel that he so advised the party filing said demurrer.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1867, ch. 388.

10. In all cases, civil and criminal, in which any or either party shall demur to any indictment, declaration, plea, replication, rejoinder, sur-rejoinder, or other plea of any description, of the opposite party, and the said demurrer shall be overruled, the party demurring shall have the right to plead over to the facts of the case by way of traverse or otherwise without withdrawing his demurrer, and upon appeal or writ of error shall have the questions of law arising upon the demurrer decided and determined as fully to every intent as if the party demurring had not pleaded over.

This section referred to in deciding that where plaintiff files motion to strike out certain pleas, then demurs to the pleas and then replies, he has waived motion to strike out and cannot have refusal of such motion reviewed upon appeal, particularly where he reserves no exception. *Wilkin Mfg. Co. v. Melvin*, 116 Md. 107.

Purpose and effect of this section; the law prior to its adoption. This section distinguished from sec. 96. *Barabasz v. Kabat*, 91 Md. 55.

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

An. Code, sec. 9. 1904, sec. 9. 1888, sec. 9. 1809, ch. 153, sec. 2. 1856, ch. 112, sec. 40. 1888, ch. 547.

11. 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 arrested on ground that jury improperly assessed damages in favor of defendant against plaintiff based on unliquidated claims when a bill of particulars might have been required, and certificate of trial judge shows that no