objection to an affirmative verdict for defendant on ground that claims were unliquidated was raised during trial, and when counsel for both parties argued for an affirmative verdict for a specific amount, using certain statements of their respective claims, and copies of such statements were taken by consent to jury room. Effect of demurrer to declaration after bill of particulars has been filed. Object and history of this section. Noel Construction Co. *v.* Armored Concrete Co., 120 Md. 249.

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

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

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

A judgment for plaintiff will not be stricken out or arrested because plaintiff joins issue on 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 application of this section. Charles County *v.* Mandanyohl, 93 Md. 155.

Certain reasons assigned in support of 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 practice act of 1864 applicable to Baltimore city will not be arrested because claim was not filed with 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 art. 75, sec. 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.

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 10. 1856, ch. 112, sec. 89. 1888, ch. 547.

12. 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 rule of common law that duplicity should be taken advantage of by demurrer. When plea is bad for duplicity. State *v.* McNay, 100 Md. 625.

An. Code, sec. 10A. 1914, ch. 68.

13. In all cases in which a defendant shall plead a dilatory plea, and such dilatory plea shall be overruled or disallowed upon demurrer to or traverse of the same, the defendant who has so pleaded shall thereupon have the right to plead over to the merits of the case without withdrawing his dilatory plea, and upon appeal or writ of error he shall be entitled to have the questions of law arising upon his dilatory plea decided and determined as fully to every intent as if he had not pleaded over to the merits.

Reason of this section. In Maryland pleas to jurisdiction and pleas in bar cannot be submitted to jury at same time; this section held to have no application. O'Brien *v.* State, 126 Md. 283.