

Cited but not construed in *Parks v. Skipper*, 164 Md. 390; *Citizens' Natl. Bank v. Parsons*, 167 Md. 633.

This section cited in separate opinion in *Surratt v. State*, 167 Md. 367.

This section referred to in *Citizens' Natl. Bank v. Parsons*, Daily Record, Jan. 2, 1935.

8.

See notes to sec. 2.

An. Code, 1924, sec. 9. 1920, ch. 684. 1927, ch. 525.

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 a declaration filed under such Speedy Judgment Act, 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.

Demurrer rejected as not being sufficiently specific. *Shpritz v. Balto. Trust Co.*, 151 Md. 512 (decided prior to act 1927, ch. 525).

10.

Replying to plea, after motion *ne recipiatur* to plea of forgery is overruled, and proceeding with trial does not waive right of review on appeal of overruling of motion. Plea to jurisdiction. *Farmers' & Mchts.' Bank v. Harper*, 153 Md. 139.

To first note to this section, page 2350, vol. 2, of Code, add *Farmers' & Mchts.' Bank v. Harper*, 153 Md. 143.

Cited but not construed in *Landwehr v. Life Ins. Co.*, 159 Md. 209.

The rights of the defendant on the demurrer, being preserved on appeal, the sufficiency of the declaration will receive first consideration, without regard to the facts presented in evidence, as evidence cannot supply omissions or correct defects in a declaration. *Great A. & P. Tea Co. v. Roch*, 160 Md. 191.

11.

Cited but not construed in *Montgomery Bus Lines v. Diehl*, 158 Md. 243.

12.

Not objectionable under this section for defendant at once to offer two defenses, one that there was agreement that services were to be rendered without cost, and the other accord and satisfaction. *Surratt v. Wagner* 161 Md. 159.

14.

This section was cited as being applicable in separate opinion in *Surratt v. State*, 167 Md. 367.

16.

Defaulting trustee nor his surety can, as against successor trustee who is seeking to recover trust fund, set off a claim by the defaulter on account of a private debt due the defaulter by one of the distributees of the trust fund. *Assurance Corp. v. State*, 163 Md. 135.

18.

The bond need not be given before verdict, but before judgment entered. *Prayers. Councilman v. Towson Bank*, 103 Md. 478. See also *Ecker v. First Natl. Bank*, 59 Md. 305.