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Restricting plaintiff in his evidence to proof of items in bill of particulars does not affect right of amendment of *narr.* *Poland v. Chessler*, 145 Md. 69.

Agreement filed with *narr.* considered part of it. *Rullman v. Rullman*, 148 Md. 143.

Plaintiff restricted in his evidence to proof of items set out in bill of particulars. *Roth v. Baltimore Trust Co.*, 161 Md. 347.

Where suit is brought under speedy judgment act, the plaintiff's cause of action in its affidavit becomes part of each count in its declaration, and the fact that one count is bad in law does not vitiate statement of cause of action contained in affidavit which was clear, distinct and precise. *Power v. Asphalt Products Corp.*, 162 Md. 184.

The bill of particulars which must be furnished when demanded is analogous to the account which must be filed under speedy judgment acts; substantial compliance requires that the precise nature and extent of the claim be given. "For services rendered, hire and use of automobile and gasoline furnished" not sufficient. *Owings v. Dayhoff*, 159 Md. 407.

Cited but not construed in *Roth v. Baltimore Trust Co.*, 159 Md. 586.

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Failure to set forth defense of forgery in affidavit and omission in plea that signature was not authorized, does not justify reversal when this sub-section substantially complied with. *Commercial Credit Corp. v. Rozier*, 152 Md. 272.

After general issue plea filed, too late to allow additional plea denying genuineness of signature. *Farmers' & Mechts.' Bank v. Harper*, 151 Md. 360, 364. And see *Commercial Credit Corp. v. Schuck*, 151 Md. 370.

This sub-section applied in suit by teacher against county board of education for breach of contract. *Board of Education v. Cearfoss*, 165 Md. 189.

This section referred to in construing sub-sec. 109. *Penna. R. R. Co. v. Lord*, 159 Md. 529.

(109)

Although defendant does deny allegation of ownership, he is not precluded from showing that at the time of the accident the vehicle was being operated by some one who was not the agent or servant of the defendant, or was not engaged in the defendant's business. *Penna. R. R. Co. v. Lord*, 159 Md. 519.

II.

PRACTICE.

Abatement and Revivor.

An. Code. 1924, sec. 29. 1912, sec. 25. 1904, sec. 25. 1888, sec. 24. 1785, ch. 80. 1801, ch. 74. 1815, ch. 149. 1849, ch. 517. 1929, ch. 570, sec. 29.

29. No action of ejectment, waste, partition, dower, replevin, or any personal action, including appeals from judgments rendered by justices of the peace, in any court of law in this State shall abate by the death of either or any of the parties to such action; but upon the death of any defendant, the action shall be continued and the heir, administrator or executor of the defendant, or other person interested on the part of the defendant, may appear to such action; and in case the proper person to defend doth not appear at the court at which the death is suggested, the plaintiff may issue a summons, returnable to the next court, directed to the proper person to defend such action; and upon such summons being served, the person summoned shall appear. This not to apply to actions for slander.