

## ARTICLE 75.

## PLEADINGS, PRACTICE AND PROCESS AT LAW.

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PROCESS AT LAW.

1. What in general they shall be.

## I.

## Pleadings.

2. Facts only to be stated.
3. Plain statement of facts to be sufficient.
4. 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.
5. Formal conclusions and terminations to be unnecessary.
6. Statement of time and place, when unnecessary.
7. Special demurrers abolished.
8. General demurrer allowed, when.
9. Demurrer, specific grounds required and affidavit not for delay where speedy judgment provisions prevail.
10. Pleading over after demurrer overruled to be permitted without waiver of demurrer.
11. For what defects judgment shall not be arrested.
12. As many several matters to be pleaded throughout the pleadings as parties think necessary; departure.
13. Upon dilatory plea being overruled, defendant may plead over without withdrawing dilatory plea, and upon appeal, ruling on such plea may be reviewed.
14. *Non est factum* to be sworn to; in what cases and how oath may be dispensed with.
15. Same persons may sue and be sued on sealed instrument as might sue and be sued thereon but for seal.
16. In suits *ex contractu* or upon judgment, defendant may plead specially liquidated or unliquidated claim of same nature, whether available by recoupment or not.
17. When set-off is pleaded, judgment may be given for excess of one claim over other if such excess supports judgment; otherwise excess basis of judgment in lower court.
18. Suit at law may be maintained on lost negotiable instrument; procedure in such cases.
19. Truth may be given in evidence on general issue in criminal prosecutions for libel.
20. Breaches in suits on bond of clerks and registers; how suggested.
21. Plea *non damnificatus* not received in such suits.
22. Executions on forfeited recognizance.
23. Pleadings upon return of execution in such cases.
24. Payment of money into court, in what cases allowed.
25. Replications to plea of payment into court; further proceedings in such cases.
26. Patented names of lands need not be stated; substantial description of lands sufficient.
27. Suits against insurance, surety or bonding companies.

## Forms of Pleadings.

28. Forms given to be sufficient; substance only need be expressed; form of commencement and conclusion of declarations.
- Sub-secs. 1-25. Statement of causes of action on contracts.
- Sub-sec. 26. On bill obligatory or bond.
- Sub-sec. 27. By assignee or chose in action.
- Sub-secs. 28-38. For wrongs independent of contract.

As to powers of Court of Appeals *re* forms of process, writs, pleadings, etc., see art. 26, sec. 35.