

In action by corporation on a specialty, pleas of never indebted and never promised as alleged are not specific denial of incorporation of plaintiff nor of execution of specialty, and if not otherwise specifically denied, are admitted. *Roth v. Baltimore Trust Co.*, 161 Md. 348.

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*, 167 Md. 633.

An. Code, 1924, sec. 5. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1856, ch. 112, sec. 91.

5. It shall not be necessary to state any formal commencement or conclusion to any declaration or other plea.

This section applied to a declaration. *Wilms v. White*, 26 Md. 386.

A replication and rejoinder held sufficient under this section, and in the light of secs. 3, 7 and 8. *Cumberland, etc., R. R. Co. v. Slack*, 45 Md. 178.

See notes to sec. 2. For forms of pleading, see sec. 28.

An. Code, 1924, sec. 6. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1856, ch. 112, secs. 53, 111, 112.

6. It shall not be necessary to state time or place in any declaration or plea, except in cases where time or place forms a part of the cause of action or ground of defense.

In a suit by an employee against his employer for discharging him prior to expiration of the term of service, the day and month of the discharge need not be set out in declaration. Any statement of a fact not necessary to be proved is but a matter of form. *Spencer v. Trafford*, 42 Md. 16. And see *Richardson v. Hall*, 21 Md. 399; *Dietus v. Fuss*, 8 Md. 161.

See notes to sec. 2 and to sec. 28, sub-sec. 37. For forms of pleadings, see sec. 28.

An. Code, 1924, sec. 7. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1763, ch. 23. 1856, ch. 112, sec. 36.

7. No special demurrer shall be allowed in any civil case.

The special demurrer provided for in sec. 137 constitutes an exception to this section. *Chesapeake, etc., Telephone Co. v. MacKenzie*, 74 Md. 44. Where no objection is made below to form of demurrer under this and following section, and defendant joined issue upon demurrer, he will be held to have waived any objection which he might otherwise make. *Shoop v. Powles*, 13 Md. 310.

This section applied. *Mitchell v. Wedderburn*, 68 Md. 143; *Horner v. Frazier*, 65 Md. 10; *Gott v. State*, 44 Md. 336.

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, 1924, sec. 8. 1912, 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.

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