

1094 PLEADINGS, PRACTICE AND PROCESS AT LAW. [ART. 75.]

P. G. L., (1860,) art. 75, sec. 8. 1856, ch. 112, sec. 40. 1809, ch. 153, sec. 2.
1888, ch. 547.

9. No judgment shall be arrested or set aside for any omission of mere matter of form, nor because one or more of the counts in the declaration may be bad, if there be one count sufficient in substance, nor because of any misjoinder of forms of actions or of counts, nor for any other matter or cause which might have been subject of general demurrer to the declaration or other pleadings.

Gordon v. Downey, 1 Gill, 41. B C P R. W Co v Wilkinson, 30 Md. 224. Eakle v. Clark, 30 Md. 322. Canton Bldg. Asso v Weber, 34 Md 669. Streeks v. Dyer, 39 Md. 424. Spencer v. Trafford. 42 Md. 1. Loney v. Bailey, 43 Md. 10.

Ibid. sec. 10. 1856, ch. 112, sec. 89. 1888, ch. 547.

10. 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 defence; provided, that the pleading of the party be consistent with his previous allegation, and not a departure therefrom.

Ibid. sec. 11. 1785, ch 80, sec. 3.

11. No plea of "*non est factum*" shall be received in any action, unless the party for whom such plea be tendered verify the same by affidavit, or unless the defendant being heir, executor or administrator of the person alleged to have made the deed, obtain leave from the court upon showing just cause to put in such plea.

Ibid. sec. 12. 1785, ch. 46, sec. 7. 1876, ch. 393.

12. In any suit brought on any judgment or bond or other writing sealed by the party, if the defendant shall have any demand or claim against the plaintiff, upon judgment, bond or other instrument under seal, or upon bill of exchange, check, order for payment of money, promissory note, agreement, assumpsit or account proved, he shall be at liberty to file such demand or claim in bar, or plead the same in discount of the plaintiff's claim and judgment for the excess of the one claim over the other, as each is proved, with costs of suit shall be given for the plaintiff or the