

1110 PLEADINGS, PRACTICE AND PROCESS AT LAW. [ART. 75.]

83. That the said contract in the declaration mentioned was made by the defendant jointly with one W. P., who is still living, and is residing in the county (or the city) aforesaid; and was not made by the defendant alone.

[This form shall be sufficient, whether the contract be by parol or by deed.]

Smith v. Crichton, 33 Md. 103.

Forms of Affidavit to Pleas in Abatement.

84. ——— county.

M. R., (the defendant in the cause,) makes oath and says, that the plea, hereunto annexed, is true in substance and in fact.¹

Sworn before

Hoffman v. Prout, 4 H. & McH. 165. Dehaulme v. Boisneuf, 4 H. & McH. 413. Shriver v. Wilson, 5 H. & J. 130. Osgood v. Spencer, 2 H. & G. 133. Graham v. Fahnestock, 5 Gill, 215. Hamilton v. State, 32 Md. 352. Gittings v. State, 33 Md. 463.

Form of Declaration when the summons is returned as to some of the Defendants non est.

85. R. G., by S. T., his attorney (or in person,) sues J. T. and M. B., (but M. B. has been returned *non est* by the sheriff,) for (here state the cause of action,) and the plaintiff claims from J. T., (the person summoned,) \$——.

Commencements of Declarations by Persons Suing in Special Characters.

86. A. B., executor of the last will (or administrator of the goods, &c.,) of O. H., deceased, by S. T., his attorney, (or in person,) sues D. E. for (here state the cause of action.)

87. J. T., who is within age, by S. T., his next friend, (or guardian,) sues W. B. for (here state the cause of action.)

88. G. H., who was the husband of L. K., deceased, formerly L. B., who has survived his said wife, by S. T., his attorney, (or in person,) sues C. P. for (here state the cause of action.)

¹The affidavit should also contain the averment in the form prescribed by any special law. Such, *e. g.*, as "that the affiant verily believes that the defendant will be able to produce sufficient evidence to support the same."