

80. And the plaintiff, as to the — and — pleas, further says, that he sues not for the trespasses in the — pleas (the pleas not replied to) admitted, but for the trespasses in the — pleas (the pleas replied to) admitted, and also for, etc.

Pleas in Abatement.

81. That the plaintiff, at the time of issuing the summons in this case, was and still is the wife of one R. B.

82. That the plaintiff is within twenty-one years of age; and has declared by attorney, when he should have declared by next friend or guardian.

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.*

Sworn before.

Hoffman v. Prout, 4 H. & McH. 165. Deheaulme v. Boiseneuf, 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), \$——.

*The 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, and that he is advised by counsel to file said plea under oath."