

106. It shall not be necessary in any case to make profert in a declaration or plea, but the opposite party shall be entitled to oyer in the same manner as if profert were made.

Birckhead v. Saunders, 2 H. & G. 82. *Butler v State*, 5 G & J 511. *Young v State*, 7 G. & J. 253. *Brown v. Jones*, 10 G. & J. 335. *Tucker v. State*, 11 Md. 322.

107. Either party may use the common law forms, or the forms hereinbefore given, at his election; and either party may require a bill of particulars where the pleading is so general as not to give sufficient notice to the opposite party of the evidence to be offered in support of it.

Randall v. Glenn, 2 Gill, 430. *Carter v. Tuck*, 3 Gill, 248. *Hall v. Sewell*, 9 Gill, 147. *Scott v. Leary*, 34 Md. 389. *Black v. Woodrow*, 39 Md. 194. *School Com'rs v Adams*, 43 Md 349. *Weber v. Fickey*, 47 Md. 200. *Wilson v. Merryman*, 48 Md. 336. *Smith v. State*, 66 Md. 219

108. Whenever the partnership of any parties, or the incorporation of any alleged corporation, or the execution of any written instrument filed in the case is alleged in the pleadings in any action or matter at law, the same shall be taken as admitted for the purpose of said action or matter, unless the same shall be denied by the next succeeding pleading of the opposite party or parties.

Zihlman v. Cumberland Glass Co., 74 Md. 307. *Norfolk and Western Railroad Co vs Hoover*, 79 Md. 267. *Frederick Institution v. Michael*, 81 Md. 505. *Banks v McCosker*, 82 Md. 525. *Farmers, etc, Bank v. Hunter*, 97 Md. 150. *Horner v. Plumley*, 97 Md. 282. *Nicholson v. Snyder*, 97, Md. 420.

II.

PRACTICE.

Abatement and Revivor.

1888, art. 75, sec. 24. 1860, art. 2, sec. 1. 1785, ch. 80. 1801, ch. 74.

1815, ch. 149. 1849, ch 517.

25. No action of ejection, waste, partition, dower, replevin, or any personal action, including appeals from judgments rendered by justices of the peace, in any court of law in this State shall abate by the death of either or any of the parties to such action; but upon the death of any defendant, the action shall be continued and the heir or executor of the defendant, or other person interested on the part of the defendant, may appear to such action; and in case the proper person to defend doth not appear at the court at which the death is