

## ARTICLE 4TH.

## OF PLEADINGS IN GENERAL.

52. Whatever facts are necessary to constitute the ground of action, defence, or reply, as the case may be, shall be stated in the pleading and nothing more; and facts only shall be stated, and not arguments, or inferences, or matter of law, or of evidence, or of which the court takes notice *ex officio*.

Facts only to be stated.

53. All statements which need not be proved, such as the statement of time, quantity, quality, and value, where these are immaterial; the statement of losing and finding, and bailment, in actions for goods, or their value; the statement of acts of trespass having been committed with force and arms, and against the peace, dignity and government of the State of Maryland; the statement of taking in actions of replevin, the statement of promises which need not be proved, or promises in indebitatus counts, and mutual promises to perform agreements; and all statements of a like kind, shall be omitted.

Statements which need not be proved shall be omitted.

54. An allegation shall not have two intendments: but it shall state one point distinctly, so that the adverse party may know on what to join issue. And if an allegation shall have two intendments, it shall upon motion, be considered by the court as a nullity.

An allegation shall not have two intendments.

55. Where there are material allegations in a pleading, that are repugnant to each other, the first in order shall be considered the proper one, and all others inconsistent with it, shall be rejected, even though the pleading be thereby left without an allegation of some material fact.

The first allegation to be considered the proper one.

56. No superfluous allegation, whether it be consistent or inconsistent with the necessary and material allegations, nor any impertinent allegations shall vitiate a pleading.

No superfluous allegation shall vitiate a pleading.

57. If any pleading be so framed as to prejudice, embarrass or delay the fair trial of the action, the opposite party may move the court to strike out or amend such pleading, and the court shall make such order respecting the same, and also respecting the costs, as the court shall see fit.

Court may strike out or amend.

58. It shall not be necessary to make profert of any deed or other document mentioned or relied on in any pleading; and if profert shall be made, it shall

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