

This section applied to a declaration. *Wilms v. White*, 26 Md. 386.
 A replication and rejoinder held sufficient under this section, and in the light of sections 3, 6 and 7. *Cumberland, etc., R. R. Co. v. Slack*, 45 Md. 178.
 See notes to sec. 2. For forms of pleading, see sec. 24.

1904, art. 75, sec. 5. 1888, art. 75, sec. 5. 1860, art. 75, sec. 5.
 1856, ch. 112, secs. 53, 111, 112.

5. It shall not be necessary to state time or place in any declaration or plea, except in cases where time or place forms a part of the cause of action or ground of defense.

In a suit by an employee against his employer for discharging him prior to the expiration of the term of service, the day and month of the discharge need not be set out in the declaration. Any statement of a fact not necessary to be proved is but a matter of form. *Spencer v. Trafford*, 42 Md. 16.
 And see *Richardson v. Hall*, 21 Md. 399; *Dietus v. Fuss*, 8 Md. 161.

See notes to sec. 2. For forms of pleadings, see sec. 24.

Ibid. sec. 6. 1888, art. 75, sec. 6. 1860, art. 75, sec. 6. 1763, ch. 23.
 1856, ch. 112, sec. 36.

6. No special demurrer shall be allowed in any civil case.

The special demurrer provided for in section 128 constitutes an exception to this section. *Chesapeake, etc., Telephone Co. v. MacKenzie*, 74 Md. 44.

Where no objection is made below to the form of the demurrer under this and the following section, and the defendant joins issue upon the demurrer, he will be held to have waived any objection which he might otherwise make. *Shoop v. Powles*, 13 Md. 310.

This section applied. *Mitchell v. Wedderburn*, 68 Md. 143; *Horner v. Frazier*, 65 Md. 10; *Gott v. State*, 44 Md. 336.

For cases involving the act of 1763, ch. 23, see *Baltimore v. State*, 15 Md. 458; *State v. Mayugh*, 13 Md. 378; *Shafer v. Stonebraker*, 4 G. & J. 353; *Perkins v. Turner*, 1 H. & McH. 405.

See notes to sections 2, 4 and 7.

Ibid. sec. 7. 1888, art. 75, sec. 7. 1860, art. 75, sec. 7.
 1856, ch. 112, sec. 37.

7. No general demurrer shall be allowed for a mere informal statement of a cause of action or defense; provided, such statement is sufficient in substance.

This section applied to a declaration. *Wilms v. White*, 26 Md. 385.

This section cures a declaration claiming \$5,000 damages, containing only two counts each of which claims \$2,000 damages. *Mitchell v. McCleary*, 42 Md. 377.

A plea in a suit by the state to recover a franchise tax, upheld by virtue of this and the preceding section. *State v. German Savings Bank*, 103 Md. 204.

See notes to sections 2, 3 and 4.

Ibid. sec. 8. 1888, art. 75, sec. 8. 1867, ch. 388.

8. In all cases, civil and criminal, in which any or either party shall demur to any indictment, declaration, plea, replication, rejoinder, sur-rejoinder, or other plea of any description, of the opposite party, and the said demurrer shall be overruled, the party demurring shall have the right to plead over to the facts of the case by way of traverse or otherwise without withdrawing his demurrer, and upon appeal or writ of error shall have the questions of law arising upon the demurrer