

101st. That before this suit, and after the lapse of one year from the date of his letters testamentary (or of administration,) the defendant paid away in discharge of just claims a large amount of assets of P. S., deceased; and that more than six months before said payments, he gave notice to the creditors of P. S., to bring in their claims. And at the time of said payments, he had no notice or knowledge of the alleged claim. And there are other just debts still due from P. S., of which the defendant had no notice or knowledge at the time of the said payments; and he has not, and never has had, assets sufficient to pay but a proportion of the alleged claim, regard being had to the debts still due from P. S.

102d. Other pleas may be in similar form.

COMMENCEMENTS AND CONCLUSIONS OF DECLARATIONS BY EXECUTORS AND ADMINISTRATORS AGAINST EXECUTORS AND ADMINISTRATORS.

103d. — county, A. B., executor of the last will (or administrator of the goods and chattels, &c.) of W. K., deceased, by S. T., his attorney, (or in person,) sues T. K., executor of the last will (or administrator of the goods and chattels, &c.) of W. K., deceased, for (here state cause of action.)

104th. And the plaintiff claims \$—— (or if the action is brought to recover specific goods,) the plaintiff claims a return of the said goods or their value, and \$—— for their detention.

105th. Declarations by executors and administrators against executors and administrators, may be in the same form as if the parties sued in their own right, if proper words are used to show the cause of action occurred between the persons they respectively represent.

106th. 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.

107th. 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