due the crown, bonds given into any office in the province or debts due persons under age, without sound mind or beyond the seas and not returning within five years. [34]

In *Plater* v. *Ryley,* in the November 1696 court, an action of trespass on the case for an attorney's fee incurred in March, 1691 transmitted out of Calvert County Court, defendant's attorney pleaded that plaintiff was barred by the 1695 law limiting actions. Plaintiff's attorney thereupon demurred in law to defendant's plea, giving as reason that the plea was "Altogether insuffitient for that the Same is a Spetiall plea and by the Law ought to have been Spetially pleaded" and demanded judgment against the defendant. Defendant joining in the demurrer, the court gave judgment that plaintiff take nothing by his writ. In *Catterton, Administrator* v. *Jones,* an action of trespass on the case heard at the September 1697 court, the pleading followed a different course. Defendant's counsel pleaded the above act in bar of the action and, in the usual language of a special plea in bar, demanded judgment if plaintiff ought to have his action. Plaintiff's counsel in replication pleaded that "he ought not to be debarred from haveing his Action aforesaid by anything in the defendants plea aforesaid pleaded And of this he prayes may be Inquired into by the Court." Defendant joining in the prayer, the court gave judgment for the plaintiff. Substantially the same procedure was followed in *Brent's Administratrix* v. *Waford,* in the January 1697/8 term. However, in *Battson* v. *Stafford* in the October 1699 court defendant's counsel pleaded the above act in bar of the action, without using the usual language for a special plea in bar, and then put himself upon the court, as did the plaintiff. The court upheld the plea in bar. [35]

Several cases of special pleas in bar involved actions against administrators. In *Lyles* v. *Small, Administrator,* in the January 1696/7 court, defendant appeared in person and averred that he did not have assets of the decedent, William Cooper, in his hands sufficient to satisfy and pay the debt demanded in the declaration (a plea of *plene administravit*) but desired that plaintiff might have judgment when assets of the estate came into his hands. The court gave judgment for the sum sued for, plus damages, "to be Levied of the goods and Chattles which were of the Said William Cooper at the time of his Death when to the hands of the Said David Small in time to Come Shall happen to Come to be Administered." In *Stone* v. *Edmundson's Administrator,* in the August 1698 court, defendant appeared in person and stated that he had fully administered all the goods and chattels of decedent which had come into his hands, at the time of the issuance of the original writ and at any time thereafter, and of this he was ready to aver. Thereupon plaintiff, since defendant had not denied the action nor that he was administrator of Edmundson's estate, prayed judgment for the debt against the goods and chattels of decedent when they came into the hands of defendant to be administered, plus damages. Judgment *quando acciderint* was so awarded. [36]

In a case in the October 1699 term, *Barker's Administrator* v. *Tracey's Administrator,* defendant administrator pleaded that plaintiff ought not to have his action because defendant had fully administered all the goods and chattels which belonged to Tracey at the time of his death and he did not have now or at the time of the issuance of the original writ or at any time thereafter any such goods and chattels to be administered, and "this he is ready to aver whereupon he desiers Judgement if the aforesaid Plantiffe ought thereupon to have his action aforesaid

34. 19 *MA* 209.
35. *Infra* 81–82, 265–67, 303–05, 566–67.
36. *Infra* 150–51, 363–64.