

*Conclusions of Declarations Against Executors and Administrators.*

(95) "And the plaintiff claims therefor" \$—— (or if the action is detinue, brought to recover specific goods), "the plaintiff claims a return of the said goods, or their value, and \$—— for their detention;" (or if the action is replevin), "the plaintiff claims the return of the said goods" (when they have not been replevied and delivered), "and \$—— for their detention;" (or in cases where they have been delivered) "the plaintiff claims said goods and \$—— for their detention."

*Statement of Causes of Action Against Executors and Administrators.*

(96) Causes of action may be stated against executors and administrators in the same manner as if they were the original parties thereto, except that proper words must be used to show that the claim was against the deceased in his lifetime.

Under this sub-section it is permissible to state cause of action as if the executors were the original parties, words of explanation being used to show that claim was really against decedent in his lifetime; but it need not be so stated. Declaration held sufficient. *Stoner v. Devilbiss*, 70 Md. 155.

*Commencement of Pleas by Executors and Administrators.*

(97) The defendant, executor of the last will (or administrator of the goods and chattels) of P. S., deceased, by S. T., his attorney (or in person), says (here state the substance of the plea).

(98) And for a second plea the defendant says (here state the second plea).

*Pleas by Executors and Administrators.*

(99) That the defendant has fully administered the goods and chattels, rights and credits of the said P. S., deceased, and had done so before this suit.

(100) That before the suit and after the lapse of six months from the date of his letters testamentary (or of administration) the defendant paid away in discharge of just claims all the assets of the said P. S., deceased, which had come to his hands, and that more than six months before he so paid he gave notice to the creditors of P. S. to bring in their claims, and that at the time of said payment he had no notice or knowledge of the alleged claim and that since said payment no further assets have come to his hand.

(101) That before this suit, and after the lapse of six months 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 that 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 portion of the alleged claim, regard being had to the debts still due from P. S.

(102) Other pleas may be in similar form,