

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 payment, 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.

Insufficiency of assets

Other pleas

102d. Other pleas may be in similar form.

*Commencements and Conclusions of Declarations by Executors and Administrators against Executors and Administrators.*

Executors and administrators suing executors and administrators

103d ——— county. A. B., executor of the last will (or administrator of the goods and chattels, etc.) 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, etc.), of W. K., deceased, for (here state cause of action).

Counts in suits

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.

Forms.

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.

Profert not necessary

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.

Common law forms may be used  
34 Md 389,  
39 Md 194  
Bill of particulars

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 not to give sufficient notice to the opposite party of the evidence to be offered in support of it.

AMENDMENTS.

Art 75, s 23  
1785, c 80, s 4,  
1809, c 153,  
1852, c 177, s 1  
Amendments  
10 Md 530, 19  
Md 418, 24 Md  
492, 26 Md 446,  
28 Md 492, 29  
Md 398, 30 Md  
468, 35 Md 47,  
37 Md 285 345,  
40 Md 207, 41  
Md 124, 42 Md  
1, 48 Md 203,  
44 Md 410

**85.** In all suits and actions at law any of the proceedings, including the writ or summons, may be amended so that such case may be tried on its real merits, and the purposes of justice subserved; writs may be amended from one form of action to another, when the ends of justice require it; and any amendment may be made at any time before the jury retire to make up their verdict in cases of jury trial, and in cases of demurrer and other trials before the court, at any time before judgment is entered

Id s 24  
1852, c 177, s 9  
Continuances  
35 Md 47,  
43 Md 203

**86.** No continuance shall be granted upon amendments of the plots, writs, or any of the proceedings, but the case shall proceed as if no amendment had been made, unless the court shall be satisfied that the ends of justice require a continuance.