

CXXXVIII. That before this suit, and after the ^{Forms.} 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.

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

CXXXIX. ——— county, A. B., executor of the last will (or administrator of the goods and chattels &c.) of W. H., 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.)

CXL. 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.

STATEMENT OF CAUSES OF ACTION ON
CONTRACT BY EXECUTORS AND ADMIN-
ISTRATORS AGAINST EXECUTORS AND
ADMINISTRATORS.

CXLI. Money payable by the defendant to the plaintiff for (these words, money payable &c., should precede the money counts, but need only be inserted in the first,) goods bargained and sold by W. H. in his life-time to W. K. in his life-time.

CXLII. Work done and materials provided by W. H. in his life-time, for W. K. in his life-time.

CXLIII. That W. K. in his life-time, on the ——— day of ——— by his promisory note now over-due, promised to pay to W. H. in his life-time \$ ———, *sixty days* after date, but did not pay the same; nor