

1810.

Dent's Adm'r.
vs
Scott.

the county aforesaid, sufficient to discharge, and liable to pay, the said several sums of money due as aforesaid to the said *Scott*, and the said administration then being in full force and unrepealed, he the said *Simpson*, as administrator aforesaid, in consideration thereof afterwards, to wit, on the same day and year last aforesaid, at the county aforesaid, assumed upon himself, and then and there, as administrator aforesaid, promised the said *Scott* to pay him the said several sums of money when he the said *Simpson* should be thereto afterwards requested." The defendant pleaded three pleas—1. "And the said *Simpson*, by *Philip Moore* his attorney, comes and defends the wrong and injury whence, &c. and says that the said *Dent*, in his life-time, and the said *Simpson*, since his decease, did not, nor did either of them, undertake and promise, in manner and form as the said *Scott* hath above thereof complained against him the said *Simpson*; and of this he puts himself upon the country, and so forth; and the said *Scott* in like manner, and so forth." 2. "And for further plea in this behalf as to the supposed promise in the said *first count* of the said declaration mentioned, the said *Simpson*, by leave of the court here first had and obtained, according to the form of the statute in such case made and provided, says that the said *Scott*, his action aforesaid against him to have or maintain ought not, because he says that the cause of action in the said *first count* in the said declaration mentioned, did not accrue to the said *Scott*, at any time within three years next before the day of suing out the original writ in this cause; and this he is ready to verify, wherefore he prays judgment if the said *Scott* his action against him the said *Simpson* to have or maintain ought, and so forth." 3. "And for further plea in this behalf as to the supposed promises in the *second* and *third counts* of the said declaration mentioned, the said *Simpson* by like leave," &c. "says, that the said *Scott* his action aforesaid against him the said *Simpson* to have or maintain ought not, because he the said *Simpson* says, that the said *Dent*, in his life-time, did not undertake and promise, in manner and form as he the said *Scott* hath above thereof complained against him the said *Simpson*, at any time within three years next before the day of suing out the original writ in this cause; and this he the said *Simpson* is ready to verify: wherefore he prays judgment if the said *Scott* his action