

1810.
 Dent's Adm'r,
 vs
 Scott.

then the administrator's. This is a form of pleading which is not allowed, as no one plea which the defendant could plead would answer the case. If it is considered that there is a *fourth* count, then no judgment can be given on it, because it is defective. Each count must be a full declaration of itself, and must not depend upon any other count. The *fourth* count speaks of *several sums* of money, referring to all the antecedent counts, so that take the count alone and there is no certainty in it; for each count must contain a distinct cause of action. 5 *Bac. Ab. tit. Pleas and Pleadings*, (B) 328, and the cases there cited. The *fourth* count is defective, and there is no consideration expressed in it to support a promise. This count was intended to take the case out of the act of limitations, but being defective, and there being a general verdict, the judgment must be reversed. The proper form of a declaration, on a promise made by an executor or administrator, may be seen in *Secar vs. Atkinson's Adm'r*. 1 *H. Blk. Rep.* 102, 108, and 1 *Harr. Ent.* 179, 161, 162.

Kell, was to have argued for the Appellee.

Curia adv. vult.

CHASE, Ch. J. now delivered the opinion of the court. The court are of opinion, that the *second* and *third* pleas of the act of limitations were well pleaded, and that the court below erred in giving judgment for the plaintiff on the demurrer to those pleas.

The court are also of opinion, that the judgment on the verdict be affirmed with costs, the court being of opinion that the last count in the declaration is substantially good, having reference to the precedent counts, and which is founded on the considerations specified in the *first*, *second* and *third* counts in it, and having incorporated so much thereof in the same as is necessary to render that count valid in law.

BUCHANAN, J. I am of opinion, that the causes assigned for demurrer to the *second* and *third* pleas of the defendant below, are not available in law, and that the court erred in giving judgment for the plaintiff below on the demurrer.

Full defence was made before imparlance, and is again set out in the *first* plea; and after defence is once well