

Liber W. C. any Officer without first delivering a pticular acco<sup>t</sup> thereof und<sup>r</sup> the hand of such Officer Besides those ffees (If due) are become a Debt by Record That is by Record of Act of Assembly & Execution may issue for ye Same, And the Law Sayes That an assumpsitt will not Lye for a Debt upon Specialty or Record More Especially in this Case where he may have present Remedy by Execution

(11<sup>thly</sup>) Hee sayes To Thomas Bancroft on yo<sup>r</sup> Noate five hundred and five pounds of Tobacco & to John Darnall on yo<sup>r</sup> Noate 100<sup>li</sup> Tob: he Ought to have produced those Notes and receipts upon the back of them or else it is not sufficient w<sup>ch</sup> was not done. and in that particuler the jury found w<sup>thout</sup> Evidence w<sup>ch</sup> is Vitious ffor without such Noates the said Thomas Could not be Charged

12<sup>thly</sup>—To arrest of John Singleton 35, but sayes not at whose suite nor by what processe Nor from what Court Issued Nor upon what Consideracōn the said Thomas stagg Assumed the payment of it seing the Deft cannot be Discharged without paying their ffees on any arrest wch is also vitious & Erronious

(13<sup>thly</sup>)—To Thomas Wright Assumed to pay for him 200<sup>li</sup> Tob: to w<sup>ch</sup> the Deft sayth as in the third reason before is Mentioned

(14<sup>th</sup>)—To the Leavy of three psons att 125. in Anno 1677—456<sup>li</sup> Tob: He Sayth that the same is also a debt Upon Record & hath Remedy by Execucōn w<sup>thout</sup> any action and Noe Assumption lyes for debt by Specialty or by Record, And farther that as to any action of trespasse of ye case for the same, as this accōn is the same is barred by the statute of Limitacōn

(15<sup>thly</sup>) Hee Sayth to the Leavy of three psons i6i p pole is 493<sup>li</sup> Tob: w<sup>ch</sup> she also saith being a Debt upon Record Noe Assumption Lyes for the same & soe as to that vitious and Erronious

(16<sup>thly</sup>) Hee sayes To Sallary for receiveing 1450<sup>li</sup> Tob: 145<sup>li</sup> Tob: & To sallery for receiveing of 2056<sup>li</sup> Tob: 256: Those Two Sumes are not within the compasse in the words of the Declaracōn  
 p. 499 nor Can be made soe by any intendment in Lawe as being Neither Goods sold or Tobacco payd by his ord<sup>r</sup> for w<sup>ch</sup> he Onely Declares, Besides He ought To have brought his Quantum meruit for the same and not to be his owne Carver therein, ffor though the usuall allowance to the sheriffe for Collecting publicq<sup>d</sup> Due be Tenn p Cent. Yet private persons for Collecting their Debts Doe not allow soe much Nor ought he to have it without proofs of an agreement for soe much, w<sup>ch</sup> was not done, and soe the Verdict without prooffe to warrant the same is vitious and Erronious

(Lastly.)—The Charges in the said acco<sup>t</sup> are Distinct Causes of action, as, some for Marchants Goods Sold and Delivered some for Publick dues & officers fees, & Engagements for seaverall psons, & May admit of divers seaverall and Distinct pleas, and therefore the pft ought not to have Joyned the same in one accōn Marchants accompts with Officers fees &c. but must bring Seaverall Accōns