Henlagh in safe Custody untill he give special Bailes to ye Said Action

AND the aft Dominick by Christopher Philipson his Attorney Comes and Defends ye and prays Judgment if ye aft James to his action aft Shall be Answered because ye Saith ye by vertue of an Act of Assembly of this province now in force Intitulled an Act for Limitation of Officers Fees amongst other Officers it is provided that the Severall Clerks of ye County Courts, of whom the Said James is one Shall if any person Refuse to pay there Fees by Said Act appointed Recover ye Same by way of Execution against the goods Tobacco or Chattells of ye person or persons so Refuseing and no other And it is further provided that Such person or persons who Shall refuse Having no Goods to Shew unto Such Officer or Officers as Shall Collect ye Same Such goods & Chattells it Shall be Lawfull for Such Officer or Officers to take ye body or bodyes of Such person or persons in Execution for ye Same &c Whereby it is Evident that no Common Capias by way of mean process is allowable to be Issued against any person for and of the Fees of the Said James as Clk or Such an Officer for his Fees and this he is ready to verify Wherefore he prays Judgment as above Said &c Philipson pro Deft

Which Said plea being read and Argued and by the Court duely considered It is by the Court here over Ruled and that the Said plea is not Sufficient in Law to barr ye action aft

After which ye Said Action was Continued untill the then next Court

At which Said next Court Viz the Twenty eighth day of September in the yeare aft the Said cause was continued untill the then next Court.

At which Said next Court Viz the Twenty Sixth day of November in the yeare aft the Said cause stand on ye Docket for Tryal came the Said Pltff by his aft Attorney and the Defendant by his Said Attorney and ye plea by ye Defendant pleaded is as followeth viz

AND the aft Dominick by Christopher Philipson his Attorney Comes and Defends ye Force and Injury when &c and Saith that the aft James his Action aft against the Said Dominick ought not to have because he Saith that the Pltffs Declaration and Action is for business done for him ye Deft both in his private Capacity and as Adm of Daniel Kelley which by Law are two distinct things of Different nature and in a two fold and Different Capacity & therefore Cannot be Joyned together as this defendant is ready to verify Wherefore he prays Judgment as above Said and his Costs by reason of ye vexation to him to be allowed &c Philipson pro Deft

AND the aforesaid James Saith that by any matter by ye aft Dominick above in pleading alleadged from having his Action aft ought not to be barred Because he Saith ye ye plea of him ye Said Dominick and the matter therein contained is not good & Sufficient in Law to which Said plea in manner aft pleaded he the Said James hath no necessity nor by ye Law of ye Land is obliged to Answer For that First ye Said Dominick in his plea Setts forth that ye Pltffs Said Action is for business done for him ye Deft both in his private capacity and as Adm of Dan Kelley wch the Said Deft Seems to plead in barr of ye Said Pltffs Action Whereas ye Pltff hath ye Said Deft upon an Action Quantum for Service done by him ye Said Pltff for him ye Said Defendant in the Office of the of

Kent