Attorney aforesaid Moved the Court here Marrsh of Judgment, and prayed day from till next Provinciall Court and it is granted unto him. The same Day is given to ye plaintiffs Libertie

Tho Now here at this day (to wit) the Sixth day of March in ye twentieth yeare of the Dominion of the Right honble Charles Lord Baltimore &c. Thomas Dadd 1684 came the said parties by their Attorneys aforesaid, and the said Margarett Stragg by her said Attorney saith that the Judgment upon the Verdict of the Jurie aforesaid Ought to be arrested for the reasons following Viz:

(1st) Thereas ye Action wch is the ground of the Plaintiffs Action doth not Warrant the Declaration, and the same is altogether Obscure and uncertaine and not Lawe Judgment can be given upon the said Third being many things therein changed wch are not for good Sold Nor deliverye for Tobacco paid by the Order and request of the said Thomas Stragg for wch Tobacco ye Defendt

(2dly) The Second or third Article of the said accon on the Defendts part said to Severn pounds five shillings but his wife in England are 1.4 pound One thousand Severn hundred & forty pounds of Tobacco, to Joan Mawlsey Dame payd him for her Three hundred pounds of Tobacco in all Two thousand and Forty pounds of Tobacco, yet it is not Sayd by whome payd nor when payd, yet Defendt for a summe and not to ascertaine when or by whome payd is sufficiently vague and Erroneous, and if the same were payd by the p or his order he ought to have said so and by whome, and if that payment referred to the date before the m. margarett being ye 16th of Aprill in contradicts the Article, after she was the wife said Thomas wife in this Province, and if he were payd in England shewes the Mrs Ogle, and it was long before ye fifteenth of Aprill and so the accon is averre to be to that purpose false

Moreover admitt the said Debt or his Order did pay for or bold the said Thomas Stragg wife for Dum sola fuit money or goods and that an action lay against the Husband p wife for the same. Yet his being dead the plaintiff in law cannot charge the Mond of the said Thomas Stragg for the Assumption of the said Thomas for a consideracon past at the time of the Assumption wch is not binding Nor can that payment supposed to be made to her the said Mrs Ogle be by Intendment in law wth the Meaning of ye Assumption or Purview of the said Declaration wch Counts for goods sold Thomas Stragg p Tobacco payd for him and by his speciall Order p request bearing the said Five & twentieth of March 1676 and the fourth of October following

(3d) Item Doth charge to Thomas Wright undertaken to pay for him One thousand pounds of Tobacco Doth not Say when Nor upon what consideracon, and the bare Assumption p charge that he did Assume to pay for the said Thomas Wright without a sufficient consideracon to oblige him to such promise is not binding in Lawe against the party Assuming, much less his Adm, but the p Ought to have said that Thomas the said Thomas Wright stood indebted to the p 1000 pounds Tobacco the said Thomas Stragg in Consideracon that the said plaintiff at the speciall instance and Request of him the said Thomas Stragg would give him Twelve dayes forbearance to sue him wch did a summe p that the said Thomas Stragg been obliged for the said Thomas Wright to the said Debt or his Adm had been legally sued for ye same the Law would have given them by an accon De plegio acquietandis, but as they stand Now charged the said Margaret Wrath not apparent damnified if this Law will charge her as Adm.

(4th) Item says in the said accon Doth Henry Doll undertaken to pay for him Two hundred and Sixty pounds of Tobacco, this Sayd as before in the precedent Article the same is not sufficient in Law to charge him.

(5th) Item Saith to disco Doth an Executor undertaken to pay for him Nine hundred Sixty four pounds of Tobacco, but to whome or upon what proof he was in Executor, or where suite, upon what Judgment p in what Court ordained he doth not set forth, but the p ought to have said and laid in his Declaracon, that the said Henry Doll being an Executor of his Debt by vertue of such a Judgment Obtained in such a Court at ye suite of A. B. in

Consideracon

Consideracon that he the said Doll at the speciall instance and request of him the said Thomas Stragg would Deliver the said Henry from the said Imprisonment did Assume to pay the same, Or some such consideracon Ought to have been precisely set forth without wch allegation and Suggestion the Declaracon is billous uncertaine and Erroneous, p the same the also saith as before in the third Article and that it is not in Lawe Changeable therewith being an Assumpsit as aforesaid

(6th) Item says to the arrest of Richard Ocane Fifty five pounds of Tobacco wch is more than the Law allowes wch accounts but thirty five, Neither doth he say when he was arrested, much less where suite Nor by what writt, Nor from what Court Nor what Cause or reason the said Thomas Stragg should be obliged to pay the same, and truly the Defdt Ought to pay the Hire of their Arrest

(7th) Item Doth say that the said to Henry Doll you Assume to pay me for Hire 24 ℔ Tob. but doth not set forth what those Hires were for how due or accrued Nor for what consideracon the said Thomas made that Assumption

(8th) Item says to disco Assume for bringing Executor 200 Tob. but doth not say for how much the Executor was for that it may appear due Whether the same were legally due, Or at where suite he was in Execution Nor out of what Court issued, Nor upon what consideracon the said Thomas made that Assumption as aforesaid

(9th) Item says to disco Assume for imprisonment 200 Tob. But doth not set forth at where suite he was imprisoned Nor by what process nor from what Court issued Nor upon what consideracon the said Thomas made that Assumption Nor how long he was in Prison that might appear to the Court how the said two hundred became due, In all wch case he ought to have alleged a sufficient consideracon as aforesaid Wch therefore the same is Erroneous at a fond and the Defdt not in Lawe changeable therewith

(10th) Item charges to John Manley for Charges Hire 2 ℔ Tob. but doth not set forth the particulars for what the said Hire were for that it might appear whether the [illegible], and by Lawe of this Province None ought to be charged for any Hire by any Officer without first obtaining a speciall order thereof into the hand of such Officer to pay the Hire (If any) are brought a Debt by Record that is by Record of Act of Assembly or Judicial way issue for the same, For the Law says that an Assumpsit will not lye for a Debt upon specially ordained More Specially in this case where he may have present Remedy by Execution

(11th) Item says to Thomas Allen ye Sr on ye Note five hundred and five pounds of Tobacco p to John Darnall on ye Note 100 Tob. he Ought to have produced their Notes and weight upon the back of them or else it is not sufficient wch was not done, and in that particular the Jury found the Evidence wch is Follows Item without such Notes the said Thomas Doth not be Charged

(12th) Item of John Singleton 35, but says not at where suite nor by what process Nor from what Court issued Nor upon what consideracon the said Thomas Stragg Assumed the payment of it being the Debt cannot be Discharged without paying their Hire on any arrest wch is also vitious & Erroneous

(13th) Item Thomas Wright Assume to pay for him 200 Tob. to wch the Defdt saith as in the third reason before is Mentioned

(14th) To the Loan of three p fous anno 1677 – 400 Tob. the saith that the same is also a debt Upon Record & hath remedy by Execution without any action and the Assumption lyes for debt by specially or by Record. Thus further that as to any action of Trespass for the same as this action is the same is barred by the Statute of Limitation

(15th) Item saith to the Loan of three p fous vis p pot is 403 Tob. wch she also saith being a Debt upon Record Nor Assumption lyes for the same p so as to that vitious and Erroneous

(16th) Item says to Saccary for receiving 1490 Tob. 147 Tob. & To Saccary for receiving of 2056 Tob. 256: these two sums are not within the compass in the words of the Declaracon nor

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