

**H. J. BROOKS, Appellant, vs. GEORGE W. GUSSEFELD, Agt. for A.**

**Woermann, Appellee.**

**LRSC 4; 1 LLR 212**

[January Term, A. D. 1887.]

*Appeal from the Court of Quarter Sessions and Common Pleas, Sinoe County.*

Debt.

This court, having listened attentively to the arguments in this case, has arrived at the following conclusions: That a note of hand is a specific statement of a debt, also are books of accounts, which must be admitted in courts and proved like other facts. In this case a note of hand is the ground of action, and a book account was produced in the court below, as a set-off against the note of hand, but was ruled out on the strength of plaintiff's assertion in his reply, that defendant paid the amount of \$597-54} in a book account between them, instead of the note of hand in question; but we find no regular account filed with the reply.

We are of opinion that with this reply a regular account should have been filed and transaction proven. As books of account are often closed with notes of hand, it is always safe to follow the rule to enter, or credit on the back of the notes of hand, all payments made on it, and where or when circumstances prevent such endorsements being made, receipts, specifically referring to the Particular note of hand, should be taken.

All actions of debt in any court of this Republic are required to be filed in a particular form, in accordance with the Statute Laws of Liberia.

As far as this case progressed in the court below, we do not find sufficient evidence adduced by either party to this suit to support their position, nor do we find anything to take hold of judicially; and we are at a loss to understand how the court below arrived at a judgment. Nor does it appear to this court for whom judgment should be rendered. Therefore, this court adjudges that the judgment of the lower court is hereby reversed, and this case is hereby remanded to the Court of Pleas and Quarter Sessions, Sinoe County, for rehearing according to law; costs to follow termination of the case.