

Liber N N And the said Abraham Clarke by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provintiall Court & itt is granted unto him, the same day is given to the plaintiffe likewise

Now here att this day to witt the Seventh day of June in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoq̄ Doni 1679 cometh as well the said plaintiffe as the said Defend^t by their Attorneys aforesaid And the said Abraham by his said Attorney saith, that the declaration aforesaid in manner & forme aforesaid declared against him the said Abraham & the matters therein
 p. 892 contained Are insufficient in the Law to maintain the aforesaid Action of the said Richard Johns against the said Abraham, & to the same the said Abraham saith he needeth not nor by the Law of the land is bound to Answer, but to the same Demurreth in Law, & for causes of Demurrer according to the forme of the Statute in that case provided sheweth, that the said declaration is Vitious in that the p^t declares against the Defend^t in a plea of trespas upon the case, whereas in the body of the said declaracōn he only layes a trespas, for that for the lanching of his boat voluntarily & maliciously by which he hath lost her as in his declaracōn he hath sett forth, no other action lyeth but an Action of trespas And the same ought to be laid to be done with force & armes &c and contrary to the peace &c And the said declaracōn is vitious also in this, in that he layes the trespas to be done by the wife of the said Defend^t & others, & yet never alleadgeth that by the same action hath accrued to him to recover & have of the said Abraham his dāmages &c And this he is ready to Verifie, whereupon for want of a sufficient declaracon in this behalfe, the said Abraham prayeth judgm^t and that the said Richard from haveing his said action against him thereof may be barred And the said Richard Johns saith, that he by any thing before alleadged ought not to be debarred from haveing his action aforesaid because he saith that the declaracōn against him the said Abraham & the matters therein contained are sufficient in Law to maintaine the aforesaid action of the aforesaid Richard Johns against the said Abraham And this he is ready to averr, whereupon he prayeth judgm^t & the Value of the aforesaid boat & his dāmages by reason of the p^rmisses And hereupon the p^rmisses being seen & by the Court here fully understood, itt seemeth to the same Justices here the declaration aforesaid of the said Richard in forme aforesaid made & declared & the matter in the same contained are sufficient in Law to maintaine him the said Richard to have his action aforesaid against the said Abraham Therefore itt is considered that the said Richard Johns recover against the said Abraham Clarke the Sum̄e of ffteen hundred pounds of tobacco dāmages occasioned by the p^rmisses As also Eight hundred Eighty six p̄ds of tobacco costs of suite And the Defend^t in mercy &c