

Liber N N Charles all such wholesome proper & fitt medicines & meanes as his disease infirmity & distemper required. Also expended much tyme & paines in severall journeyes Administring of meanes & attendance upon him the said Charles, for which he thinkes he well deserves Eight thousand nine hundred & forty pounds of tobacco A particular of all which is here in Court produced amounting to the said Summe of Eight thousand nine hundred & forty pounds Notwithstanding which the said Charles his promise and assumpcōn in that behalfe not regarding, but endeavouing & fraudulently intending him the said Samuell of the said Summe of Eight thousand nine hundred & forty pounds of tobacco to deceive, the said Eight thousand nine hundred & forty pounds of tobacco to him the said Samuell the said Charles in his life tyme hath not paid according to his promise, nor the said George & Richard to whom Letters testamentary was comitted since the death of the said Charles have not yet paid although often there unto required, but the same to pay doe altogether deny whereupon the said Samuell saith he is damnified & Hath losse to the Value of twelve thousand pounds of tobacco & thereupon he bringeth his suite

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And whereupon the said George & Richard by Christopher Rousby their Attorney come & defend the force & injury when &c and pray liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto them, the same day is given to the plaintiffe also

Now here att this day to witt the Eleventh day of Octob<sup>r</sup> in the fourth yeare of the Dominion of the right Hon<sup>ble</sup> Charles Lord Baltimore &c Annoꝝ Dni 1679. came the said partyes by their Attorneys aforesaid And the said George & Richard by their said Attorney say, that to the Declaracōn aforesaid in manner and forme as the same is sett forth, they the said Def<sup>ts</sup> need not nor are by the Law of the land bound to Answer, & therefore they demurre in Law to the same, And for reason of such Demurrer according to the Statute they say, that the p<sup>tt</sup> in the said Declaracōn as being a Doctor of Phisicke declares against the Defend<sup>ts</sup> as Ex<sup>ts</sup> of the last Will & testam<sup>t</sup> of Charles Gosfright deceased upon a quantum meruit for certaine medicines pretended to be Administred to the said Testator in his life tyme by the said p<sup>tt</sup> And for certaine attendance & visitts, a particular whereof is said in the declaracōn aforesaid to be here in Court produced amounting to Eight thousand nine hundred & forty pounds of tobacco. whereas in truth there is no such particuler produced in Court or annexed unto or filed with the said declaracōn as the same ought to have bin, whereby the Defend<sup>ts</sup> might have seen & known what the said pretended particulers were, & how the same were rated, & might have bin thereby enabled to have advised of the particuler Values of the said medicines & to have informed themselves thereof, & of the number of the said pretended visitts & what attendance itt was which is alleadged in the said declaracōn, &