

Said Province whereby the said John is Damified and hath
Damidge to the value of two thousand nine hundred
pounds of tobacco and Cst and hereupon being the said
p and Henry Smith

John Dorman }
of }
Richard Stevens }
} Demurrer

And the said Richard Stevens in his own
person Cometh and defendeth the facts

and injury wherof the said John hath declared in the said
John above against him filed right not nor by the Law of the
Land is bound to answer, because he saith that the same declaration
and the matter therein contained is not sufficient in Law to
compell him to answer hereunto and the Request for Cause of
Demurrer according to the forme of the statute sh^{all} with
first that the s^d declaration saith that in the year 75 10th is no year
secondly did the up above of the s^d John until the s^d horse is
dead or disabled from service which maketh no certainty of what
horse or whether the said horse were dead at the time of the writing
out the original writ; thirdly if the s^d had taken the
horse of the said P^{er} the s^d p^{er} ought to have Replevied him
in an action of Replevin to have declared; and hereupon the s^d
Richard demands Judgment of the s^d Declaration of his Damages
Richard Stevens

This Court finding the Declaration insufficient ord^{er} Answered; /