

June Court 1701 and

Richard Seruener Esq. and J. D. Defend^t vs in their Aff. Casually
 Edward Smith Esq. - by Richard Markin their Att^y comes & defend^t vs
 for an injury when &c. and saith that for
 manifold Impersonations and uncerlain lies in & Staint. Dord. & matter in & same
 contained & said Dord. doth not hold sufficient in Law to cause & J. D. Defend^t to
 to make answer thereunto and that they to that Dord. in manner & forme aff. to be
 forth & Dord. have noe necessity nor by Law of & Law are bound to answer and
 that they are ready to abor whersupon for want of a sufficient Dord. of & aff. -
 plaint and sufficient matter in & same to be contained & said Defend^t pray and
 Judgment. &c. of & aff. Dord. and

- Reason in Demurrer and j. There is noe certainty in & Dord. in & Staint. Dord. &
 Condition, certainly is required by Law in all Dord. and
2. The action is upon an expunged & noe consideration to be forth or a bad good in &
 Dord. and where there is noe consideration & Maximis Lawis op Nudo pacto
 non oritur action and
3. If & said Richard Seruener stood Indicted by Specially an action of & aff.
 doth not lie but Dord. and in & Demonstrative part of & Dord. it ought to
 have been Sumoned and not attached and
4. If upon Specially it ought to have been contained in & Demonstrative part
 of & Dord. with an alius Ditura and
5. The Staint in her Dord. says & said Richard in his & folind did or set
 a pair of Smalle Nails and plained & lay downe about eight hundred foot
 of plank in & said house wherof there is not any mention made in & foregoing
 part of & Dord. of any house to be referred to and
6. The said action aures to have and require too much work done as an
 amount to & residue or to have & same in & Dord. which would render & recovery
 uncerlain and & Staint ought to Dord. for something certain and
8. The plaint in her Dord. doth not abor that & said Richard in his & folind
 nor & said Defendants to & aff. & Death of & said Richard did not doo &
 work or pay & Dord. about mentioned and
9. The action being upon & Case and two whole years to pursue and & implicated
 time & cause of action aures (as by & Staint owne shewing) & act of a
 assembly for Limitation of actions is sofelusly against it which saith that
 noe Judgment shall be given in any action of & Case after two years and
 that being a Jon. Law The Court ought to officio to take notice of it and

And it hath ever been & fare of great Judges & wise sayes in & Law to a
 preserve & priviledges and franchises together with & rights & properties of & and
 Subject which hath been formerly purchased by our fathers with a Mass of Money
 and great Effusion of blood and if any person be condemned otherwise then by
 known & constant rules of & Law then Magna Charta abailith us notwithstanding 29th
 Markin & Defend^t