

for his Paines. Tooke the said Thomas Hebb into the Cabbin of the said shipp and there Civilly Treated him the said Thomas Hebb and gave him seaverall dramms of Spirits Strong beere and other Liquo<sup>rs</sup> and such other accomodacons as the shipp then afforded, And in Consideracon thereof the said Thomas Hebb did assume upon himself and to the said Hugh Reynolds did faithfully promise That hee the said Thomas the said stilliards and pea aforesaid would safely carry & deliver to the said Emanuel Ratliffe, And the said Hugh in fact sayth that the said Hugh did then and there deliver to the said Thomas the Stilliards and pea aforesaid to carry and deliver to the said Emanuel as aforesaid, and the same being in the possession and Custody of the said Thomas. He the said Thomas did then and there negligently and Carelesly Throw the said stilliards over the side of the said Shipp into st Georges River By reason whereof the said stilliards were lost soe as the said Thomas could not deliver the same to the said Emanuel according to his promise aforesaid, By meanes whereof the said Thomas Hebb is become lyable to make the said Hugh Payment and satisfaccon for the said Stilliards soe lost as aforesd The said Hugh haveing made the said Emanuel satisffaccon for the same And Notwithstanding the said Hugh hath often demanded of the said Thomas to make satisfaccon for the stilliards aforesaid according to the vallue aforesaid Yet the said Thomas hath hitherto denyed and still doth denye to pay and satisfy to the said Hugh for the stilliards aforesaid, To the damage of the said Hugh sixteene hundred pounds of Tobacco And thereupon hee bringeth his suite

And the said Thomas Hebb by Robert Ridgely his Attorney cometh and Defendeth the force and injury when &c and Prayeth liberty to imparle hereunto untill next Provinciaall Court and it is granted unto him the same day is given to the plantiffe Likewise

Now here att this day to witt the Three and Twentyeth day of ffebruary in the sixth yeare of the Dominion of the Right honoble Charles Lord Baltemore &c Annoq Dominj 1680 Came the said partyes by their Attorneys aforesaid and the said Thomas Hebb by his said Attorney sayth That the aforesd Declaracon of the said Hugh Reynolds and the matter in the same Contained is not sufficient in Law to maintaine the accon of the sd plt against the said deft, Now to the same Declaracon hee hath noe neede, nor by the Law of the Land is bound to answere, and hee to the same Declaracon Demurreth in Law. and for Causes of Demurrer according to the forme of the statute in that case provided hee sheweth forth (viz) That the accon of the said Hugh against the said Deft is an accon of Trespasse upon the case upon a special promise of the said defts to carry the stilliards and Pea mentioned in the said Declaracon to Emanuel Ratliffe in the Declaracon named, and that in all such acccons there ought to bee a certaine consideracon to ground the

Liber W. C.

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