

Liber FF con put into Court yesterday by the Attorney Generall ag^t the said W^m Gard Mast^r of the Catch Hope the which hee doth and is as followeth (uizt)

And the said William Gard by John Morecroft his Attorney doth come and defend the force & wrong when &^c: and saith that hee is in noe wise Guilty of the p^rmisses aboue by him the said William Caluert imposed upon him and this hee is ready to auerr as &^c:

Jn^o Morecroft

The Court denyes it is on their part to proue the breach of the said Act but that in such Case Onus Probandi shall lie upon the Owner or Claimer of such Goods &^c: as is exprest in the Act of Parliament Entituled an Act for Preuenting frauds and Regulating abuses in his Ma^{ties} Custom

The defend^t then alleadgeth that hee did according to the said Act of Parliam^t send an Inuentory of the said uessells loaden to the Gouverno^r inserted in a letter from John Pitts, which said letter came onely from the said Pitt and not und^r the masters hand, in which was exprest some part of her loaden, but not the whole according to the bill of loaden some time after to the Gouverno^r deliuered, and that done some dayes after Bulke was broken and part of the Cargoe unloaded and upon this the defend^t puts himselfe upon
 [p. 442] th^e Country Whereupon Ordred that this Cause be tryed by a Jury of twelue able men at the next Prouinciall Court to be held the 9th of Aprill next ensuing

John Terris being Called made appearance by John Morecroft his Attorney who was desired to deliuer in his answere to the informa^{con} ag^t the said Treris put into Court yesterday by the Attorney Generall a Copy of which informa^{con} hee had then deliuered hime

The which answere he now puts in as folt:

And the said John Treris by John Morecroft his Attorney doth come and defend the force and wrong when &^c: and saith that hee is noe wise Guilty of the premisses as is aboue by him the said William Caluert imposed upon him and of this hee is ready to auerr &^c:

John Morecroft

The Court demands of the defend^t wether hee will allsoe haue a Jury of twelue able men to goe upon the meritts of the whole Cause or that this Court shall proceed to the determina^{con} thereof

The defend^t humbly desires hee may haue a speedy tryall this Court that a period may be put thereto, whereupon th^e Co^{rt} proceedeth And proueth that the said Jn^o Treris did Contrary to the said Act of Parliam^t loade and take on board two ~~hnds~~ hnds of tobacco of the growth and Comoditie of this Country before Bond giuen according to the said Act, which said tobaccoe did remaine on board the said Bark when first seized by the Gouverno^r