

to his the said Edwards bringing his said action in this hono^{ble} Court, & not in the County where the Offence was Comitted Itt is pursuant to the said act of Assembly above by the said Edward in his Declaracon sett forth, w^{ch} said Act of Assembly Expressly Order & Limitts the Recovery of the fyne aforesaid to be had in any Court of Record in this Province, and as to the said Edwards not Alleadgeing in what County the offence was comitted Hee hath setting forth the same pursued the very words of the said Act of Assembly above recited w^{ch} Expressly forbidds the said Offence to be comitted within the Limitts of this Province, w^{ch} Allegacon is sufficient in this hono^{ble} Court haveing Jurisdiction unlimited over y^e whole Province, And the said Edward who aswell &c further sayth that as to his the said Edwards who aswell &c takeing his Oath as above sett forth before the fileing of the Declaracōn The not taking of such an Oath is noe part of the Record but onely a direction to the Clerke that noe informacōns be Received without an Oath, but noe barr to the sd Edwards action, As is in the Case adjudged in my Lord Crookes Reports in Easter the Ninth of King King Charles the first plt 32:49 Whereupon the said Edward who aswell &c because the said Anthony Doth not in his plea aforesaid Denye the matter in the said Edwards Declaracōn contained but admitteth the same to be true The said Edward Who aswell &c. Prayeth Judgment for the said Two Thousand five hundred pounds of Tobacco being the Moyety aforesaid of the aforesaid ffive Thousand pounds of Tobacco to be allowed him &c^a

And the said Anthony Demondadeir by his said Attorney saith that the Plea aforesaid of the said Edward Lunn in manner and forme above in his Replicacōn Pleaded and the matter in ye same Contained is not sufficient in Lawe to maintaine the action aforesaid of the said Edward brought against the said Anthony To w^{ch} the said Antho^y hath noe need nor by the Lawe of the Land is any way bound to answeere Wherefore for want of a Sufficient Replication in this part the said Anthony as before prayes Judgment and that the said Edward from his action aforesaid against the said Anthony may be barred & forecluded &c.

And the said Edward who aswell &c^a whereby hee sufficient matter in Lawe for him the said Edward to have & maintaine his said action against the said Anthony in his Replicacōn above alleadged w^{ch} he is ready to verify, w^{ch} said matter the said Anthony doth not gainesay nor giveth any answeere thereunto, but doth altogether refuse to admitt of that Justificacōn, The said Edward who aswell &c as before prayeth Judgment & his Damages by reason of the said p^rmisses to be Adjudged unto him &c.

And Now here att this Day to witt this Day (to wit) the seaventh day of March in y^e seaventh yeare of the Dominion of the Right Hono^{ble} Charles Lord Baltemore absolute Lord and Prop^{ty} &c