

merchandizes may be forfeited and condemned to their Ma^{ts} to be devided as afores^d according to the Statutes afores^d And that the s^d Charles Carroll may Come into Court and Answer the p^mises and Show Cause if any he hath why the s^d Goods and Merchandizes So unlawfully delivered and put on Shore and by him the s^d Charles into his Custody and Warehouse taken [50] and Received Should not be Forfeited and Condemned as afores^d

Plater Att^r Gen^l

Ne^a Blackiston Qui tam ag^t Charles Carroll
Plea

And the s^d Charles Carroll by Philip Clarke his Attorney cometh and defendeth the Force and injury when etc: and prayeth the hearing of the Information afores^d and it is read unto him which being Read and heard he Saith that he ought not to be burdened therewith nor the beer therein mentioned ought not to be Forfeited nor Condemned Because protesting that he is no wayes guilty of the breach of either of the s^d Acts of Parliam^t nor of the s^d Act of Assembly nor of any Fraud deceit or Mallice as in the s^d information is most maliciously Set forth and of this he puts himself upon the Countrey.

He further for plea Saith that the information afores^d in manner and Form afores^d exhibited ag^t him and the matter therein contain'd is not Sufficient in Law to maintain the s^d information to which he hath no Need nor by the Lawes of this Land is no wayes Obliged to make answer wherefore for want of a Sufficient information he doth demurr in Law, and for the Reasons of Such his Demurrer according to the Statute in that Case made and provided he Sheweth these following.

1st That the s^d Statute of the 3^d of Henry the 7th being made before this plantation or any other in these American parts were Seated cannot in reason nor in Law be intended to extend hither For when Lawes are made there's a perticular Consideration had of the Circumstances of all Such places into which the s^d Lawes are to Extend which could not be had of a plea [sic] then not in being neither was this Statute at any time Since the making thereof either by any Subsequent Act of Parliam^t or by any Act of Assembly of this Province extended hither therefore cannot be p^rsumed to take place in relation to the Trade of this Province.

2^d The s^d Statute mentions only the Realm of England and further Sayes that any body bringing into any port thereof by way of merchandize goodes and there do Enter the Same in the Book of the Customers of the s^d Port where the goodes and merchandizes Shall first come and the Kings Duty thereof paid or agreed for and the s^d goodes and merchandizes after will convey into any other port within the s^d Realm all w^{ch} Supposed an Entry made and Customes paid therefore does in the least affect the s^d beer, Because it is not as much as alleadged that the s^d beer was Entered into any Port of the