

after the Bond in question was past shipped Tobacco on Board or not for that I presume was admitted, but what did weigh with the Jury to find the Def<sup>t</sup> not guilty was a permit of Trade vnder the hand and Seal of the Collector which was produced to the Jury as Evidence for the Def<sup>ts</sup> Clearing. And if the same permit was not sufficient Evidence in Law to indemnify the Def<sup>t</sup> against the breach of the Law the Counsell for the plaintiffes ought to have demurred therevnto, as in the third Article above is mentioned; so that the Counsell for the plaintiffe having waved that advantage and the permit not being contradicted the Jury (in my Opinion) might well find the Def<sup>t</sup> not guilty without the danger of an Attaint, if any Attaint in this Case would lye, which most of the Books agree cannot.

Shep Epit. 121. 122. The King or an Informer cannot have this Writt Fitz. Na. Br. Verb. Attaint says the same, Only I find in Cro: 1. part Abrid N<sup>o</sup> 731. The Queen and Ingorsells It was the Opinion of the Justices that an Attaint lyes where a Verdict passeth against the Queen, vpon an Information. And furthermore if the s<sup>d</sup> permit did dispose to the breach of the Laws of Trade, who shall incurr the penalty I humbly submit to your Ex<sup>ncies</sup> grave Judgm<sup>t</sup> and consideration.

I am of this Opinion.

Rob<sup>t</sup> Carvile  
Will<sup>m</sup> Dent