

and Injury when he said that he is not guilty of the said offence as in the  
Information aforesaid is imposed upon him and of this he put himself upon the  
Country and the Plea also.

It is then for command of the Sheriff of St. Marys County cause to come for twelve or  
by whom he and who will be to recognize or be cause aforesaid.

The Affidavit of the said Sworn Merchant Sworn in the Provincial Court  
last Court produced under the name of the Clerk of the said Court, but the Defendant  
desired that the same should not be read as evidence to the Jury being taken in another  
Court and upon another occasion. But the Court admitted the same to be read  
and to weigh with the Jury as they thought fit. Anthony Underwood, who was  
a witness in this cause (after his evidence heard) was by the favour of the  
Court admitted to plead as Attorney for the Defendant.

Now the said day to wit the said second day of April Anno Domini  
One thousand six hundred Eighty five the said Nicholas Swall who aforesaid  
for our sovereign Lord the King and the said Chief Governor aforesaid as for himself  
by his Attorney aforesaid, and the said Jasper Lynch by Anthony Underwood  
his Attorney likewise came, and the Jurors of that Jury came also to wit  
James Fuller, John Pink, Marcellus Sumner, William Gwither, Thomas Gwither,  
Thomas Williams, Gilbert Embrey, In: Youmans, Thomas Keiton, Thomas  
Deale, William Cayland, Moses Leacock who to say the truth in the said being  
checked by the said Sworn Merchant do say that they find the said Defendant  
Not Guilty of the Information above in manner and form imposed upon him.

The Court discharged the Jury and ordered that they be allowed by the said  
Jasper Lynch thirty pounds of tobacco a piece.

The said Robert Carville moved the Court in arrest of the Judgment. The Court  
demanded his reasons, Mr. Carville for the said, gives this reason that the Verdict  
is both against the Body of the Act of Parliament, in force in the Information, and  
against Evidence likewise. The Court grants the motion in arrest of Judgment  
and shows that Mr. Carville gives his reasons at large to the Court on Saturday  
next being the fourth day of April at twelve of the Clock of the same day.

And the Court adjourned till that time  
The fourth day of April Anno Domini One thousand six hundred Eighty five the Court  
sate again: Mr. Carville gives his reasons in arrest of Judgment. which follow in the words  
of the Court.

Nicholas Swall Esq: who aforesaid for our  
Lord the King as for the Lord Prop: Chief Governor  
as for himself prosecuted the Plaintiff  
John Underwood of the Ship Providence of Deal  
and Jasper Lynch Merchant of the same Ship Defendant

On an Information. Reasons to arrest the Judgment.

The Information exhibited against the Defendant is for that the Defendant did import into this Province  
certain goods and Merchandises, and put them afloat in this Province contrary to the  
Act of Parliament touching trade in that case made and provided.  
To answer which Information process had issued against the Defendant to appear in this Court  
before the Master with the Ship being in Virginia, out of the Jurisdiction of this Court  
could