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The Defendant alledg'd that the goods might be bought in the Country or that they might be duly cut and imported and the Master Estie not being that might have the Certificate of Entry. But that is but an allegation to the Law and is positively false for the Defendant produced no single paper or evidence to prove his suggestion for his allegations without proof and the Verdict thereon grounded against law for all which reasons the said Nicholas Swale who appeared prayed the Verdict may be quashed and that the Judgment may pass for the said Nicholas who appeared according to the Law aforesaid to be directed as aforesaid.

The Court being read in the Court it was ordered that the same be copied for Mr. Underwood and the Court adjourned till the day come forthwith being the eighth day of April, when the reasons are to be argued by the Attorneys on both sides and considered on by the said Justices.

April the eighth Our thousand six hundred eighty five the Court sat again. Mr. Serjeant said that the arguing the reasons might be deferred till Monday come six o'clock for two reasons: because the said Nicholas Swale who appeared is desired to be present himself and hear them argued. Secondly because it was the day of Restday. Anthony Underwood for the Defendant desired of the Court that were further or more delay might be. The special Court being on purpose for satisfaction, and the Court desired the reasons might be read: the same read and argued and the Court will advise themselves of and upon the premises until Tuesday next about of the clock being the sixteenth day of the said month of April.

The Court the sixteenth day of April 1685: the Court sat again and adjourned till to Morrow out of the Court.

The twenty second day of April Our thousand six hundred eighty five: the Court sat again.

And the said Justices having fully heard and understood the whole proceedings in the premises and the arguments and allegations on both sides Do say that the reasons aforesaid are not sufficient to arrest the Judgment aforesaid: And it is by the Court the said Justices that the said Nicholas Swale who appeared take nothing by his said Information. And that the said Defendant go hence forth without day.

And it is ordered that there be paid by Mr. Lych the sum of three hundred pounds of tobacco to the said Justices for their expenses charges and attendance in and upon the Commission and premises aforesaid.

And that the said Clerk be paid by the said Jasp. Lych the sum of Ninety pounds of tobacco for his pay and fees in and about the premises.

The Affidavit of Christmas Smith followeth in these words viz:

Christmas Smith sworn saith on or about the day of February the person called the Capt. Estie Commandant of the Ship Providence of Deal having in the hearing of his Deputy lay open his Coffer and the danger he was in by reason of some prohibited goods that was then on board the Ship Providence aforesaid, unto Anthony Underwood promising the said Mr. Underwood twenty pounds sterling Providence he had performed several Courtesies then agreed upon, or otherwise that he the said Estie should not a certainly pay our hogshad of Mault on the day having agreed by both their requests the Deputy was persuaded to ride with the said Estie to Puttugen and there to go on board the Ship in order to fetch and make

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