Still the said Edward Who aswell &c saith that, for any thing above alledged by the said Anthony ought not to be debarred from having his said action against him because he saith that the said action of the said Edward above as aforesaid brought is not an informacon as the said Anthony above in his plea aforesaid vainly supposeth, But an action grounded on an Originall writt as by the Record thereof manifestly appeareth wch said action hath relation to the date or first of the Originall writt of the said Edward who aswell &c. And also to the filing of the said Declaracon, And the said Edward further saith that the said Originall writt of him the said Edward who aswell &c a bearing date within the space after the said last day of January 1690. on wch day the said Offence was committed by the said Anthony that is to say the fifteenth day of October 1689, and so within the said statute of the One and thirtieth yeare of the said Queene Elizabeth by the said Anthony above set forth, And the said Edward who aswell &c further saith that as to his the said Edwards bringing his said action in this honble Court, & not in the County where the Offence was committed it is pursuant to the said act of Assembly above by the said Edward in his Declaracon set forth, wch said Act of Assembly especially Ordeed & limitted the Recovery of the fine aforesaid to be had in any Court of Record in this Province, and as to the said Edward not alledging in what County the offence was committed He hath setting forth the same pursuant the very words of the said Act of Assembly above recited wch especially forbidd the said Offence to be committed within the limits of this Province, wch Allegacon is sufficient in this honble Court having Jurisdiction unlimitted over y whole Province, And the said Edward who aswell &c further saith that as to his the said Edward who aswell &c taking his Oath as above set forth before the filing of the Declaracon The not taking such an Oath is not part of the Record but only a direccon to the Court that not informations be Recorded without an Oath, but not barr to the said Edwards action, As is in the said Court adjudged in my Lord Coke's Reports in Easter the Ninth of King Hen. the Fourth the fifth pl. 31. 491 Whereupon the said Edward who aswell &c brought the said Anthony doth not in his plea aforesaid deny the matter in the said Edwards Declaracon 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 five Thousand pounds of Tobacco to be accounted him &c

And the said Anthony Demandeth by his said Attorney saith that the Plea aforesaid of the said Edward in manner and form above in his Declaracon Pleaded and the matter in y same contained is not sufficient in Law to maintaine the action aforesaid of the said Edward brought against the said Anthony To wch the said Anthony hath not needed nor by the Lawes of the Land is any way bound to answer Wherefore for want of a sufficient Replication in this part the said Anthony as before prayed Judgment and that the said Edward from his action aforesaid against the said Anthony may be barred & foreclouded &c

And the said Edward who aswell &c. wch by his sufficient matter in Law for him the said Edward to have & maintaine his said action against the said Anthony in his Replicacon above accordg wch he is ready to verify wch said matter the said Anthony doth not deny nor gainsay nor ought any answer thereunto, but doth altogether refuse to admitt of that Verification, The said Edward who aswell &c as before prayeth Judgment & his Damages by reason of the said punishment to be adjudged unto him &c

And - Now here at this Day to wit this Day (to wit) the seventh day of March in y twentieth yeare of the Dominion of the Right Honble Charles Lord Baltimore absolute Lord and Proprietary of the Province of Maryland &c. Anno Domi 1691 Came a fforth the said Edward Nunn Who aswell for the said Lord Baron as for himself & Kellworth &c. as the said Anthony Demandeth by their Attorneys aforesaid, And hereupon the premisses aforesaid being heard and by the Judges here fully understood, It is Smith to the said Judges here that the Plea aforesaid of the said Edward Nunn who aswell for the said Lord Baron as for himself & Kellworth in manner and form above pleaded & the matter in the said