might haue pleaded payment or a lawfull bonde and
refusall or other matter of Justificacon as they
required or at least (it being alledged to be vnlaw
moderate Customes and other duties) it ought to haue been
expressed in certenty what they are and for what
to the end, if they bee arbitrarily to bee moderated
Court might iudge, whether the Customes and duties
demaunded were (in respect of the prizes paid for the
goods, charge of bringing home and value of them
to bee soulde and other necessary circumstaunces
ted or not. And as to the orders of nisi prius and
proceedinge of the Court of Exchequr and the
suinge of Replegare out of the Comptrs Supr
to bee contrary therevnto, it appeareth by the
Informacon it selfe that the said orders nisi prius
and proceedinge of the said Court extended only
that were plte thereunto, and to the goods for
Replegare were then brought and not to any
ysonne or for any other goods, and therefore ought
not by lawe or the Justice of that or any other
to binde the defendte, they the defendte and
said goods by the said Informacon it selfe appear
to bee other ysonne and other goods then were in qu
in the said Court of Exchequr he rather for
the whole scope of the pdall orders in the
Informacon mencioned and the opinion of the
Court declared in them to be in no wise agt the
defendte (as their case is alledged to bee) but
wholly for them, the opinion of the Court bei
alle

alledged to be to their effect That noe Replevyn could be
sued by lawe to take goods delivered by his mate officers
in his mate Store house (wch they holde to bee his mate
owne actuall possession) as it might bee they remayned
in the hands of his mate Officers, so as the opinion
of the said Court is expresly declared that goods wch
were not in his mate store house might be replevyed out
of the hands of his mate officers, and is so then must
more out of the hande of Jaspr Dartnoll a wharfinger
from his wharfe as by the Informacon is alledged, those
defendte endeavoured to doe, and therefore, as also for
that it appeareth by the said Informacon that they
those defendte are marchante of London and the goode
in question their owne proper goods, and for that the
Staat by an Act of Parliament made in the eighteenth
yeare of King Edw: the third are and ought to be free
and open for all marchante to passe wth their
marchandize at their pleasure, where pleaseth
them, and for that it appeareth not in the Informacon
that any Customes or duties are due to his mate
for their said goods and marchandize either by the
lawes of this kingdome or by any Act of pliam:
or otherwise and for that it appeareth the said goods
being acknowledged to bee the defendte proper goode
as aforesaid, were not in his mate Storehouse but
on the said Dartnolls wharfe, and it appeareth
not that the said Dartnoll or any other so much
as pretendes any lawfull cause to detayne them for
that Replevyn are the only ordinary meanes