complains that the said Aquila, on the sixth day of July, in the year, eighteen hundred and seventeen, at Baltimore County aforesaid, in a certain place then called the City of Baltimore, took the said Cable the property of him, the said Isaac, and it unjustly detains against sureties and pledges &c. Wherefore the said Isaac saith he is worse, and hath damage to the value of one hundred dollars, current money and thereupon he brings his suit, & &c. Wm. H. Winder, Atty. for Plaintiff

And thereupon on motion of the said Isaac Creighton, by his Attorney aforesaid, it is ruled by the Court here, that the said Aquilla Carroll answer to the declaration aforesaid, of the said Isaac Creighton in the plea aforesaid, or Judgment by the Court here will be rendered against him in default thereof. And the said Aquilla Carroll, by his said Attornies, defends the force and injury, when and &c. forth and prays leave of the Court here to imparle until the third Monday of September next to answer to the Declaration aforesaid, of the said Isaac Creighton, in the plea aforesaid, and to him it is granted; the same days given to the said Isaac Creighton then and &c. forth.

At which said third Monday of September, to wit, in the year of our Lord one thousand eight hundred and nineteen, until which day the said Aquila Carroll had leave to imparle, and then to answer to the Declaration aforesaid, of the said Isaac Creighton, in the plea aforesaid, comes again into the County Court here, as well the said Isaac Creighton, by his Attorney aforesaid, as the said Aquila Carroll by his Attornies aforesaid; And thereupon on motion of the said Isaac Creighton, by his Attorney aforesaid, it is further ruled by the Court here, that the said Aquila Carroll answer to the Declaration aforesaid, of the said Isaac Creighton, in the plea aforesaid, or judgment by the Court here will be rendered against him in default thereof. And the said Aquila Carroll, by his said Attornies, as before defends the force and injury, when and &c. forth, and prays leave of the Court here further to imparle until the fourth Monday of March next, and then to answer to the Declaration aforesaid, of the said Isaac Creighton, in the plea aforesaid, and he hath it the same day given to the said Aquila Carroll, also.

And now here, at this day, the said fourth Monday of March, to wit, in the year of our Lord, one thousand eight hundred and twenty, until which day the said Aquila Carroll had leave further to imparle and then to answer to the declaration aforesaid, of the said Isaac Creighton, in the plea aforesaid, comes again into the County Court here, as well the said Isaac Creighton by William H. Winder, William Pinkney and Jonathan Meredith, Esquires, his Attornies, as the said Aquilla Carroll, by his Attornies aforesaid; And the said Aquila Carroll, by his said Attornies, as before, defends the force and injury, when and &c. forth, and as bailiff of the Mayor and City Council of Baltimore, well acknowledges the taking of the said Cable, in the said place, in which, and &c. forth, and justly, and &c. forth, because he says, that the seizing, taking and detaining of the said Cable, in the said declaration mentioned, was by him made and done, by and in the name of the said Mayor and City Council of Baltimore, and with and by their authority and direction, as and for a distress of Seven dollars Tax or wharfage due and payable by the said Creighton to the said Mayor and City Council of Baltimore before and at the time of said seizing and taking of the said Cable, to wit, at the County aforesaid; which said sum the said Creighton then and there refused to pay; and because the same Toll Tax or wharfage was

then and there unpaid, at the said time, when and &c. forth, and in arrear, the said Aquila, as Bailiff to the said Mayor and City Council of Baltimore, well acknowledges the taking of the said Cable in the said Declaration mentioned, in the said place in which, and &c. forth, and justly, and &c. forth, in the name of a distress for the said Tax or Wharfage, so unpaid as aforesaid, and this he is ready to verify. Wherefore he prays Judgment, and a return of the Cable aforesaid, to be adjudged to him, and &c. forth. And the said Isaac Creighton, by his said Attornies says that the said Aquila Carroll, as Bailiff of the said Mayor and City Council of Baltimore, the taking of the Cable aforesaid, of him, the said Isaac Creighton, in the said place, in which, and &c. forth, ought not to acknowledge justly, because he says, that the said Aquilla Carroll, on the day and year aforesaid, in the Declaration aforesaid mentioned of his own wrong and without such cause by him in his cognizance aforesaid, above mentioned, the Cable aforesaid, of him, the said Isaac, in the said place, in which and &c. forth, took, and unjustly detained, against sureties and pledges, and &c. forth, in manner and form as he, the said Isaac Creighton above against him complains, and this he prays may be enquired of by the Country; and the said Aquila Carroll likewise and &c. forth.

Nevertheless the said Aquilla Carroll, by his attornies aforesaid, relinquishing the argument aforesaid, above by him pretended, says, that he cannot deny the action aforesaid, of the said Isaac Creighton, so as aforesaid, against him brought, nor but that he did take the said Cable of the said Isaac Creighton, in manner and form as the said Isaac Creighton above against him thereof hath complained, nor but that the said Isaac Creighton hath sustained damages by reason of the taking and unjustly detaining of the Cable aforesaid, of him, the said Isaac Creighton in the declaration aforesaid mentioned, to the sum of one hundred dollars, current money, as he hath therein supposed. Yet the said Aquila Carroll says, that this confession is, by him, made subject to the opinion of the Court thereon, the following statement of facts to wit:

Isaac Creighton vs Aquila Carroll	Baltimore County Court March Term 1820 Action of Replevin. Judgment for the Plaintiff subject to the opinion of the Court on the following Statement. In this case the Defendant, being a Constable, was duly authorized by

the Mayor and City Council of Baltimore, to levy a distress on the goods of the Plaintiff, whose vessel had been, and was then, lying at a wharf called Smith's Wharf within the City of Baltimore for the payment of a tax or Wharfage due to them for so lying at the said Wharf, conformably to ordinances passed by the said Corporation. The Plaintiff replevied the said goods – It is admitted the said Tax or Wharfage was due by the Plaintiff to the Corporation, provided the Corporation had a right to levy or collect taxes or wharfage upon Vessels lying at the said Wharf; and the only question in this case is whether the Mayor and City Council of Baltimore have a right to levy a Tax or impose a Wharfage upon Vessels lying at the said Wharf? If they have such right, then it is agreed that the judgment in this case shall be stricken out, and Judgment for the Defendant be entered: but if they have no such right, then the Judgment aforesaid is to stand – Both parties do hereby release all errors in the pleadings and legal proceedings, and either party may appeal from the decision of Baltimore County Court, to the Court of Appeals.

It is admitted that Gay Street was originally laid out to the edge of the Basin, a little to the South of Water Street, as exhibited on the plott herewith filed, and agreed to be a part of this Statement, and that John Smith was the proprietor of Lot No. 90 as designated on said plott:–