seventeen hundred and Eighty five it was amongst other things enacted that Charles Carroll of Carrollton, John Ball, Brice Thomas Beale Worthington James Price and William Pye the third or the major part of them should be Commissioners and were thereby authorised to purchase for the use of Anne Arundel County a piece of ground in the city of Annapolis whereon to build a new prison and the said Commissioners were thereby empowered to contract for materials and to agree with workmen to build and finish the said prison and that the Justices of Anne Arundel County for the time being be and were thereby authorised and directed at their August County in the years Seventeen hundred and Eighty Six, Seventeen hundred and Eighty Seven and Seventeen hundred and Eighty eight to impose on the assessable property of their said County the sum of fifteen hundred pounds current money to be assessed in three equal proportions together with an allowance to the Collector of four pecent for collection which sum so assessed should be collected by the Collector of Anne Arundel County aforesaid as other County taxes are collected and when so collected should be paid to the Commissioners in the said act mentioned or the major part of them to be by them applied in purchasing the ground and erecting a public prison for the said County and the said Thomas Jennings who for the State in this part prosecuteth in fact saith that during the continuance of the said Benjamin in his office of Collector of Anne Arundel County aforesaid the Justices of Anne Arundel County aforesaid at their August Court in the year of our Lord Seventeen hundred and Eighty Eight did impose on the assessable property of the said County the sum of five hundred pounds current money for the purpose aforesaid to be by the said Benjamin as collector of the county aforesaid collected and paid to the Commissioners aforesaid or the major part of them in the year of our Lord Seventeen hundred and Eighty nine according to the form of the act of assembly aforesaid which said sum of five hundred pounds current money the aforesaid Benjamin after the making of the working Obligatory aforesaid by virtue of the act of assembly aforesaid and his office of Collector aforesaid did in the year of our Lord Seventeen hundred and Eighty nine at the county aforesaid collect and received but neither the aforesaid Benjamin in his lifetime nor the aforesaid Martha since the death of her the said Benjamin (although often thereunto required) the aforesaid sum of five hundred pounds current money to the Commissioners aforesaid or the major (part)

part of them according to the form and effect of the condition aforesaid hath rendred or paid but the same to them or the major part of them to render or pay they have altogether refused and the said Martha still doth refuse and this the said Thomas Jennings who for the State in this part prosecuteth is ready to verify wherefore he prays Judgment for the Debt aforesaid together with the damages occasioned by the Detention of the said Debt to the said State to be adjudged and forsooth.

And thereupon, on motion of the said State of Maryland by its attorney aforesaid it is ruled by the Court here, that the said Martha Howard Executrix as aforesaid rejoin to the replication of the said State of Maryland in the plea aforesaid or Judgment will be rendered against her in default thereof: and the said Martha Howard Executrix as aforesaid by her attorney aforesaid, as before defendy the force and injury when and wherefore, and prays leave of the Court here to imparle untill the second Tuesday of May next and then to rejoin to the replication aforesaid, and to her it is granted the same day is given to the said State of Maryland also.

And now at this day to wit the said second Tuesday of May being the tenth day of the same month in the year of our Lord one Thousand seven hundred and ninety six, come again into the general Court here as well the said State of Maryland by its attorney aforesaid as the said Martha Howard Executrix as aforesaid by her attorney aforesaid, and the said Martha Howard Executrix as aforesaid by her attorney aforesaid relinquishing the averment aforesaid by her pretended saith that she cannot deny the action of the said State of Maryland nor but that she detains from the said State of Maryland the said sum of five Thousand pounds current money in manner and form as the said State of Maryland above thereof complains: Therefore it is considered by the Court here that the said State of Maryland recover against the said Martha Howard Executrix of Benjamin Howard as well the sum of five Thousand pounds current money its Debt aforesaid, as the quantity of seven hundred and nine pounds of Tobacco for its Damages which it hath sustained, as well by reason of the Detention of the said Debt as for its costs and charges by it about its suit in this behalf laid out and expended, to be levied of the goods and chattels which were of the said Benjamin Howard at the time of his Death in the hands of the said Martha Howard remaining to be administered if so much thereof in her hands to be administered she hath, and if so much thereof in her hand to be administered she hath not then the costs and charges aforesaid to be levied of the proper goods and (chattels)