against him in default thereof: and the said Richard Chew by his attornies aforesaid as before defends the force and injury when and so forth, and prays further leave of the court here to imparle until the second Tuesday of May next, and then to answer to the Declaration aforesaid, of the aforesaid State of Maryland in the plea aforesaid, and to him it is granted, the same day is given to the aforesaid State of Maryland also.

At which said second Tuesday of May being the ninth day of the same month in the year of our Lord one thousand seven hundred and ninety seven, to which said day the said Richard Chew had further leave to imparle, and then to answer to the declaration aforesaid, of the aforesaid State of Maryland, in the plea aforesaid, come again into the General Court here as well the aforesaid State of Maryland, by William Cooke it's attorney aforesaid in this behalf, as the said Richard Chew by his attornies aforesaid. And the said Richard Chew by his attornies aforesaid as before defends the force and injury when and so forth, and prays an hearing of the writing obligatory aforesaid, and the condition thereof, and they are read to him, in these words following to wit

Maryland set Know all men by these presents, that we William Goldsmith, Samuel Lloyd Chew, Richard Chew, James Pattison of Anne Arundel County and State aforesaid, are held and firmly bound unto the State of Maryland in the full and just sum of ten thousand pounds current money to be paid to the said State, to the which payment well and truly to be made and done we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, seaded with our seals, and dated this tenth day of November anno Domini 1792. The condition of the above obligation is such that if the above bound William Goldsmith who is appointed collector of the assessment for Anne Arundel County for the year seventeen hundred and ninety two, shall well and faithfully execute his office, and the several duties required of him by Law, and shall well and truly account for and pay to the Justices of Anne Arundel County Court, or their order the several sums of money he shall be answerable for in virtue of said office on or before the twentieth day of September seventeen hundred and ninety three, and shall in all things well truly and faithfully execute and perform all and singular the duties matters and things

things which as collector aforesaid he ought to transact and execute then the above obligation to be void, else to remain in full force and virtue in law.

Which being read and heard the said Richard saith that the said State the action aforesaid thereof against him to have or maintain ought not, because he saith that the aforesaid William Goldsmith from the time of the making of the writing obligatory aforesaid hath hitherto well and faithfully observed performed and fulfilled all and every thing in the the condition aforesaid mentioned on his part to be observed, performed and fulfilled according to the form and effect of the said condition, and this he is ready to verify, wherefore he prays judgment if the said State the action aforesaid thereof against him to have or maintain ought and so forth.

And the said State of Maryland by William Cooke saith that by any thing in the plea of the said Richard Chew above pleaded the State of Maryland aforesaid ought not to be precluded from having and maintaining the action aforesaid against him because protesting that the said William Goldsmith in the condition of the writing obligatory mentioned, hath not done and performed any thing in the condition of the said writing obligatory which according to the form and effect thereof he ought to have done, for Replication to the said plea the said William Cooke saith that by an act of assembly of this state passed at November Session seventeen hundred and ninety one entituled "An "act to lay out Roads in Anne Arundel and Montgomery counties" it was among other things enacted, That one road through Anne Arundel from the turnpike road in Baltimore County until it intersects the road from Frederick Town at the line of Frederick County near William Hobb's should be laid out, surveyd marked, bounded, and cleared in the manner in the said act directed, and that Michael Pue, John Snowden, and Caleb Dorsey of Thomas Beall were thereby appointed commissioners to lay out and survey mark and bound the same road who accepted of the said trust; and the said State by William Cooke further saith that by the said Act it was further enacted that the justices of the peace of Anne Arundel County, at their Levy Court to be held next after the first of January then next and thereafter in the last Court of the year annually should levy a sum of money, not exceeding two shillings and six pence current money on every hundred pounds of

assessable