whereunto and so forth, and saith that the said State its Action aforesaid against him to have ought not, because he says, that he the said Richard before the imputation of the Writ aforesaid in this cause had fully administered all the Goods and Chattels which were of the aforesaid Lloyd Chew at the time of his death in the hands of the said Richard to be administered and that the said Richard Harrison hath not, nor had he at the time of the imputation of the Writ aforesaid nor ever after had he any Goods or Chattels which were of the aforesaid Samuel Lloyd Chew at the time of his death in his hands to be administered wherewith the Debt aforesaid or any part thereof he might pay and this he is ready to verify wherefore he prays Judgment if the said State its Action aforesaid against him to have or maintain ought and so forth.

And the aforesaid State of Maryland by its Attorney aforesaid prays leave of the Court here to imparle until the second Tuesday of October next; and then to Reply to the answer aforesaid of the said Richard Harrison administrator as aforesaid in the plea aforesaid and to it, it is granted, the same day is given to the said Richard Harrison administrator as aforesaid also. Thereupon further process of and upon the premises, between the parties aforesaid by order of the Court here thereon, is continued until the said second Tuesday of October next following. At which said second Tuesday of October being the ninth day of the same month, in the Year of our Lord one thousand seven hundred and ninety eight; to which said day the aforesaid State of Maryland had leave to imparle, comes again into the General Court here as well the aforesaid State of Maryland by its Attorney aforesaid, as the said Richard Harrison administrator as aforesaid by his Attorney aforesaid; And the said State of Maryland by William Cooke its Attorney in this behalf saith that by anything in the first plea of the said Richard Harrison above pleaded the said State of Maryland ought not to be precluded from having and maintaining the action aforesaid against him because protesting that the said William Goldsmith hath not done and performed any thing in the Condition of the writing obligatory aforesaid mentioned which according to the form and effect thereof he ought to have done, for Replication to the said first plea the said State by the said William Cooke saith that by an Act of Assembly of this State passed at November Session seventeen hundred and ninety one entitled "An Act to lay out certain Roads in Anne Arundel and Montgomery Counties" It was among other things enacted that one Road through Ann Arundel County from the Turnpike Road in Baltimore County until

until it intersects the Road from Frederick Town at the line of Frederick County near William Hobbs's should be laid out, surveyed, marked bounded and cleared in the manner in the said Act directed and that Michael Pue, John Snowden and Caleb Dorsey of Thomas Beale were thereby appointed Commissioners to lay out survey mark and bound the same Road who accepted of the said Trust And the said State by the said 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 day 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 hundreds worth of Assessable property in the said County to be collected in the same manner at the same times and by the same persons as other County Taxes are collected and shall be paid quarter yearly into the hands of the Commissioners aforesaid And the said State by the said William Cooke further saith that after the passing the said Act and after the making the said Writing obligatory at a Levy Court held at the City of Annapolis in and for Anne Arundel County on the Fourth Tuesday of November in the year seventeen hundred and ninety two there was assessed and levyed to the said Commissioners for laying out the Road through Ann Arundel County by the Justices of the peace for the said County the sum of Six hundred and twenty seven pounds nine shillings Current Money to be collected from the assessable property in the said County and to be paid to the said Commissioners pursuant to the directions of the said Act; and the said State by the said William Cook further saith, that the said William Goldsmith then being Collector of the Assessments and County taxes of the said County for the year seventeen hundred and ninety two aforesaid thereunto duly authorized and appointed then and there had notice that the said sum of six hundred and twenty seven pounds nine shillings Current Money was assessed and levied by the said Justices to the use of the said Commissioners and the said William Goldsmith as Collector of the Assessments and taxes aforesaid was then and there by virtue of the Act of Assembly aforesaid entrusted and authorized to collect and receive the same and so being entrusted and authorized to collect and receive the same he the said William Goldsmith afterwards and before the imputation of the Original Writ in this Cause as Collector of the Assessments and taxes of the said County did collect and receive from the Assessable property in the said County the aforesaid sum of Six hundred and twenty seven pounds nine shillings Current Money to wit at the County aforesaid, Nevertheless the said William Goldsmith the said sum of Current Money or any part thereof

(hath)