affixes her Declaration in Trespass aforesaid against the said Henry Robinson and James Kirkhead executors as aforesaid, in manner and form following, to wit, Cecil County, to wit, Henry Robinson and James Kirkhead, late of Cecil County, executors of the last will and Testament of John Concoe, late of the said County deceased, were summoned, to answer unto the State of Maryland, of a plea that they render unto the said State the sum of two hundred and ninety six pounds Current money which from him he unjustly detains &c. forth, —

And Whereupon the same State by Luther Martin, its attorney doth that whereas the said John Concoe, in his lifetime to wit, the day of in the year Seventeen hundred and at the County aforesaid, by his certain writing Obligatory, which sealed with the seal of the said John the said State here in Court brings the date whereof is the same day and year aforesaid, acknowledged himself to be held and firmly bound unto the said State in the aforesaid sum of two hundred and ninety six pounds Current money to be paid to the said State, when he the said John Concoe should, be thereto afterwards required, to the payment whereof the said John Concoe, did bind himself his Executors and Administrators firmly by the same writing Nevertheless the said John Concoe, in his lifetime to the said Henry & James after the death of the said John to the often required the sum of money aforesaid nay part thereof to the said State, have not nor each either of them paid, but the same to the said State, to pay the said John in his lifetime and the said Henry & James after the death of the said John have hitherto altogether refused and to pay the same to the said State the said Henry and James doth still refuse to the damage of the said State in the sum of one hundred pounds Current money, and thereupon he brings suit &c.

Luther Martin atty Genl. for the State, John Doe Richard Roe, pledges —

The writing Obligatory whereof mention is made in the aforegoing Declaration ensues in the following words to wit, Maryland S.t Know all men by these presents that we Henry Robinson and John Concoe of Cecil County are held and firmly bound unto the State of Maryland in the just and just sum of two hundred pounds and ninety six pounds gold Currency, to be paid to the said State of Maryland: 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 & severally firmly by these presents Sealed with our Seals and dated this twenty third day of August Anno Domini One thousand Seven hundred and eighty two, The Condition of the above Obligation is such that if the above bound Henry Robinson do and shall well and truly pay or Cause to be paid to the Honorable Major General Smallwood, or his Order the sum of forty nine pounds six shillings and eight pence Current money with legal interest, on or before the tenth day of October next and the further sum of forty nine pounds 6/8 like money with legal Interest on or before the twenty third day of November next and also the sum of forty nine pounds 6/8 Currency aforesaid, with legal thereon on or before the twenty third day of June next then the above Obligation to be void otherwise of force

Signed Sealed and Delivered in the presence of — Henry Robinson (Seal)
Patrick Hamilton, John Concoe (Seal)

And the said State of Maryland, by her attorney aforesaid, prays that the said Henry Robinson and James Kirkhead Executors as aforesaid, might be ruled to file their plea

in answer to the declaration after the said State of Maryland, on or before the second Tuesday in September then next following, or that Judgment on default thereof against the said Henry Robinson and James Kirkhead, Executors as aforesaid, might be rendered, and it was granted unto them the same day was given to the said State of Maryland there &c. At which said second Tuesday in September to wit, in the year Seventeen hundred and ninety three, here came again the parties aforesaid by their attorneys aforesaid, and the said State of Maryland by her attorney aforesaid, prays that the said Henry Robinson and James Kirkhead, executors as aforesaid, might be further ruled to file their plea in answer to the Declaration aforesaid after the said State of Maryland, on or before the second Tuesday in September then next following and it was granted unto them the same day was given to the said State of Maryland there &c. —

And now here on this day to wit, the second Tuesday in September in the year Seventeen hundred & ninety four, here Come again the parties aforesaid by their attorneys aforesaid, and the said Henry Robinson, heirs and James Kirkhead executors as aforesaid, by their attorneys aforesaid affixes their plea in answer to the Declaration aforesaid after the said State of Maryland in manner and form following, to wit,

Henry Robinson & James Kirkhead Exs of John Concoe — ... And the said Henry Robinson and James Kirkhead by William Barnett, their attorney, come and defence the force and injury when and &c. forth &c. and say that the State of Maryland, its action aforesaid against them to have or maintain, ought not because they say that they have fully Administered all the goods and Chattels which were of the said John Concoe at the time of his death which have come to their hands and that they have no goods or Chattels which were of the said John Concoe at the time of his death in their hands to be Administered nor had they at the day of the impetration of the Original writ in this suit nor ever after and this they are ready to verify whereupon they pray Judgment if the said State of Maryland its action aforesaid, against them to have or maintain ought &c.

Wm Barnett atty for Defts

The Defendants Attorney gives notice that under this plea he means to give evidence of Judgment obtained against the Defendants prior to the Commencement of this suit and that they have not nor had they at the time of bringing this suit nor ever after assets beyond what was sufficient to satisfy the said Judgments. Wm Barnett,

Nevertheless the said Henry Robinson and James Kirkhead Executors as aforesaid, by their attorney aforesaid relinquishing the exception above by them pleaded saith that they cannot gainsay the action aforesaid of the said State of Maryland, so as aforesaid, nor Can they deny