Current Money of Maryland now them sufficient to pay the Debts due by the said William at the Time of his Death and his funeral Charges and all Fees arising due on the Administration of his personal Estate And the said Attorney General further saith that the said Ann the Wife of the said Thomas Lee who are named in the endorsement on the Original Writ in this Cause is the Daughter and only Child of the said William Hagarthy in the aforesaid Writing named and further that the said William at the Time of his Death left Ann his Wife and Mother of the said Ann then living which said Ann afterwards during her Life remained a Widow and before the impetration of the Writ in this Cause dyed leaving the said Ann her Daughter and only Child And the said Attorney General further saith that the said William Hagarthy his personal Estate after payment of his Debts funeral Charges and all fees due on the Administration thereof being the sum of Ninety nine pounds eighteen Shillings which sum at the Day of the impetration of the Original Writ in this Cause was by the Laws of this Province due and payable to the said Thomas Lee and Ann his Wife of which the said Thomas and Ann his Wife on the tenth Day of December in the Year seventeen hundred fifty eight at Kent County aforesaid to the same James Pearce gave Notice which said sum of Money the said James ought by virtue of the Administration aforesaid to the said Gideon in his Life Time granted to have paid to the said Thomas and Ann his Wife Nevertheless the aforesaid Gideon in his Life Time nor the aforesaid James and Ann Pearce Executors of the said Gideon in the Life Time of the said Ann or the aforesaid James after the Death of the said Ann Pearce altho often required the aforesaid sum of Money unto the said Ann Hagarthy while she was Sole or to the said Thomas and Ann his Wife after the espousals between them Celebrated yet hath not paid but that unto the said Ann while she was Sole and to the said Thomas and Ann after the Espousals between them celebrated hitherto to pay altogether hath refused and the same to the said Thomas and Ann to pay still doth refuse and unjustly detain and this the Attorney General is ready to verifie wherefore he prays Judgment for the Debt aforesaid together with the Damages sustained by occasion of the Detention of that Debt to the said Lord Proprietary to be Adjudged and so forth with this that said Attorney General will aver that Thomas Lee and Ann his Wife in the Indorsement on the Writ aforesaid mentioned at whose request the said Writ was Sued and Thomas Lee and Ann his Wife in the Replication above mentioned are one and the same person

(and)

and not other or diverse And the said Attorney General further saith that the Lorde Proprietary aforesaid by any Thing by the said James in this third plea above alledged to be precluded ought not because he saith that in and by the Act of Assembly aforesaid in the third plea above alledged it is thereby provided that nothing in the aforesaid Act shall be Construed to Bar any person within the Age of twenty one Years Feme Covert Non Compos Mentis or Imprisoned or persons beyond Seas from bringing an Action or Actions within six Years after their Coming to or being of full Age uncovert Sound Memory or at large or Returned from beyond Seas upon any Administration or Testamentary Bonds as in and by the said Proviso may appear And the said Attorney General further saith that at the Time of passing the Writing Obligatory aforesaid the said Thomas and Ann his Wife were Commorant and inhabiting in parts beyond Sea to wit in the Island of Barbadoes and there continually remained and dwell until the tenth Day of May in the year seventeen hundred fifty eight on which Day and not before the said Thomas and Ann his Wife into the Province of Maryland did come to wit at Kent County aforesaid and the said Attorney General further saith that the Writ aforesaid was sued in this Cause within six Years next after their coming into this Province as aforesaid to wit on the Day of in the year seventeen hundred and this the said Attorney General is ready to verifie wherefore he prays Judgment for the Debt aforesaid together with the Damages aforesaid sustained by Occasion of the detention of that Debt to the said Proprietary to be Adjudged and so forth

And the aforesaid James Pearce saith that by any Thing by the aforesaid Attorney General above to the second plea of him the said James by replying pleaded the said Attorney the Action aforesaid for the said Lord Proprietary thereof against him to have or maintain ought not because protesting that the personal Estate of the aforesaid William Hagarthy after the payment of his Debts funeral Charges and all fees due on the Administration thereof did amount to the sum of ninety eight pounds five Shillings and eleven pence Current Money only and not to the said sum of ninety nine pounds eighteen Shillings protesting also that the said Ann the Widow of the said William Hagarthy was by the Laws of this Province intitled to receive one third part of the said sum of ninety eight pounds five shillings and eleven pence protesting also that the said Gideon Pearce in the Writing Obligatory aforesaid mentioned in his Life Time did pay the aforesaid sum of Ninety eight pounds five shillings and eleven pence to the persons appointed by Law to receive the same for plea the said James Pearce saith that the said Ann the Wife of the aforesaid Thomas Lee

(in)