second Tuesday of March in the year of our Lord, one thousand seven hundred and eighty five, comes again as well the said Nathan Phillips & Elizabeth his Wife Administratrix aforesaid by their Attorney aforesaid as the said Ann Savier Executrix as aforesaid by her Attorney aforesaid as before comes and further defends the force and injury when and where &c. and saith that she ought not to be charged with the said Debt by virtue of the writing aforesaid, because she saith that the writing aforesaid is not the Deed of the said Thomas Savier her Intestate; and of this she put herself upon the Country: And the said Nathan & Wife in like manner and &c. saith: And the said Ann saith, that they the said Nathan & Wife ought not to have or maintain their Action aforesaid thereof against her because she saith, that the said Thomas her Intestate in his life time, at and upon the said days of mentioned in the Condition paid to the said Nathan & Wife the aforesaid sum of in the Condition aforesaid specified, according to the form and effect of the said Condition; and this she is ready to verify: Wherefore she prays Judgment whether the said Nathan & Wife their Action aforesaid thereof against her to have or maintain ought and &c. And the said Ann with the leave of the Court here and according to the Statute in such Case lately made and provided by her Attorney aforesaid further comes and defends the force and injury when and where &c. and saith that the said Plaintiff ought not to have and maintain their Action aforesaid because she saith that she hath fully Administered all and singular the Goods & Chattels, Rights and Credits which were of the aforesaid Thomas at the time of his death, and that she hath not, nor had she at the day of obtaining the original Writ of the said Plaintiff aforesaid, nor at any time afterwards any Goods and Chattels which were of the aforesaid Thomas at the time of his death in her hands to be Administered whereby the said Ann could have paid to the Plaintiff the Debt aforesaid; and this she is ready to verify: Wherefore she prays Judgment whether the said Plaintiff ought to have and maintain their Action thereupon against her &c.

Thereupon the said Nathaniel Phillips and Elizabeth his Wife Administratrix as aforesaid, as the said Ann Savier Executrix as aforesaid by their Attornies aforesaid do suggest to the Court now here that a Material Witness in this Cause is beyond Sea and therefore pray a further day may be given them for the Trial thereof: Whereupon with consent of the parties aforesaid day is given to the same parties here for the Trial thereof until the Monday before the second Tuesday of June in the year aforesaid, comes again the said parties, Plaintiff and Defendant by their Attornies aforesaid, and do suggest to the Court now here that a Material Witness in this Cause is beyond Sea, therefore pray a further day be given them for the Trial thereof; whereupon with consent of the parties aforesaid day is given to the same parties here for the Trial of this Cause until the Monday before the second Tuesday of October next. At which said Monday before the second Tuesday of October in the year aforesaid comes again as well the said Nathan Phillips & Wife Administratrix aforesaid by their Attorney aforesaid, as the said as the said Ann Savier Executrix as aforesaid by her Attorney aforesaid as before comes and further defends the force and Injury when &c. saith: Yet nevertheless the said Ann relinquishes the Avowment aforesaid above by her pretended and saith she cannot deny the Action aforesaid of the aforesaid Nathan Phillips and Elizabeth his Wife Administratrix as aforesaid, so as aforesaid against her brought, not but that she hath Goods and Chattels which were of the said Thomas at the time of his death in her hands to be Administered, nor likewise but that they the said Nathan Phillips and Wife Administratrix as aforesaid ought to recover their Debt aforesaid of the Goods and Chattels which were of the aforesaid Thomas at the time of his death in her hands remaining to be Administered: Whereupon the said Nathan Phillips and Elizabeth his Wife Administratrix as aforesaid by their Attorney aforesaid prays Judgment for the Debt aforesaid together with their Costs and Charges by them about their Suit in this part laid out and expended, may be adjudged of the Goods and Chattels which were of Thomas Savier, Deceased; Therefore it is considered by the Justices of the Court now here that the said Nathan Phillips and Elizabeth his Wife Administratrix of Hannah Hankey, recover Judgment against the said Ann Savier