

bears date on the 15th of September, 1817, and from another written by William Dawson to James Clerklee, on the 9th of July, 1818, was written some time about the close of the year 1817. In this letter, without date, after explaining her motives for having the legacy transferred to and invested in this country, she says, "I therefore, with my daughters Ann, who is of age, Eleanor, Caroline and Elizabeth, who are of an age capable of judging what is for their advantage, all having an interest in this legacy, unite, by their signatures, in this my request, as does Mr. Clerklee, in behalf of our two youngest children; and we therefore sincerely hope you will no longer delay complying with our request."

What were the exact ages of Eleanor, Caroline and Elizabeth when they signed this letter does not appear; but it is stated in the bill, and admitted by the answer of Elizabeth, that she was, on the 15th of November, 1824, when the bill was filed, then a * minor; and consequently, Elizabeth could not then have attained the sixteenth year of her age. Hence, when Margaret Russell Clerklee said, that "Eleanor, Caroline and Elizabeth were of an age capable of judging what was for their advantage," she could have had no reference to the legal age of sixteen, when the law gives to a female a capacity to receive her estate; 1715, ch. 39, s. 15; since altered by 1829, ch. 216, s. 5, and 1831, ch. 305, s. 5; or indeed to any thing more than her opinion of the then natural capacity of her children. It is proved, that Margaret Russell Clerklee, and James Clerklee signed this letter; but there is no proof of the other signatures.

After the receipt of this letter, the trustee William Dawson, in a letter, dated on the 9th of July, 1818, and addressed to James Clerklee, the husband and parent of these legatees, says, "I have much pleasure in stating to you, Mr. J. Clerk has consented to the legacy being transferred to this country; and further, what probably you have not much idea of, that by the advance in price in the funds, and some interest, since the death of Major Clerk, the amount paid to my bankers is £2,406 14s. 2d. sterling." This surviving trustee Dawson, thus distinctly states, that he had sold the public stocks of Great Britain in which this legacy of £1,500 had been invested; and the sum which he had received for it.

It is stated and admitted, that James Clerklee and his wife Margaret Russell Clerklee are both dead; and it is admitted, that at the time of her death she left six children; Ann Russell Contee, the wife of Philip A. L. Contee, Eleanor Contee, the wife of Edmund H. Contee, Caroline Ashton Hawkins, the wife of Josias Hawkins, Elizabeth Clerklee, now of full age, and Margaret Clerklee, and Sarah Emily Clerklee, who are as yet unmarried infants.