upon fol. the said Defendants produces not such Deeds
It is considered by the Court here that the said County Court of
Annarundell Notwithstanding the said Writ of Error proceed
in the action aft. as if the said Writ of Error had never found
any thing in the said writt Contained notwithstanding and that
Judgt thereupon according to Law be the Effect of the Writt

John Henotts Adm.
vs
Alexander Lyle.

This Cause is by the Court ordered to be Discontinued

Samuel Cooksey
vs
Michl. Curlis Ad.
& Justinian Gerard

Pltf. il somon Ded that on the twenty eth day of
July Anno Dm 1703 the Ma.tys Writ of Enquiry of
Damages issued in these words viz.

ANNE by the Grace of God of England Scotland France & Ireland
Queen Defender of the Faith &c. To the Sheriff of St Marys County
greeting Whereas Samuel Cooksey lately in our provincial Court before
the Judges of our said Court held at Annapolis in Ann Arundell County
had impleaded Michaell Curlis & Sarah his wife Executors &c. of
Justinian Gerard dec.d for that whereas the said Justinian the fourth
day of August in the year of our Lord one thousand six hundred Eighty
two at St Clements Mannour in St Marys County made his last will &
Testament in writing & thereof made the said Sarah one of the
Defendants his Exec.x & afterwards by a certain Indenture made
at St Clements Mannour in St Maries County the second day of October
in the year of our Lord one thousand five hundred Eighty Eight be-
tween the said Justinian in his life by the name of Justinian Gerard
in St Clements Mannour in St Marys County aforesaid in the province of
Maryland Gent of the one part & the said Samuel by the Name of Sam.l
Cooksey of the other part one part of which said Indenture sealed with the
Seale of the said Justinian in his life time the said Samuel bringeth there
into Court the date whereof is the same day & year. It is Covenanted that for &
in Consideration of the Quantity of Seven thousand pounds of Tob.o unto him the
said Justinian Gerard before the ensealing & delivery of the said Indenture by the

said



said Indenture by the said Samuel Cooksey well & truly paid the receipt
whereof the said Justinian Gerard did thereby acknowledge & thereof
fully satisfied & paid & therefrom & of every part & parcel thereof did thereby acquit
discharge & release the said Samuel Cooksey his Heirs Ex.rs & Adm.rs & every of
them for ever by the said Indenture had given Granted Released Bargained Sold
aliened transferred Enfeoffed & Confirmed & by the said Indenture did give grant
bargain Sell alienate assign transfer Enfeoff & Confirm unto the said Samuel
Cooksey his Heirs & Assigns for ever all that parcell or tract of Land lying
situate & being in the aforesaid County of St Marys being part & parcel of the said
Justinian Gerards Mannour of St Clements butting & bounding as follows (that is to say)
Beginning at a bounded red oak standing in the East North East line of William
Hodgson Lyeson by the name of Wallace tree & binding upon Hodgson & so
South East fourty seven perches to a bounded poc Hickory thence West South West
half a point West forty one hundred Eighty perches to a bounded white oak by the
said Hodgson's thence up the Branch North North West twenty Eight perches to a
bounded white oak in the Branch thence North East, South fifty two perches to a bounded
poc Hickory that stands in the main Road that goes from Bramby Town to
the Race thence as the Road doth run to the first bounded tree Compassed & laid
out for one hundred Acres be it more or less together with all Houses Edifices
Gardens Orchards & all & singular other the premisses to the same belonging
or in any wise appertaining together with the free liberty of Hunting Fishing
Fishing & Fowling upon the said Mannour or any part thereof together with the
priviledge to fell & make use any Timber in full & necessary for building & fencing
upon the bargained premisses growing & being upon the said Mannour in forest & not
enclosed to have & to hold the said parcel of Land & premisses with their & every of
their appurtenances before by the said Indenture bargained & sold & thereby
intended to be bargained & sold together with all the priviledges before men-
tioned in the Manner aft. to him the said Samuel Cooksey his heirs & Assigns
to the sole proper use & behoof of the said Samuel Cooksey his heirs & Assigns for
ever. And the said Justinian Gerard for himself his heirs Ex.rs & Adm.rs did by
the said Indenture Covenant & promise & grant to & with the said Samuel Cooksey
his heirs & Assigns that he the said Justinian Gerard his heirs Ex.rs & Adm.rs the
said land & other the bargained premisses & every part & parcel thereof with
their & every of their appurtenances unto him the said Sam.l Cooksey his heirs &
Assigns & against all other person or persons whatsoever should & would warrant &

forever