" may or shall come to her hands Possession or Knowledge (appraised in Money) and also
" a True and Just Account of and upon her Administration therein touching which Inventory
" she is presently Assigned to perform or at furthest at or before the 11th Day of April next
" ensuing and an Account within Twelve Months from the date of the Presents Given at
" St Maries under the Seal of our Office for probat of Wills &c. this 1st Day of January in the 16th
" Year of our Dominion &c. Annoque Domini 1690 Witness our Trusty and Well beloved
" Henry Darnall & Clement Hill Esqrs our Judges or Commissarys General for Probat of Wills
" &c. in our said Province of Maryland"

The Defendants Counsel prayed the Direction of the Court to the Jury that the said Justinian Gerards Will aforesaid not being proved by the Witnesses thereto as the Statutes of Frauds and Perjurys directs otherwise or in any other manner than as mentioned in the Letters Testamentary is altogether Insufficient in Law to prove the Right in the Said Sarah Gerard and her Heirs and to prove the Issue on the part of the Plaintiff and the Court gave their Opinion that the Will was good & Sufficient Evidence to be read to the Jury, To which the Defendant Excepts

The Defendants Counsel offered a Deed of Gift in these Words

" To all People to whom this present Writing shall come I Thomas Gerard of St Clements
" Manor in St Marys County in the Provinle of Maryland Esqr send Greeting Know Ye
" That I the said Thomas Gerard as well for and in Consideration of the Natural Affection
" and Paternal Love which I have and do bear unto my Beloved Son Justinian Gerard
" of the same Manner and County aforesaid as also for diveis other good Causes and
" Considerations me at this present especially moving Have Given and Granted and by
" these Presents Do Give Grant & Confirm unto the said Justinian Gerard all and Singular
" that Tract and parcel of Land known & called by the Name of Brambly Plantation
" or Gerards Brambly Situated lying and being in the County aforesaid and at the
" Instant in the Tenure & Occupation of me the Said Thomas Gerard which Plantation
" belongeth or Appertaineth unto St Clements Manor aforementioned and is
" Bounded as followeth to say Beginning at Hay Locks Creek Mouth and so
" running up the Line of Mr Robert Slyes Land or Plantation called Buckwood unto
" the Utmost Patent of the said Manner of the one side & by the River of Wicocomoco
" of the other side up to Brambly Creeks Mouth and so up the said Creek and up the
" Branch thereof to a Marked White Oak with Nine Notches which Boundeth the Land of
" Thomas Notley and from the said Tree running upon a direct Line North East unto the
" Utmost Patent of the said Manner into the Woods containing by Estimation five
" hundred Acres be it more or less Together with all the Orchards Gardens Structures
" Edifices Buildings and all other Hereditaments to the same belonging or any
" manner of way appertaining or with the said Land or Plantation Commonly
" Used Occupyed or Enjoyed or which are Accepted reputed or taken to be part parcel or
" Member of the same Together with all Commons & Common of Pastures whatsoever
" to the same belonging as likewise free Liberty of Hawking Hunting Fishing and
" Fowling in and upon the said Manner or the Liberty thereof Together with all other
" Previledges Benefits & Commodities and felling of Timber upon the said Manner
" as ever by me the said Thomas Gerard hath heretofore been Granted unto any
" Tenant holding of me upon the said Manner or as fully or amply as I the said
" Gerard do or may Possess by my Privilege of my Patent of the said Manner
" from the Lord Baltemore Together with all & singular such Goods & Chattels and

(Implements)

" Implements of House hold Stuff Servants for their respective time to Serve Horse and Mare Cattle
" Hoggs or Swine and Commodities whatsoever as are Contained and Specified in a Certain Schedule
" hereunto Annexed To have and to hold all and Singular the Land or Plantation &c. with all
" the Hereditaments Rights Previledges Goods Chattels and Implements Servants Horse Mare
" Cattle and Hoggs and all other Commodities afore named mentioned or Expressed or Contained in
" the said Schedule aforesaid to the aforesaid Justinian Gerard his Heirs to his and their proper
" and peculiar Uses and Behoof for Ever thereof and therewith to do Use and Dispose at his and
" their Will and Pleasure as of his or their proper Estate Goods and Chattels without any manner
" of Challenge Claim or Demand of me the said Thomas Gerard or of any other Person or
" Persons whatsoever for me in my Name by my Cause means or Procurement and without
" any Money other things therefore to be Yielded paid or done unto me the said Thomas Gerard
" or to any other Person or Persons in any manner of way or Condition whatsoever unto me
" relating Saving unto me the said Thomas Gerard one Barel of Indian Corn and a Couple
" of Cocks Rent Yearly to be paid at the Manner House of St Clements Forty days before or
" after the Feast of the Nativity of our Blessed Saviour and I the said Thomas Gerard all and
" Singular the above Granted Given and Bequeathed Premises unto him the said Justinian
" Gerard and his Heirs to the Use &c. against all Persons do and shall Warrant and for Ever
" defend by these Presents Nevertheless it is the True Intent and meaning of these Presents
" and be it hereby Provided that in case the said Justinian Gerard shall happen to Dye or depart
" this present life without Issue either Male or Female of his Body Lawfully Begotten that
" then in such Case the above said Land or Plantation shall Revert unto the Heirs of him the
" said Thomas Gerard Surviving And further more Know Ye That I the said Thomas
" Gerard in Presence of the Witnesses whose Names are hereunto Subscribed have put the said
" Justinian in full Peaceable & Quiet Possession of all & Singular the aforesaid Premises
" by Delivery of the Land by Turf & Twigg and of the other part of the Premises by ordering and
" saying Justinian go take Possession of all the Premises Contained in the Deed & Schedule
" hereunto Annexed to thine & thy Heirs Use & Uses as is Expressed in the said Deed In
" Confirmation hereof I have hereunto set my hand & Seal the Twenty Seven day of May
" in the Fifteenth Year of the Reign of our Sovereign Lord Charles the Second King of Great
" Britain France and Ireland Defender of the Faith &c. "Tho. Gerrard the O Seal"

" Thomas Gerard Esqr did Sign Seal and Deliver the Deed on the other side as his Act
" Voluntary Act & Deed together with Possession of the Land and other things Expressed in the
" Schedule hereunto annexed in manner and form as is Expressed in the said Deed in Presence
" of Us Thomas Notley, John Smyth, Thomas Cukeley, the mark of John Gee, Clause Cornelison
" Thomas Notley & John Smyth appeared before me and made Oath that Thomas Gerard Esqr
" did Sign Seal and Deliver the within Deed as his Act & Deed unto Justinian Gerard and gave
" Livery & Seisin of all the Particulars as is above mentioned Given under my hand the 30th
" Day of August 1684 "Robert Slye"

" A Schedule of Several Goods & Chattels relating to the Deed unto which these are annexed
" Given and Granted by me Thomas Gerard Esqr unto my Son Justinian Gerard and unto
" his Heirs Forever according to the said Deed being as followeth

" One Bed Bolster Pillows Blankets Rugg & Sheets, Two Iron Potts one Brass Kettle with
" a parcel of Milk Trays and Pails two Saws one Beating Rutle three Pewter Dishes two
" Porringers two Silver Spoons four Guns & Fowling Pieces Seven falling Axes fourteen
" Hoes together with all other Household Stuff now in the Dwelling House of the Plantation
" not here Named or Expressed or which doth here belong or appertain Six Men Servants
" by Name, William Watts, Mark Rumley, Thomas Dunkirdane, John Dash, Jeremiah

(Donow)