

John Coode and ux }
 ag^t }
 Gerard Slye }

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Gerard Slye late of S^t Maries County Gent was Sumōned to answer unto John Coode and Susanna his wife in a plea that whereas they the said John and Susanna in right of her the said Susanna and for terme of her natural life and the aforesaid Gerard doe hold together and undevided One tract of Land or Plantation in S^t Maries County called Bushwood with the appurtenāces he the Said Gerard that Partition may be made thereof betweene them according to the forme of the Statute in that case published and Provided doth deny and the same most unjustly permitt not to be done against the forme of the Statute &c.

And whereupon the Said John and Susanna by Kenelm Cheseldyn their Attorney Saith that whereas they the said John and Susanna in right of her the Said Susanna and the aforesaid Gerard together and individually doe hold the Said Tract of land or Plantation called Bushwood in S^t Maries County aforesaid whereof unto them the Said John and Susanna in right of her the said Susanna it belongeth to have by devise of the last will and Testament of Robert Sly late of S^t Maries County Gent deceased late husband of the said Susanna for terme of her naturall life One part of the said Plantation called Bushwood with the appurtenācs in two parts equally to be divided the dwelling house of the Said Plantation excepted devised to her the Said Susanna in Severalty for the same terme and unto the aforesaid Gerard and his heirs by the same devise it appurteines to have the other part residue of the Said Plantation in two parts as aforesaid to be devised and after the decease of the Said Susanna the whole tract of Land or plantation aforesaid with the appurtenācs to descend to him the Said Gerard and his heirs So that the Said John and Susanna of their part of the said tract of land with the appurtenācs to them thereof belonging and the aforesaid Gerard of his part of the Said tract of land with the appurtenācs to him thereof belonging may be able Severally to apart themselves he the said Gerard Partition thereof to be made and provided doth deny and the same most unjustly permitt not to be done against the forme of the Statute aforesaid whereupon the Said John and Susanna Say they and dampnified and have losse to the Value of thirty thousand pounds of tobacco and thereupon they bring their Suite

And the Said Gerard by Robert Carvile his Attorney cometh and defendeth the force and injury when &c and Saith That partition betweene him and the said John and Susanna his wife of the Plantation called Bushwood ought not to be made according to the forme of the Statute in the declaration mentioned for that he Saith that the Said Robert Sly by his Said last will and Testament did will that when there should happen any division to be made of his estate ac-