

Liber M M cording to his said last Will that the same should be done by the  
 p. 413 discretion of any two or more of his Overseers in the Said Will  
 named without Partiality from time to time as there should be Occa-  
 sion and by none others if they or any two of them were then living  
 and accordingly the said Gerard alwayes was and Still is ready to  
 have partition made of the said Plantation according to the intent  
 of the said Will and this he is ready to averre and thereupon he  
 demands judgment whether partition Ought to be made betweene  
 him and the Said John and Susanna his wife of the Plantation afore-  
 said according to the Said Statute.

And the aforesaid John and Susanna as to the aforesaid plea of  
 the aforesaid Gerard above in barr pleaded Say that they by anything  
 in the same plea before alleadged Ought not to be debarred from  
 haveing Partition made between them the said John Coode and  
 Susanna his wife and the said Gerard Sly of the Said Plantation  
 called Bushwood because they Say they did severall times request the  
 said Gerard that the said Plantation called Bushwood might be di-  
 vided according to the appointment of the said Will in the said plea  
 alleadged and the said Gerard altogether refused the same where-  
 upon the said John and Susanna Say that the said Plantation called  
 Bushwood ought to be divided according to the forme of the Statute  
 abovementioned and of this they pray the judgment of the Court.

Afterwards to witt the eleventh day of December in the 43<sup>th</sup> yeare  
 of the Dominion of Caecilius &c came the said John and Susanna  
 and the Said Gerard by their Attornyes likewise came and it is con-  
 sidered by the Court here that the said John and Susanna have parti-  
 tion of the Said Plantation called Bushwood according to the forme  
 of the Statute in that case made and provided Therefore Comānd is  
 given to the Sheriff of S<sup>t</sup> Maries County that takeing with him  
 twelve good and lawfull men of his Bailiwick by whom the truth of  
 the matter may the better be Knowne in his proper person he goe  
 unto the land or Plantation aforesaid with the appurtenñcs and there  
 by their Oathes in the presence of the parties aforesaid by him to be  
 warned if they will be present the same land with the appurtenñcs  
 except before excepted haveing due respect to the true value of them  
 in two equall parts he cause to be parted and One part thereof to the  
 aforesaid John Coode and Susanna his wife in right of her the said  
 Susanna and the other part to him the said Gerard Sly to hold to  
 them in Severalty he cause to be assigned and delivered So that the  
 said John and Susanna nor the said Gerard Sly have more of the  
 premisses aforesaid than unto then appertaineth to have and that  
 the said John and Susanna of their halfe part to them of the prem-  
 isses aforesaid with the appurtenñcs belonging and that the said  
 Gerard Sly of his halfe part of the premisses aforesaid belonging  
 may be able Severally to possesse themselves. and y<sup>t</sup> Partition by  
 him distinctly and Openly So made he have before his Loꝝps justices