

DEED - KERBY'S HEIRS TO WM. HYLTON - 16A. (Francis Property)

23 May 1798

Elizabeth City County Deeds & Wills 1787-1800 (Vol. 34) page 458

This Indenture made this twenty third day of May In the year of our Lord one thousand seven hundred and ninety eight between Samuel Shild as Administrator of the Estate of John Kerby deceased, Elizabeth Kerby, widow of the said John Kerby, William Marrow and Mary his wife, Humphrey Harwood and Martha his wife, William Kerby and Sarah his wife, Elizabeth Kerby, Richard Kerby, Lucy Kerby, and John Kerby, the said Mary Marrow, Martha Harwood, Sarah Kerby, Elizabeth Kerby, Richard, Lucy and John Kerby being children and coheirs of John Kerby deceased of the one part and William Hylton of the other part. Witnesseth that they the said Samuel Shield, Elizabeth Kerby widow, William Marrow and Mary his wife, Humphrey Harwood and Mary his wife, William Kerby and Sarah his wife, Elizabeth, Richard, Lucy, and John Kerby for the purpose of carrying into effect a decree of the Worshippful Court of Elizabeth City County sitting in Chancery made on the 24th of March 1797 wherein William Hylton was Complainant and the aforementioned Grantors were Defendants of and concerning a piece of land ~~lying~~ and being ~~situat~~ in the County of Elizabeth City containing by estimation sixteen Acres, which John Kerby now deceased in his lifetime sold to the said William Hylton but for which no conveyance was ever executed whereby the legal estate in the said Lands ~~descended~~ to the heirs at law of the said John Kerby, and for and in consideration of the sum of Five dollars to them in hand paid at or before the ensealing and delivery of these presents by the said William Hylton the receipt whereof they do hereby acknowledge and thereof acquit and discharge the said William Hylton his Executors and Administrators, they the said Samuel Shield, ~~Elizabeth~~ Kerby widow, William Marrow and his wife Mary, Hymphrey Harwood and Martha his wife, William Kerby and Sarah his wife, Elizabeth, Richard, Lucy, and John Kerby, have granted bargained, sold, ~~Alined~~, ~~Released~~, ~~enfeoffed~~, and confirmed and by these presents do ^{grant, bargain, sell, aline, release, enfeoffe and} confirm unto him the said William Hylton his heirs and assigns forever the aforementioned tract or piece of Land lying and being ~~situat~~ in the County of Elizabeth City and having by estimation sixteen acres, being the same more or less and bounded by the Land of William Mallory on the south side of the road leading towards the free school on Back River and on the

edge of the lands late the property of George Wythe (the said sixteen acres of land having been formerly a part of Wythe's Tract and having been exchanged by Margaret Wythe for sixteen Acres and two thirds lying upon the old Poquoson River, which were conveyed by Hannah Francis to the said Margaret Wythe who transferred the within mentioned sixteen Acres of land to the said Hannah Francis, who was the great grand Mother of Mary the wife of Edward Cuttillo, who conveyed the said sixteen Acres of land and its appurtenances to the said John Kerby dec'd in his life time, by Indenture of bargain and sale bearing date the second day of July One thousand seven hundred and ninety one, [?] Recorded in the Court of the County of Elizabeth City) together with all Woods, Ways, waters, water Courses, Edifices, buildings and all Appurtenances to the said lands belonging, and the reversion and reversions, remainder and remainders, rents, Issues, and profits to the same belonging, and all the right, title, Interest claim and demand of these the said Samuel, Elizabeth, widow, William Marrow and Mary his wife, Humphrey Harwood & Martha his wife, William Kirby, and Sarah his wife, Elizabeth, Richard, Lucy and John Kerby, of, in, and to the afore granted premises and their appurtenances to him the said William Hylton his heirs and assigns forever to the only possession and behoof of him, the said William Hylton his heirs and assigns forever. And the said Samuel Shields and Elizabeth Kerby widow, William Marrow and Mary his wife, Humphrey Harwood and Martha his wife, William Kirby, and Sarah his wife, Elizabeth, Richard, Lucy, and John Kerby by themselves and their heirs do hereby covenant and agree to and with the said William Hylton his heirs and assigns, the afore granted Premises and appurtenances against all persons claiming by, through, or under them and all other persons whatever to him the said William Hylton his heirs or assigns by these presents forever to Warrant and Defend. In Witness whereof the parties to these presents have set their hands and Affixed their Seals thereto the day and year first above written.

Sealed and Delivered

In presence of

John Chisman

William S. Wills

Starkey Robinson

Samuel Shield (seal)

Elizabeth ^{her} Kerby (Seal)
mark

William Marrow (seal)

Mary Marrow (seal)

Humphrey Harwood (seal)

Martha ^{her} Harwood (seal)
mark

William Kerby (seal)(his mark)

Sarah Kerby (seal)

Elizabeth Kerby X (seal)
her mark

The words and all other persons
whatever - interlined between the
sixth and seventh lines of this
side of the paper before Signing
and Sealing.

John Chisman
William S. Wills
Starkey Robinson

Richard Kerby (seal)

Lucy X^{her} Kirby (seal)
mark

John X^{his} Kerby (seal)
mark