

This Indenture made the second day of July, in the year of our Lord Christ, one thousand seven hundred and ninety one, and the fifteenth of the American Independance between Edward Cuttillo and Mary his wife of the County of York of the one part, and John Kerby of the said County, of the other part. Witnesseth, that for an in consideration of the sum of Twelve Pounds of Lawful money by the said John Kerby to the said Edward Cuttillo in hand paid before the ensembling and delivery of this Indenture, the receipt whereof the said Edward Cuttillo doth hereby acknowledge and thereof acquit and discharge the said John Kerby. They the said Edward Cuttillo and Mary his wife, have granted, bargained sold, aliened released and confirmed and by those presents do grant bargain sell, alien, release and confirm unto the said John Kerby his heirs and assigns all that Tract or parcel of Land containing by estimation sixteen acres be the same more or less, and lying and being in the County of Elizabeth City and bounded as followeth, by the Lands 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 of the Hon'ble George Wythe Esq'r the said sixteen acres of Land formerly being a part of the Tract of the said George Wythe, and was given in exchange together with six pounds ten shillings, and Twenty Hogsheads of Cydar by Margaret Wythe the mother of the aforesaid George Wythe for and in consideration of sixteen acres and two thirds of an Acre of land lying and being upon the old Poquoson River, and bounded by the Lands of Thomas Wythe on three sides, and the south side by the Lands (at that time the property) of John George which sixteen acres and two thirds was conveyed by Hannah Francis the great grandmother of Mary, the wife of the said Edward Cuttillo to the aforesaid Margaret Wythe by an Indenture of bargain and sale bearing date the four day of March, in the year of our Lord Christ, One thousand seven hundred and forty, with all Commodities Waters Water Courses and appurtenances whatsoever to the same belonging, and all the Estate, Right and Interest of the said Edward Cuttillo and Mary his wife in and to the said Land and the appurtenances thereinto appertaining or in any part thereof. To have and to hold all and singular the said

Tract or parcel of land and premisses with the appurtenances unto the said John Kerby his heirs and assigns, to the only use and behoof of him the said John Kerby his heirs and assigns forever. And the said Edward Cuttillo and Mary his wife doth covenant for themselves, their Heirs Executors and administrators to and with the said John Kerby his Heirs and Assigns the said Land and premises with the appurtenances unto the said John Kerby, his Heirs and assigns, to warrant and forever defend against themselves, their Heirs Executors and Administrators. In witness whereof the parties to these presents have hereunto interchangable set their hand and seals the day and year first above written.

Sealed and delivered in the presence of:

Starkey Robinson Jun'r
Henry Howard
B. Dedman

Abraham Cutiller (seal)

X his mark

Mary Cutiller (seal)

X her mark

Elizabeth City County Court April 25th 1793. This Indenture was produced in Court, and acknowledged by the Parties thereto to be their proper Act and Deed, and ordered to be Recorded, previous to which Mary Cutiller one of the Parties was privately examined as the Law directs and voluntarily relinquished her right of Dower in the Estate conveyed by the said Indenture.

Teste

Johnson Tabb CEC

Note: Kirby's heirs sold this property to William Hylton on 23 May 1798 - page 458, Vol. 34