Exhibit No. 5.

At the request of Henry McDuel the following deed was recorded March 22d 1845.

This Indenture made this 21st day of September in the year 1841. Between John D. Garrott and his wife Matilda Garrott of Frederick County in the State of Maryland of the first part, and Henry McDuell of the County & State aforesaid of the second part. Witnesseth that said John D. Garrott and his wife aforesaid for and in consideration of the sum of one thousand two hundred and sixty three dollars and thirty one cents to them in hand paid by the said Henry McDuell the receipt whereof they the said John D. Garrott and his aforesaid do hereby acknowledge, have granted, bargained, sold, aliened, enfeoffed & confirmed; and by these presents do grant, bargain sell, alien, enfeoff & confirm to the said Henry McDuell his heirs & assigns forever, all the following described piece or parcel of land lying & being in the County and State aforesaid, — Beginning for the piece or parcel of land hereby to be conveyed at a corner stone planted and standing at the North West end of a line dividing the lands of the said Henry McDuell and John Pink Senr. said corner stone is immediately at the end of the new post & railing fence now on said line, and running thence for the land now to be conveyed in a direct line with said post and rail fence viz, North 52 degs. West 94 3/4 pes. into the middle of the public road leading from Middletown to Burkittsville then with the said road towards Middletown, North 63 3/4 degs East 4 3/4 pes. to intersect the line formerly dividing the lands of the said McDuell and the late Henry Burkitt then leaving the public road & running the three following courses of the said McDuell and the said Burkitt by now John D. Garrott aforesaid viz: South 24 1/4 degs. East 53 3/4 pes. to a stone formerly planted, South 30 1/2 degs East 37 15/100 pes. to a stone formerly planted, then South 33 3/4 degs. West 5 40/100 pes. to the aforesaid post & rail fence and the first above mentioned beginning containing 14 acres and 22 1/2 square perches of land, be the same more or less. Together with the improvements and appurtenances thereunto belonging or in any wise appertaining and all the right, title, interest & demand whatever of them the said John D. Garrott & his wife aforesaid of in and to the said lands & premises and every part thereof. To have and to hold the said land & premises with the improvements & appurtenances to the said Henry McDuell his heirs & assigns to the only proper use & behoof of the said Henry McDuell his heirs & assigns forever. And also that the said John D. Garrott & his wife aforesaid their heirs & assigns the piece & parcel of land & premises above described, & herein mentioned to be granted, bargained & sold with the improvements & appurtenances unto the said Henry McDuell his heirs & assigns, shall & will warrant & forever defend by these presents against the claims of all persons whomsoever. In Witness whereof they the said John D. Garrott & his wife aforesaid have hereunto set their hands & affixed their seals, the day & year first above written.

Signed Sealed & delvd in the presence of John Pink Jr. - Danl Grove

John D Garrott (Seal)
Matilda Garriott (Seal)

Which is thus Endorsed — State of Maryland Frederick County to wit —

Be it remembered & it is hereby certified that on this 21st day of September in the year 1841, before the subscribers two justices of the peace of the State of Maryland in and for the County of Frederick aforesaid personally appeared John D. Garrott & Matilda Garrott his wife, they being known to us to be the persons who are named & described as, and professing to be the party grantors in, and to the foregoing deed or indenture, and did severally acknowledge the said indenture or instrument of writing to be their respective act & deed; the said Matilda Garrott wife of the said John D. Garrott having signed, sealed the said indenture before us, out of the presence & hearing of her said husband, and the said Matilda Garrott being by us examined out of the presence and hearing of her said husband whether she doth execute and acknowledge the same freely and voluntarily and without being induced to do so by fear of, or threats of, or ill usage by her said husband or by fear of his displeasure upon which examination she declared she did. In testimony whereof we have hereunto set our hands & subscribed our names on the day and year aforesaid, the name of Garrott in the third line of the beginning of this indenture being interlined, before the sealing & acknowledging of this instrument of writing — John Pink Jr Danl. Grove —

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