

No. 4739 Equity.

One thousand eight hundred and thirty nine between John McColain and Susan McColain wife of the said John McColain of Frederick County and State of Maryland of the one part, and John Pirely of the County and State aforesaid of the other part. Witnesseth that the said John McColain and Susan his wife for and in Consideration of the sum of One hundred and twenty five dollars current money to them in hand paid by the said John Pirely before the sealing of these presents the receipt whereof is hereby acknowledged by them the said John McColain and Susan McColain and themselves being fully satisfied and paid hath granted, bargained and sold, and by these presents doth grant, bargain sell and convey, and convey unto the said John Pirely his heirs and assigns one Lot or parcel of Land, containing One third of an acre of land, situate lying and being in the new town called Sabillaeville, Harbaugh's Cally, in the County of Frederick aforesaid which Lot or portion of Land is distinguished and designated by number thirty six on the plat of said town, as will appear by reference to the same on the Records of the County aforesaid to have and to hold the said Lot or portion of Land together with all and singular the Buildings and improvements and appurtenances thereon and thereto belonging unto the said John Pirely his heirs and assigns forever subject nevertheless to the annual Ground Rent of One Dollar yearly to be paid yearly and every year on the first day of March to Peter Zollinger his heirs and assigns forever and in case of neglect or refusal to pay the same to be recovered distress on the said Lot or other property thereon as other rents are distressed and recovered the said John McColain and Susan his wife for themselves their Executors and Administrators doth hereby covenant grant and agree the said Lot or portion of land premises and appurtenances unto the said John Pirely his heirs and assigns to warrant and forever defend as well against them the said John McColain and Susan his wife their Executors and Administrators as also from and against all and every other person or persons lawfully claiming any right or title or interest only the yearly ground rent aforesaid. In Witness whereof the said John McColain and Susan his wife have hereunto set their hands and affixed their seals the day and year first herein written.

Exhibit No. 5.

Signed sealed and delivered in presence of
Chas W Bigham
John Agnew

John McColain
Susan McColain

Which was thus endorsed, to wit:
State of Maryland, Frederick County ss.

Be it remembered, and it is hereby certified that on this 19th day of July, 1839, before the subscribers, two Justices of the Peace of the State of Maryland in and for said County, personally appeared John McColain and Susan McColain wife of the said John McColain they being known to us to be the parties to the foregoing deed or Instrument of writing and do severally acknowledge the said deed or Instrument of writing to be their respective act and deed, the said Susan McColain being examined by us from and out of the hearing of her said husband whether she doth make her acknowledgment of the same willingly and without being induced thereto by fear or threats or ill usage of her said husband or for fear of his displeasure declareth and saith that she doth. In testimony whereof we hereunto subscribe our names on the day and year aforesaid.

Chas W Bigham
John Agnew