and so forth, and saith that the said Margaret and Upton their action aforesaid against him to have ought maintain ought, not because he saith that the property in the Gelding in the said declaration mentioned at the time of taking the same above alledged was in him the said Daniel without that the property in the said Gelding at the time aforesaid was in him the said Brooke Beall in manner as is above alledged and this the said Daniel is ready to verify wherefore he prays Judgment and that a return of the property may be adjudged unto him. And the said Margaret and Upton say that the property in the said Gelding at the time aforesaid was in him the said Brooke Beall as is stated in the declaration aforesaid and this they pray may be inquired of by the country, and the said Daniel likewise. — And the said Daniel the leave of the court herein being first had and obtained according to the statute in such case made for further plea saith the said Margaret and Upton their action aforesaid against him to have ought not because he saith that he did not take the said gelding in the declaration mentioned in manner and form as therein mentioned and of this he puts himself upon the country and the said Margaret and Upton likewise and so forth. — Whereupon for trying the Issues aforesaid command is given to the Sheriff of Frederick county that he immediately cause to come here twelve good and lawfull men of his bailiwick by whom and so forth whom neither and so forth, to recognize and so forth. because as well and so forth. of which said precept the Sheriff to wit. Richard Butler Gentleman makes return that he hath here ready twelve and so forth as by the same he was commanded to wit, John Ransberg. William Patterson, John Rengland, Conrad Shafer. Joseph Bailey. George Keller. Michael Hauser. Nicholas Holtz, James Samuel Hook. Basil Beall, Henry Coon and Abraham Waugh who being duly elected tried and sworn to say the truth in the Issues joined as afore and as to the Issues joined as aforesaid between the parties aforesaid the said Margaret and Upton shew in evidence to the Jury aforesaid to prove and maintain the issues within joined in manner aforesaid. The plaintiffs in this cause gave evidence to the Jury by Perry Beall a witness that the house in the declaration mentioned was his property that being his property he sold him and conveyed him to Brooke Beall in the declaration mentioned by deed which deed duly executed and recorded in the words and figures following. At the request of Brooke Beall the following Bill of Sale was recorded this 17th day of August 1798. to wit —

Know all MEN by these presents that I Perry Beall of Montgomery county

and state of Maryland for and in consideration of the sum of two hundred pounds current money to me in hand paid by Brooke Beall of the county and state aforesaid the receipt whereof I do hereby acknowledge and myself fully satisfied and paid have bargained sold released granted and confirmed and by these presents according to the due form of law do bargain sell release grant confirm and deliver unto the said Brooke Beall his heirs and assigns forever all the following property (viz) one negro woman named Kate one negro girl named Charity. two horses, four cows. eleven head of hogs, two feather beds and furniture, and all my house and kitchen furniture also all my plantation utensils and the crop of wheat rye tobacco and corn now on or growing on the plantation whereon I now live to have and to hold the aforesaid property every part and parcel thereof as aforesaid sold to the said Brooke Beall to the only proper use and behoof of him the said Brooke Beall his heirs and assigns forever to have hold and enjoy peaceably quietly peaceably and entirely without any claim disturbance or hinderance of the said Perry Beall or any other person whatsoever. and I the said Perry Beall for myself and my heirs executors and administrators the aforesaid property and every part and parcel thereof unto the said Brooke Beall his heirs executors administrators & assigns against all and every person or persons whatsoever shall and will warrant and forever defend by these presents. In Witness whereof I have hereunto set my hand and affixed my seal this 10th day of August seventeen hundred and ninety three. —

Perry Beall (Seal)

Signed Sealed and delivered in the presence of Laurence Oneale

On the back of which bill of sale are the following endorsements, to wit

Received this 10th day of august 1793 of the within named Brooke Beall the sum of two hundred pounds current money in full for the within mentioned property and every part and parcel thereof. —

Perry Beall

Witness Laurence Oneale. John Williams.

Montgomery County, to wit. on the 10th day of August 1793. came the within named Perry Beall before the Subscriber one of the Justices of the peace for the county aforesaid and acknowledged the within instrument of writing to be his act and deed and the within mentioned property and every part and parcel thereof to the property and estate of the within named Brooke Beall his heirs and assigns for ever according to the true intent and meaning thereof. —

acknowledged before acknowledged Laurence Oneale

In Testimony whereof that the foregoing is a true copy taken from the records of Montgomery county I have in liber E folio 366 & 367 one of the land records for Montgomery county. In witness whereof I have hereunto set my hand and affixed the seal of the said county this 11th day of November anno domini 1795 —

Upton Beall Clk of Montg Cty Court