and appurtenances aforesaid unto the said Charles Carroll Mac Tavish his heirs and assigns to the only proper use and behoof of the said Charles Carroll Mac Tavish his heirs and assigns forever and the said parties hereto of the first part for themselves their heirs executors and administrators do covenant promise and agree with the said Charles Carroll Mac Tavish his heirs and assigns in manner following that is to say that the said parties hereto of the first part and their heirs, the lands and premises above described and hereby conveyed or meant or mentioned, and intended to be with the rights privileges advantages and appurtenances aforesaid from and against themselves and their heirs and all and every other person and persons legally or equitably having claiming or to claim any estate or interest therein or right or title thereto through by or under them unto the said Charles Carroll Mac Tavish his heirs and assigns shall and will warrant and by these presents defend. And also that the said parties hereto of the first part and their heirs shall and will at any time or times hereafter, at the reasonable request and proper cost and charge in the law of the said Charles Carroll Mac Tavish his heirs or assigns do make execute acknowledge and deliver or cause and procure to be done made executed, acknowledged and delivered all such further and other acts, deeds assurances and conveyances in the law as shall or may be reasonably advised or devised and required by the said Charles Carroll Mac Tavish his heirs and assigns or his or their counsel learned in the law for the confirmation of these presents, according to the perfect true intent and meaning hereof.

In testimony whereof the said parties hereto of the first part have hereunto subscribed their names and affixed their seals on the day and year first above written.

John Mc Tavish (Seal)
Emily Mac Tavish (Seal)

Signed sealed and delivered in the presence of
Henry F. Freise
John S. Snyder

Received at or before the execution of the foregoing Indenture from Charles Carroll Mac Tavish the party of the second part within the sum of five dollars lawful money, the consideration therein mentioned to be paid by him to us

John Mc Tavish
Emily MacTavish

Henry F. Freise
John S. Snyder

State of Maryland City of Baltimore Sc.

Be it remembered and it is hereby certified that on the second day of August eighteen hundred and fifty, before the subscriber two Justices of the Peace of the State of Maryland in and for the City of Baltimore aforesaid personally appeared John Mac Tavish party to the foregoing

Indenture or Instrument of writing and acknowledged the same to be his act and deed, and it is also hereby certified that on the day and year aforesaid personally appeared Emily Mac Tavish the wife of the said John Mac Tavish who in our presence, but out of the presence and hearing of her said husband signed and sealed the aforegoing Indenture or Instrument of writing and acknowledged the same to be her act and deed, and the said Emily being by us privately examined out of the presence and hearing of her said husband declared and said that she executed and acknowledged the same freely and voluntarily, and without being induced to do so by fear or threats of or ill usage by her husband, or fear of his displeasure; And we do hereby further certify that of our own knowledge we are satisfied that John Mac Tavish and Emily his wife, who have executed and acknowledged the foregoing Indenture or Instrument of writing are the persons named, and described as and professing to be parties therein. In testimony whereof we have hereunto subscribed our names on the day and year aforesaid.

Henry F. Freise
John S. Snyder.

State of Maryland, Baltimore County, Sct.

I hereby certify that Henry F. Freise and John S. Snyder Esquires before whom the annexed acknowledgments were made and who have thereto subscribed their names were at the time of so doing two Justices of the Peace of the State of Maryland in and for the City of Baltimore duly commissioned and sworn.

In Testimony whereof I hereto set my hand and affix the Seal of Baltimore County Court this second day of August A.D. 1850.

(Seal Place)

M. M. Bradford Clk
Baltimore County Court.

And it was admitted that at the date of the first mentioned deed the said Charles Carroll of Carrollton was seized of the land thereby conveyed and that the defendant claims title to said land under said deed and was in possession thereof at and before the committing of the acts complained of and that the fence so erected was a common fence of posts and three or four rails, and that said rails could be easily removed or slipped out from their places, and that said fence was not a substantial or permanent fence but seemed to be put up as if intended to be taken down from time to time — and that where the fence crosses said road it was formed of posts or poles or sticks as easily removed and that said fence was erected to the defendant in order to complete the enclosure of his field that a team could easily be driven along said fence and immediately on the West side thereof, and that no trace of a road existed along said road — We also affirmed to prove