

Complainants pray may be taken, and Considered as a part of this their bill of Complaint. Your Complainants further state - That since the execution of the Mortgage to them as aforesaid Beam has Conveyed the same property by Mortgage to a Certain Adam Kahler of the City of Baltimore, to secure the payment of two promissory Notes, and a Balance on account as will fully appear from a Copy of said Mortgage herewith exhibited, and marked exhibit B. - your Complainants further charge - That there is now due, upon the Mortgage executed by the said Jacob Beam to them as aforesaid - The sum of Two thousand Five hundred & eighty two Dollars, and Fifty six Cents, with Interest thereon from the ninth day of May, eighteen hundred and Fifty three - which said sum has been frequently demanded from the said Jacob Beam, but which he refuses to pay, or settle in any manner whatever, and your Complainants charge - That as the said Jacob Beam has been Guilty of a default, under the provisions of said Deed of Mortgage, by refusing to pay the Balance due them by him, upon the Mortgage - upon the request of your Complainants they are entitled to have the Mortgage premises sold, for the payment of their demand as aforesaid, your Complainants further, expressly charge - That at the time the said Jacob Beam, executed in favour of the said Adam Kahler - the Mortgage aforesaid, the said Adam Kahler - was fully aware, and had the knowledge of the existence of the lien of your Complainants as aforesaid, and that said Adam Kahler knew that he was taking - his Mortgage subject to the prior incumbrance of your Complainants, upon the same property - In tender Consideration whereof, and in as much, as your Complainants are remediless in the premises by the strict rules of Common law, and only relievable in a Court of Equity - where matters of this nature are properly Cognizable, and to the end that the said Jacob Beam, and the said Adam Kahler - may upon their several Corporal Oaths - true and perfect answers make, to the matters, and things charged in your Complainants Bill - and that the Mortgage premises, or so much thereof as may be necessary to satisfy your Complainants claim, & all Interest due thereon, may be sold under a Decree of this Honorable Court, and to the end - that your Complainants may have all such other, or further relief in the premises, as may be consistent with Equity and the nature of their case, May it please your Honor to grant, unto your Complainants, the writ of Subpoena, in the usual form, against the said Jacob Beam, and the said Adam Kahler of the City of Baltimore; and the Sheriff of the said City of Baltimore to be directed - Commanding them to be and appear in this Court, in person, or by solicitor at some certain day in said subpoena fixed, to answer the premises, and abide by, and perform such Decree as this Honorable Court may pass - therein, and as in duty lie.

Wm. J. Ross & } Sells for  
 Worth Ross. } Complainants,

Exhibit A is as follows, viz. At the request of Noah A. Gasaway & Co. the following Mortgage was Recorded January 6<sup>th</sup> 1853. Rec<sup>d</sup> 2<sup>1/2</sup> off Stamp duty. E. Shivers ck

This Indenture made this fifth day of January, eighteen hundred and Fifty three, between Jacob Beam of the City of Baltimore, and State of Maryland of the one part, and Noah A. Gasaway, and John W. Ross, partners, trading as Noah A. Gasaway & Co. of the City of Baltimore, and State aforesaid of the other part; Whereas the said Noah A. Gasaway & Co. at the Cost, and request of the said Jacob Beam, have agreed to grant him the said Jacob Beam - accommodations, in his business by accepting - drafts, and advancing funds, on his behalf - the amount of liability, on their part, at no one period to exceed the sum of Four thousand dollars, and whereas advances made, have already been made pursuant to this agreement; and to secure the said Noah A. Gasaway & Co. for said advances already made, and to be made by them as aforesaid to the extent of Four thousand Dollars, the said Jacob Beam is willing to execute this presents. Now This Indenture - Witnesseth - That the said Jacob Beam, in Con-