

in this cause, take write down, and transcribe the depositions of all, and every the witness and witnesses, produced, and examined by the Commissioners, named in the Commission, hereunto annexed, as far forth - as you are directed, and employed, by the said Commissioners, to take write down, and transcribe, the said depositions, or any of them So help you God.

The following Replication was filed Jan'y 23^d 1854.

The replication of Noah A. Gasaway, and John W. Ross - partners trading as Noah A. Gasaway & Co. Complainants, to the answer of Adam Kahler defendant - filed in N^o 2523 Equity in the Circuit Court, for Frederick County. These repliants, saving and reserving to themselves, all, and all manner of advantage of exceptions to the manifold insufficiencies of the said answer, for replication thereto say - that they will aver, and prove their said Bill to be true, certain, and sufficient in the Law to be answered unto, and that the said answer, of the said defendant, is uncertain, and that the said insufficient to be replied unto by these repliants, without, that that any other matter, or thing whatsoever in the said ~~ally~~ answer contained, material, or effectual in the Law to be replied unto, and herein not replied unto. Confessed or avoided traversed, or denied is true, all which matters and things these repliants aver, and will be ready to aver, and prove as this Honble shall award, and humbly prays, as in & by their said Bill They have already prayed. Wm J. Ross & } Sells for
W. Ross. } Compts.

The following agreement was filed April 21/54.

Noah A. Gasaway & John W. Ross } N^o 2523. Equity. In the Circuit Court, for Frederick
partners trading as Noah A. } County, sitting as a Court of Equity
Gasaway & Co. } February Term 1854.
" } We the undersigned do hereby agree, that a Com
Jacob Beam & Adam Kahler } mission shall be issued out of the Circuit Court
for Frederick County, as a Court of Equity, without the previous order of the said }
Court, authorizing, and empowering James H. Devans of the City of Baltimore to }
examine Jacob Beam - one of the said Defendants, upon such Interrogatories }
as may be filed with the said Commissioner, by either party touching the alle }
gations in the said Bill, contained - and do hereby agree to treat, and consider }
the Testimony of said Jacob Beam when returned, as of the same effect & validity }
as if taken by virtue of the usual Order, obtained upon application to the }
Court, and we do furthermore agree, that the Testimony of any other witnesses }
whom either party may think proper to examine before said Commissioner - }
shall be considered as valid as if taken in due form. Wm J. & W. Ross Sells for Com.
Wm. C. Sappington Sells for
Kahler.

The following Petition of Adam Kahler was filed 21 April 1854.

Noah A. Gasaway & Co. } N^o 2523. Equity. In the Circuit Court, for Frederick
" } County, sitting as a Court of Equity.
Jacob Beam & Adam } The Petition of Adam Kahler, one of the Defendants, }
Kahler } in this case. Respectfully states to your Honor, That }
it is necessary that he should take from the Clerks office, and use before the Com }
missioner, in taking the Testimony, in this case, the papers, marked " Exhibit B. }
to the Complainants bill, and exhibit C. to answer of Kahler, But your petitioner }
is informed - that he is unable to do this, unless first authorized, by an order of }
your Honourable Court, and as in duty Bound &c. W. C. Sappington Sells.
For Petitioner.

Ordered by the Court this 21st Day of April 1854. That the foregoing Petition be granted