

We the undersigned parties to the above suits, do agree - That the note, of William Beam, for \$1200. referred to, in the depositions of Samuel Gasaway & Jacob Beam, and in summary of the accounts filed by Complainants, with the Commission James M. Devans Esq. or a Copy thereof, certified, either under the seal of the Superior Court, for Baltimore City, or by J. M. Devans Commissioned as a true Copy shall be received as evidence as if proved & returned with said Commission, and shall be filed in said Cause. - and we do further agree that the Circuit Court, for Frederick County, sitting in Equity shall pass a Decree without delay, for a sale of the property mentioned in these proceedings, and that Wathington Ross, and William C. Sappington shall be appointed Trustees to sell said property at public sale, the terms of sale to be, one half of the purchase money, to be paid in Cash, on the day of sale, or ratification thereof, by the Court, the residue in one year from the day of sale, the purchaser or purchasers giving his, her, or their note, with approved Security, bearing Interest from day of sale. We further agree - That all matters, in dispute between Noah A. Gasaway & Co. and Adam Kahler, touching the distribution of the proceeds of sale shall be reserved, until the further order of the Court

Wm. Ross, Solicitor for Complainants.

Wm. C. Sappington, Solicitor for Adam Kahler

Whereupon the following Decree was passed.

Noah A. Gasaway, and John W. Ross, partners trading as Noah A. Gasaway & Co.

No. 2523. Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity February Term 1854.

vs. Jacob Beam & Adam Kahler

This cause standing ready for hearing and being submitted without argument, on the Bill and answers of Adam Kahler, agreement of Counsel, for the Complainant, and the said Adam Kahler, and also on the other proceedings, in the Cause, the same were read and considered.

An Interlocutory Decree having been passed in this Cause, against the said Jacob Beam, one of the defendants, he having failed to appear in person, or by solicitor, in obedience to the writ of Subpoena in this case, issued, and duly served upon him, and a Commission having issued to take Testimony, and the same been duly executed & returned, it is thereupon this 17th day of June, 1854, by the Circuit Court, for Frederick County, sitting as a Court of Equity, Honorable Madison Nelson, Judge thereof, adjudged, ordered, and Decreed - That unless the said Jacob Beam, shall on or before the first day of July next - pay, or bring into this Court, to be paid unto the said Complainants, the sum of Two Thousand, five Hundred, and eighty two Dollars, and Fifty six cents with Interest thereon from the tenth day of May, 1853, until paid, or brought in as aforesaid, together with the Costs of this suit, to be taxed by the Clerk - the mortgaged premises in the proceedings mentioned, or so much thereof, as may be necessary, for the purpose be sold; That Wathington Ross, and William C. Sappington, of Frederick County, be and they are hereby appointed Trustees to make such sale; and that the course, and manner of the proceedings shall be as follows: They shall first file in the Office of the Clerk of this Court, a Bond to the State of Maryland, executed by themselves, with Sureties to be approved by this Court, or the Clerk thereof, in the penalty of six thousand Dollars, Conditioned for the faithful performance of the trust, reposed in them by this Decree, or which may be reposed in them by any future, order or Decree in the premises, they shall then proceed to make sale of the said mortgaged premises, having first given at least three weeks previous notice, inserted in some Newspaper printed in Frederick County and such other notice, as they may think proper, of the time, place, manner and terms of sale, which terms shall be as follows. One half of the purchase money - to be paid, on the day of sale, or the ratification thereof, by the Court, & the balance in one year from the day of sale, the purchaser, to give his note, with approved Security