

The following Petition was filed 7<sup>th</sup> Aug<sup>r</sup> 1854.

Noah A. Gasaway & John W. Ross, trading as Noah A. Gasaway & Co.  
vs  
Jacob Baum & Adam Kahler.

No. 2523. Equity. In the Circuit Court, for Frederick County, sitting in Equity. July Term 1854.

To the Honorable Madison Nelson, Circuit Judge, of the Circuit Court, for Frederick County, sitting in Equity. The petition of Worthington Ross, Surviving Trustee, in the above cause most respectfully states to your Honor - that by virtue of a Decree heretofore passed in the premises, the said Worthington Ross, and William C. Sappington were appointed Trustees to make sale of certain Real Estate, in the said proceedings mentioned. Your Petitioner further states, that in pursuance of the Decree - the usual Trustees Bond was executed and filed and the said Real Estate, duly advertised for sale. That upon the Fifteenth day of July - 1854, your petitioner attended upon the premises, accompanied by the Counsel for Kahler one of the defendants his Co Trustee, William C. Sappington being absent by reason of indisposition, and offered the said Real Estate, at public sale, agreeable to advertisement - your Trustee further states - That at said sale the whole property was knocked off to Joseph Baum, as the agent of William Baum - of Baltimore, for the sum of Three thousand Dollars, he being the highest bidder therefor, all of which will fully appear from the advertisement, and memorandum, filed herein, as exhibit No. 1. & No. 2. your Trustee further states. That several weeks have elapsed since sale, and that the said William Baum through his agent, Joseph Baum has been requested to comply with the Terms of sale. But your Trustee states that said William Baum has utterly failed to comply with said Terms of sale, and he is advised - that said William Baum has no intention of complying - your Trustee further states that since the passage of the said Decree, in this cause, Wm C. Sappington his Co Trustee has departed this life - your Trustee therefore prays your Honor to pass an Order in the premises, vacating the said sale - to William Baum, & authorizing him to resell the said property, as surviving Trustee upon the Terms prescribed in said Decree and at the risk of said William Baum

Worthington Ross, Trustee

In the Circuit Court, for Frederick County, sitting in Equity.

July Term 1854.

The foregoing Petition, and exhibits referred to, having been well read by the Court, it is thereupon this 7<sup>th</sup> day of August 1854, ordered and adjudged - that the sale, heretofore made by Worthington Ross, Trustee to William Baum be and the same is hereby annulled, and set aside, and the said Worthington Ross as surviving Trustee is hereby authorized to sell the said Real Estate upon the terms prescribed in the Decree, at the risk of the said William Baum - and he is furthermore directed to disregard the bids of said William Baum, or Joseph Baum, or any one, on their behalf unless the Terms of sale, are complied with at once.

M. Nelson.

Exhibit 1.

Trustee's Sale - By virtue of a Decree of the Circuit Court, for Frederick County, sitting as a Court of Equity. The undersigned, as Trustee, will offer, at public sale, upon the premises, on Saturday, the 15<sup>th</sup> day of July next, between the hours of 12 o'clock, M. & 1 o'clock P.M. the Mill property, now in the occupancy of Joseph Baum, this property is situated in Frederick County, near the Fleeg Dale Factory, and between said Factory and the Greenfield Mills, within four miles of the B&O Rail Road, and Five miles of the C. & O. Canal. The Mill is built of stone, two stories high, with a strong, and abundant stream of water, running two pair of Burs, and a pair of Country Stones - the property is now in good running order, having been repaired about 2 years ago; - there is also a saw Mill, attached, the improvements, consist of a two story Log dwelling for a miller, with necessary out buildings, there are upwards of sixty Acre acres of Land, attached to the Mill, which will be sold with it, or detached, as may suit purchasers. The Terms of sale as prescribed by the Decree, are - one half of the -