made parties defendants thereon in his stead. The petition states that John Folck, one of the defendants died intestate on or about the first day of January 1841. that his heirs at law are Mary, wife of Pepe Hinkle, Daniel Folck, John Folck Jacob Folck, Margaret Beall wife of William Beall, Sarah McLaughlin wife of John L. McLaughlin, Susan Consor wife of J. L. McConsor, Penelope S. Folck, Laura Johnson, Cromwell Orick Johnson, Martha Jane Johnson, Mary Eleanor Johnson, Pleasant Elizabeth Johnson and Ervine Goldsmith Johnson, that said Consor and wife are non residents. It is thereupon this Ninth day of September 1848 Ordered by Allegany County Court as a Court of Equity that the complainants by causing a copy of this order to be inserted in some newspaper published in Cumberland once in each successive week for one month before the 20th day of October next, give notice to the said J. L. McConsor and Susan his wife to appear in this Court on or before the first day of February next to be made parties defendants in this cause with the other said heirs at law instead of the said John Folck deceased. At which said Second Monday of October to wit, in the year Eighteen hundred and forty Eight being the return day of the aforegoing Subpoenas the Sheriff of Allegany County and the Sheriff of Washington County to whom the same were delivered to be served, made return thereof to the Court here, severally thus endorsed to wit "Summoned before the first of October 1848 all but John McLaughlin and wife. they non sunt. M. Rawlings Sheriff." "Sept 22nd 1848. Summoned omnes. Thomas Martin Shff. And afterwards to wit, on the ninth day of April in the year Eighteen hundred and forty nine the said William Price and James H. Bevans administrators as aforesaid filed in Court here, a certificate of publication of the last aforegoing Order, as thereby required to which is annexed a printed copy of said Order, which certificate is in the words following to wit. "This is to certify that the above Order (William Price, James H. Bevans vs. John McDonald and others) was published in the Civilian a newspaper printed in the town of Cumberland, once in each successive week for one month before the 20th of October 1848.

For Archibald Cary. Thomas E. Ogden.

Afterwards to wit on the thirteenth day of May in the year Eighteen hundred and fifty the parties aforesaid by their solicitors aforesaid filed in the cause the following agreement, to wit.

William McGuire vs John McDonald and others.	In Allegany County Court. Sitting as a Court of Equity.

It is admitted that the paper writing herewith filed among the proceedings in this cause marked "M" is the original bond referred in the deed of trust filed with the original bill of complaint and exhibited marked "A" which said bond is now produced by the complainant in this cause. It is further admitted that the original note to William McMahon for one thousand dollars of which the note contained in the papers herewith filed and marked "J.P." is a copy was made by John McDonald and the other parties thereto on the day it bears date, and that the judgment on said note a short copy of which is also given in said paper marked "J.P." is the judgment rendered on said note, and on which Fi. Fas issued and said tract of land called "John and Youckamantky" was sold to said John Folck by virtue of said Fi. Facias in the case referred to in Exhibit "B" as a Judgment in favor of Directors &c as in "J.P." stated.

And it is agreed that the said paper marked "M" and the said paper marked J.P. shall be read in the trial of this cause, and have the same effect as if they had been exhibited with the original bill and answers of the defendants. and relied upon therein and had been regularly proven under commission.—

And it is further agreed that the said Fieri Facias and said original note shall be considered as in evidence and have the same effect as if insisted upon by the answer of said defendants. And it is further admitted that John L. McLaughlin the husband of Sarah McLaughlin is dead leaving his said wife surviving him. It is further agreed

that Thomas Perry Attorney for the heirs of John Folck deceased shall enter his appearance for her. Wm. Price for Complt Thomas Perry for defendants.

The Exhibits referred to in the foregoing agreement and marked "M" and "J.P." are in the words and tenor following to wit.

Exhibit "M".

Know all men by these Presents. that I John McDonald of the County of Frederick and Commonwealth of Virginia am held and firmly bound unto William McGuire of the County of Ohio in the Commonwealth aforesaid in the just and full sum of Eight hundred and seven dollars and Seventy Cents current money of the United States to be paid unto the said William McGuire his certain attorney. his Executors, administrators or assigns to which payment well and truly to be made and done I bind myself my heirs, Executors and administrators jointly and severally by these presents, Sealed with my Seal this 7th day of January 1808.

The Condition of the above obligation is such that if the above bound John McDonald doth and shall well and truly pay or cause to be paid unto the said William McGuire his certain attorney. his Excors. admrs or assigns the just and full sum of Four hundred and fifty three dollars, Eighty five cents with interest from the date on demand. then the above obligation shall be void or else to remain in full force and virtue.

John McDonald (Seal)

Sealed and delivered in presence of
Edward McGuire
Robert White the 3rd

Exhibit "J.P."

The President Directors and Company of the Cumberland Bank of Allegany vs. John McDonald. James Timmonds, John Newmire and Nathan Robinett.	October Term 1818. No. 123 Trials. 13th Judgment to Nar for $2,000 Damages & costs. Damages to be released on the payment of $1000. with legal interest thereon from the 29th day of December 1816 & costs $13.25. "Superseaded"

True Copy. Test. Henry Bruce Clerk.

Dolls $1000. Allegany County October 29th 1816

Sixty days after date we promise to pay William McMahon or order, one thousand dollars for value received, negotiable and payable at the Cumberland Bank of Allegany.

John McDonald
James Timmonds
John Newmyer
Nathan Robinett

Credit the drawer
Beall Howard.

Endorsed on the back thus "William McMahon Beall Howard"
True Copy taken from the original filed in No. 123 Trials O.C. 1818.
Test. Henry Bruce. Clerk

1817 B.S.P. Sept. 15. 5. R.F.	William McGuire vs. John McDonald	Bill. Exhibit A. attach. of Contempt. agreement and Complainants death suggested and to abated. Papers in No. 62 Revived — Papers carried to No. 62	
B.S.P. Bevans Price	1833 apl 16	William Naylor	Bill & Exhibit and Subpoena Ss. Sum. Wm Sergt Defendant	Sunset. 1827 William Harness unemployed. Rep. filed 23rd Feby