and representatives of the creditors of said Benjamin and in discharge of his duty as trustee as aforesaid.

To the 3d Interrogatory said that he was not aware of the necessity of filing a bill in Equity until advised to do so by his counsel and had the same filed when they advised it to be necessary and proper. This respondent was told by Isaac B. Cushwa that the (Isaac) supposed or thought the heirs would have to pay the costs, but this respondent is not indemnified nor has any person or persons undertaken in any manner to indemnify or save him harmless from the costs of this said suit. To the fourth interrogatory he saith that he does not know who will pay the costs but presumes the estate of Benjamin Cushwa the insolvent if sufficient will do so and in the event of his success there will be no costs to pay or if there be the property that will be recovered will be abundant for such purpose. He has no expectation of being saved harmless from said costs by any person or persons.

To the fifth interrogatory he saith that he has never said a word to the heirs of said Benjamin upon the subjects embraced in said interrogatory.

To the 6th interrogatory he saith that he has never undertaken to ascertain who are the unsatisfied creditors of Benjamin Cushwa - that he insolvent papers and the papers therewith filed disclosed the names of his creditors viz Henry Rockenbaugh and Michael Seibert. This respondent did not deem it his duty to advertise for the creditors, or in any other mode to encounter the trouble of finding them out until he had assets of said insolvent in his hands but conceived it to be his duty under his appointment, as trustee to proceed to reduce into his possession the property owned by Benjamin Cushwa at the time of his application for the benefit of insolvent laws of Maryland and which property was liable to the payment of his debts of said Benjamin.

To the seventh interrogatory he saith most emphatically, that no such arrangement has been made.

To the eighth interrogatory he answers in the negative William Dietz

State of Maryland Washington County to wit

On this 24 day of July 1854 before me the subscriber a Justice of the Peace of the State of Maryland in and for Washington County aforesaid personally appeared the above named William Dietz and made oath that the matters stated in the foregoing answer are true to the best of his knowledge and belief.

Wm H. Kennedy JP

The following answer of William Cushwa to Bill of Complaint was also filed viz:

The answer of William Cushwa of &c to the Bill of Complaint of William Dietz against him and others in the Circuit Court for Washington County exhibited

This defendant for answer to said bill or to so much thereof and such parts thereof as he is advised it is necessary or material for him to answer answering says that he knows nothing of his own knowledge of the various allegations of said bill. This defendant admits the copy of the will of Benjamin Cushwa exhibited by Complainant marked No 1 is a true copy. that this defendant took out letters testamentary and that the personal estate by said testator has been fully administered with the exception of a very small sum set apart to meet a contingency of costs under the order of the Orphans Court of Washington County. This defendant is willing to submit to such decree in the premises as may seem to your Honor to be consistent with Equity and as &c

Wm Cushwa

State of Maryland Washington County to wit: On this 22d day of July 1854 before me the subscriber a Justice of the Peace of the State of Maryland in and for Washington County personally appeared the above named William Cushwa and made oath that the matters stated in the foregoing answer are true to the best of his knowledge and belief.

Samuel Byd JP

The following answer of Isaac B. Cushwa Sarah Troup and Ann E. Cushwa was also filed viz:

The joint answer of Isaac B. Cushwa Sarah Troup and Ann Elizabeth Cushwa to the Bill of Complaint of William Dietz against them in the Circuit Court for Washington County as a Court of Equity exhibited

These defendants for answer to said bill and such parts of said bill as they are advised it is necessary or material for them to answer answering say. That they admit Benjamin Cushwa deceased being insolvent died on the 19th day of December 1826 after the benefit of the insolvent laws of Maryland and also admit Complainants exhibit No 1 to be the application and proceedings thereunder of said Benjamin and also admit that John Cushwa deceased the brother of the said Benjamin they also admit that John Cushwa was appointed the trustee of said insolvent and accepted the said trust. That before the completion of said trust the said trustee died and that William Dietz the above Complainant was subsequently appointed trustee in the place of said deceased trustee that he accepted said trust and gave Bond as such trustee and the said Bond has been approved. That Complainants Exhibit No 2 is a correct copy of said proceedings. That the time of this application as trustee defendants believe was largely indebted to numerous creditors amongst them his said brother John was his largest or one of his largest creditors. That said Benjamin finding himself unable to pay the debt he owed to his said brothers and that he was compelled to apply for the benefit of the insolvent laws of Maryland and became an insolvent debtor. The said Benjamin under a sense and realization of being and becoming an insolvent debtor did on the 14th day of November 1826 execute and deliver to the said John Cushwa his brother and creditor the deed of which Complainants exhibit No 3 is a true copy intended to operate as a Mortgage to secure the payment of the debt he then owed to his said brother thereby giving his said brother as one of the creditors in legal contemplation and as these defendants are advised, and his other creditors although these defendants are satisfied that the said Benjamin did not intend nor believe that he was thereby committing any actual fraud. These defendants further admit that the allegations and verdict thereon are correctly stated in said bill and that Complainants Exhibit No 1 is a true copy of the same. That said John as insolvent trustee did not sell but permitted the said Benjamin to live and occupy the same with the exception of the farm "known as the Knaved farm" containing about 130 acres of land to the day of his death. To erect buildings thereon to cut and sell timber therefrom and otherwise to use and treat the property as his own. That the said John Cushwa took possession of the Knaved farm" aforesaid and held possession thereof and received the rents issues and profits thereof to the time of his death which occurred in the year 1845. That the heirs and representatives of the said John and they named in said Bill and that Benjamin Cushwa died in the year 1848 having previously made his last will and testament a true copy whereof marked No 4 has been exhibited by