October Term 1847

1827 True copy.

I promise to pay unto Elizabeth Cushwa or order on the 23d day of April 1822 the sum of Twenty pounds for value received. Witness my hand and seal this 7th day of March 1811. Benj Cushwa (Seal)

John Cushwa — True copy — Test I Nesbitt Clk

Thereupon the Court passed the following order to wit

In the matter of the petition of Benjamin Cushwa for the benefit of the Insolvent Debtors in Washington County March Term 1849. The petition of Henry Richenbaugh a creditor of the said Benjamin Cushwa presents to the said Benjamins application on the 19th of December 1826 praying for the appointment of a trustee in the place and stead of John Cushwa former trustee but now deceased having been read and considered and it appearing to the Court here that the proceeding order passed upon the said Richenbaughs petition has been published as required It is thereupon this 9th day of April in the year 1849 by the Court aforesaid ordered adjudged and decreed that William Hetts of the said County be and he is hereby appointed a permanent trustee for the benefit of the creditors of the said insolvent debtor in the room of John Cushwa heretofore appointed by Jacob Schnebly a justice of the Orphans Court of said County a provisional trustee and who is now deceased: and it is further ordered that the said William Hetts shall enter into a Bond to the State of Maryland in the form prescribed by law in such case and duly for the faithful performance of his duties as trustee said Bond to be executed with sureties to be approved by this Court and in a penalty of twenty thousand dollars. R A Martin

Thereupon the said William Hetts filed in Court here his Bond and which is approved of viz.

Know all men by these presents That we William Hetts John Keefer and Gustavus Kershner of Washington County in the State of Maryland are held and firmly bound unto the State of Maryland in the just and true sum of twenty thousand dollars current money to be paid to the State of its certain attorney to which payment well and truly to be made and done we bind ourselves our heirs executors and administrators jointly and severally in and for the whole firmly by these presents sealed with our seals and dated this 17 day of August in the year of our Lord 1849 Whereas the above bounden William Hetts hath been by Washington County Court in the State of Maryland appointed permanent trustee for the benefit of the Creditors of Benjamin Cushwa an insolvent debtor in the room of John Cushwa heretofore appointed provisional trustee but who is now deceased agreeably to the act of Assembly in such case made and provided Now therefore the Condition of the above obligations is such that if the above bounden William Hetts shall well and truly and faithfully discharge the aforesaid trust agreeably to the laws of the land then this obligation to be void and of no effect otherwise to be and remain in full force and virtue in law

William Hetts (Seal)
John Keefer (Seal)
Gustavus Kershner (Seal)

The defendants further offer in evidence by Henry Awlley a competent Witness that he was well acquainted with said Benjamin Cushwa having

having known him from his youth to his death that he resided upon and was in possession of the land for the recovery of which this suit is brought from the death of Benjamins father a little before 1826 to his own death in 1847 that Benjamin used and treated the lands in controversy as his own well after the year 1826 and got saw logs for his saw Mill and rails for his fences from the timber part of the lands in controversy That John Cushwa resided on the adjoining farm distant about three quarters of a mile from Benjamins home, and that he the witness had purchased lumber from said Benjamin That John Cushwa was a large Creditor of Benjamin at or before this application for the benefit of the insolvent laws and by Henry Seery a competent Witness that he knows the land in controversy in 1826 that Jones then and to the day of said Benjamin death in his possession, that Witness in 1826 sold land superior to the land now in question for $25. or $30 per acre and that land for which this suit is brought was not worth so much per acre in 1826 And by Michael Seibert a competent Witness that said land in 1826 was worth about $20 per acre. It was admitted by the Counsel for the plaintiffs that the said John Cushwa was present at the bond of the said Benjamin upon the allegations set up by Henry Seibert and that said John is the second person who was appointed trustee of Benjamin under his application for the benefit of the insolvent laws The defendants further offered in evidence the note of Benjamin Cushwa to said John Cushwa upon which the administrators of John Cushwa then deceased the foresaid plaintiff recovered judgment

John S Cushwa and Mary A Brewer adms of John Cushwa vs Benjamin Cushwa } No 206 Issues. Nov Term 1847. Judgment to Nov for $1689.86 debt and $3000 damages and costs the damages to be released on payment of the debt, with interest from the 5th day of April 1839 less and costs $9.50 Daugl Sh or 10th 1847.

True copy Test Isaac Nesbitt Clk

The following is a Copy of the Note filed in the above case and upon which judgment is founded.

$1689.86 I promise to pay to John Cushwa for value received the sum of five thousand six hundred and eighty nine dollars and eighty six cents payable on the 5th day of April 1839 As Witness my hand this 26th day of March 1839. Benj Cushwa (Seal)

Witness John S. Cushwa

An a scire facias issued upon said Judgment after the death of Benjamin against his heirs and terre tenants and a scire facias upon the same and the Sheriffs return thereof thereon the plaintiff in this appeal to have been the purchasers of the land aforesaid,

Washington County to wit.

The State of Maryland to the Sheriff of Washington County Greeting Whereas at a County Court begun and held at Hagerstown in and for the County aforesaid on the 3d Monday of November in the year of our Lord 1847 a certain John S Cushwa and Mary A Brewer administrators of all and singular the goods and chattels rights and credits which were of John Cushwa late of said County dead at the time of his death by judgment of the said Court recovered against a certain Benjamin Cushwa late of Washington County aforesaid as well the sum of four thousand six hundred and eighty nine dollars