Sold on the 9th day of December 1845 after due notice being given of the time and place of sale at public sale to the highest bidder in front of the Court house in Hagerstown all the estate right title and interest property claim and demand at law and in Equity of the said Isaac B Cushna and Cushna and Sarah Irmp heirs at law of Benjamin Cushna deceased and Mary Cushna widow of the said Benjamin Cushna of in and to the aforementioned and described tracts or parts of tracts and portions of land situate as aforesaid at which time and place John S Cushna and David Brewer and Elizabeth his wife of said County became the highest bidders therefor and purchasers of the aforementioned and described tracts or parts of tracts of land for the sum of two thousand dollars. So answers Hamm Sheriff of Washington County

It was admitted by the Counsel for the plaintiffs and defendants in this cause that said sale was set aside by the Court but did not as set forth was resumed and that the second contract was passed a second time by the Sheriff to the plaintiff in this suit and that objections to said sale have been filed which are now depending in the Circuit Court for Washington County. Whereupon further proceedings in the premises aforesaid were continued from term to term until the 4th Monday of July A D 1863. At which said fourth Monday of July the 27th day of the same month in the year 1863 came into Court here Andrew K Spessler Insolvent Trustee of Benjamin Cushna by George Schley and Richard H Alney Esquires his Solicitors and also the defendants aforesaid by their Solicitors aforesaid and thereupon on the 14th day of September A D 1863 Andrew K Spessler Esq Insolvent Trustee by George Schley and R H Alney Esquires his Solicitors filed in Court here the following Bill of revivor or in the nature of a bill of revivor to wit:

No 1216 Equity

William Dietz vs David Brewer and Wife John S Cushna and others

In the Circuit Court of Washington County as a Court of Equity.

To the Honorable the Judge of the Circuit Court for Washington County sitting in equity. The Bill of revivor, or bill in the nature of a bill of revivor of Andrew K Spessler of Washington County insolvent trustee for the benefit of the creditors of Benjamin Cushna late of said County deceased humbly complaining shows unto your Honor.

That heretofore to wit on the 22 day of April in the year of our Lord 1862 William Dietz of said County then and as the insolvent trustee of the said Benjamin Cushna deceased filed his Bill of Complaint in the said Circuit Court for Washington County as a Court of Equity against certain David Brewer and Elizabeth his wife John S Cushna William Cushna as Executor of the last will and testament of the said Benjamin Cushna deceased and against Sarah Irmp Ann Elizabeth Cushna Isaac B Cushna and James R Ward as trustee for the purpose of and praying that a certain deed from the said Benjamin made in his life time to a certain John Cushna might be set aside as fraudulent and to have the said deed declared to be utterly null and void and that the real Estate conveyed by said deed might be sold for the benefit of the creditors of the said Benjamin Cushna or if the said deed should not be determined to be absolute by fraud then that it be declared a Mortgage to secure a debt due and owing from the said Benjamin Cushna to the said John Cushna and also praying an account of the rents issues and profits of the said real Estate and for discovery and for general relief in the premises: and also for an Injunction to stay certain proceeding at law that the said several defendants held of Complaint and afterwards the said John S Cushna died intestate leaving his children Sarah A Cushna and Ann Rachel Cushna under the age of twenty one years twenty years at law, and afterwards on the 25th day of March in the year 1855 William Cushna as next friend of the said his infant children Cushna deceased filed in the said cause a petition suggesting the death of the said John Cushna and praying that the said infants might be admitted as said parties defendants to said cause in the place and stead of their deceased father, and upon which petition the said petitioners were ordered by the Court that the said infant children be admitted as parties defendants to the said cause in the room and stead of their deceased father and that said cause proceed as if no death had occurred that afterwards on the 29th day of March in the year 1855 it was agreed by writing filed in said cause that the general replication should be considered and that a commission to take testimony should issue in the said cause &c &c and so forth. And your Orator further shewing that after the said cause and before the same was brought to a hearing William Dietz the original complainant departed this life and has been suggested in the said cause and since the death of the insolvent trustee of the said Benjamin Cushna as aforesaid Andrew K Spessler has been duly constituted and appointed insolvent trustee for the benefit of the creditors of the said Benjamin Cushna deceased in the place and stead of the said William Dietz and has been duly given Bond as such trustee and has been appointed a party to the proceedings in the insolvent application and your orator is advised that the said suit and the proceedings therein had having abated or become suspended by the death of the said William Dietz he as insolvent trustee as aforesaid is entitled to have the same revived against the said David Brewer and Elizabeth Brewer his wife and Sarah A Cushna and Ann Rachel Cushna infants children and heirs at law of John S Cushna deceased and aforesaid and against William Cushna executor of the last will and testament of the said Benjamin Cushna deceased and Sarah Irmp Ann Elizabeth Cushna and Isaac B Cushna and James R Ward trustee and to have the said suit and proceedings further in the same as the same were in at the time of the death of the said William Dietz to stand abated or suspended as aforesaid to the end therefore proceedings which so became abated or suspended as aforesaid may be revived and be in the same plight and condition as the same were in at the time of such suspension or that the said defendant may show good cause to the contrary why the benefit of the said suit and may have the said defendants as is prayed by the said original bill of Complaint May it please your honor to grant unto your Orator the writ of subpoena against the said his wife Sarah A Cushna Ann R Cushna William Cushna Cushna and Isaac B Cushna of Washington County and County commanding them to appear in this Court to answer the premises and show cause if any they have why this suit ought not to be revived against them as prayed and as in duty bound

George Schley R H Alney Solicitors for Complainant

And afterwards agreeably to the prayer of the said Bill the following Writs of the State of Maryland of subpoena were issued to wit: Washington County, to wit: The State of Maryland to David Brewer Elizabeth Brewer his wife Sarah A Cushna Ann R Cushna William Cushna Sarah Irmp Ann Elizabeth Cushna and Isaac B Cushna of Washington County Greeting You are hereby commanded that all

[illegible] the said [illegible] defendants cited [illegible] infants under the [illegible] day of March in the [illegible] of the said John S [illegible] the said John Cushna [illegible] said petition to said [illegible] the said petition was [illegible] defendants to the said [illegible] proceed as if no death [illegible] 1855 it was agreed by [illegible] cause having been filed [illegible] upon certain evidence [illegible] the proceedings aforesaid [illegible] stood in the said Circuit [illegible] and whose death [illegible] William Dietz the [illegible] Orator Andrew [illegible] for the benefit of the [illegible] and stead of the said [illegible] has been appointed [illegible] the said Benjamin [illegible] suit and the proceedings [illegible] the said William Dietz [illegible] against the said [illegible] and Ann Rachel Cushna [illegible] aforesaid and against [illegible] Benjamin Cushna de- [illegible] Cushna and James [illegible] and plight and condition [illegible] in which and whereby the [illegible] at the said suit and [illegible] stood revived and be in [illegible] to abatement or sus- [illegible] pension and that your [illegible] relief against the said [illegible] May it please your honor [illegible] and Brewer and Elizabeth [illegible] Sarah Irmp Ann E- [illegible] R Ward of Baltimore [illegible] the premises and show [illegible] them as prayed and [illegible] Notes for Compl Revivor [illegible] Writs of the State of [illegible] The State of [illegible] A Cushna Ann [illegible] Cushna and Isaac [illegible] and Head and