3d Whereupon present at the trial of the allegations against the said Benjamin Cushna an insolvent petitioner in Washington County Court, at the March term of said Court in the year 1827 "If you in what capacity". State whether the said John Cushna was also present at said trial and whether he in any way participated therein or whether he was represented in said trial by an attorney and if so in what manner did he participate or by what attorney was he represented". And state whether said John Cushna was examined as a witness on said trial and if so, for whom the plaintiff or defendant. Here follows the Exhibit filed with the Commissioner by the Complainant and returned as evidence.

Henry Seibert vs Benjamin Cushna Allegations Plea Not Guilty to each of the Allegations and issue joined Issue tried and verdict Guilty of the 1st 2d and 3d Allegations and not guilty of the 4th Allegation. Jurors Christopher Hard Samuel Hoshneby Jacob Meeter John Hamshond George H Lambert Jacob Hammer John Reynolds David Sherman J. 2d Joseph Ferry J 2ds Charles Hostelind J 2ds Jacob Fowlas J 2ds John A Anderson 2ds.

Plaintiffs Witnesses		Defendants Witnesses	
Andrew Kline	7d	John Cushna	7d
Leard Cushna	7d	Aaron Troup	6d
John Moffit	7d	George Huard	6d
Jacob Hook	7d	Henry Hendz	6d
William Wicht	7d	John Schnelly	7d
Henry Butterbaugh	7d	John Barles	
Peggy Hornbaugh	7d	Henry Dellinger	
Samuel Brewer		Henry Sauk	
		Alexander Neill.	

State of Maryland Washington County to wit. I Isaac Nesbit Clerk of the Circuit Court for Washington County and Ex Officio Keeper of the Records of Washington County Court aforesaid (the said County Court having been abolished by the Constitution of said State in the year 1851) do hereby certify that the foregoing is a true and perfect transcript copied from page 61 of the Minutes and proceedings of said County Court at its March Term 1827 In testimony whereof I have hereunto subscribed my name and affix the seal of the Circuit Court aforesaid this 14th day of January A D 1865.

Isaac Nesbit Clk

The following agreement in regard to evidence was filed to wit

Andrew K Spesler Insolvent Trustee vs David Brewer and Elizabeth his wife and others. No 1216 Equity in the Circuit Court for Washington County as a Court of Equity. Subpoe of Reverey &c. Pleas said the Several answers of the defendants to the Bill of reverey or lien in the nature of a reverey having been filed It is admitted and agreed that the said William Seitz the original Complainant in the cause departed this life in the year 1858 and so remained before the death of the other of the Court appointing said Andrew K Spesler insolvent trustee of Benjamin Cushna in place of said Seitz deceased and that the certified record of the insolvent proceedings in the application of said Benjamin Cushna deceased marked R C. may be filed in this cause as evidence to have the same force and effect as if filed under a Commission to take evidence, the object and purpose of this agreement being the saving the trouble and expense of summoning and executing a commission to prove and establish said matter and facts the foregoing is offered as proof for the Complainants and subject to all legal exceptions by the defendants as if taken under Commission.

W I Mamillan for Brewer and Wife. J S Cheyney Guardian of Infants

A K Spesler Complainant. R H Alvey for Complainant J. S Cheyney for the Infants.

Solicitors for Mrs Cushna and Heirs. Here follows Exhibit B filed with the Commissioner by the Complainant and returned as evidence

No 262 and the Insolvents

In the Matter of the Petition of Benjamin Cushna an Insolvent Debtor. Recd in the Circuit Court for Washington County Be it remembered that before the undersigned on the 19th day of December in the year 1826 Jacob Schnelly one of the Justices of the Orphans Court for Washington County filed with the Clerk of the County Court the following application of Benjamin Cushna for the benefit of the act of assembly entitled "An act for the relief of sundry insolvent debtors" passed at November Session 1805 and the several supplements thereto. To the Honorable Jacob Schnelly Justice of the Orphans Court of Washington County. The Petition of Benjamin Cushna an insolvent debtor now confined in the Jail of Washington County hereby shewetth. That your petitioner is a Citizen of Washington County and State of Maryland and has resided in the same the whole years next preceding the date of his petition that from various causes and misfortunes in business he is become unable to pay his just debts. That he is now in actual confinement for debt and no other cause and he has not before received relief under the Insolvent laws of Maryland that he is willing to deliver for the use of his Creditors all his property real personal and mixed (the necessary wearing apparel beds and bedding of himself and family only excepted) to which he is in any way entitled a schedule of which is annexed together with a list of his Creditors as far as he can at this time ascertain them all on oath hereunto annexed. And your petitioner is willing to do any and all other matters and things required by him by the insolvent laws of this State. May your petitioner prays your honor to release his person from confinement and to afford him the benefit and advantages of an act for the relief of sundry insolvent debtors passed at November Session 1805 Chapter 101 and the several supplements thereto. And your petitioners prays your honor to allow him what further relief the said insolvent laws provide, on his complying with all the requisites thereof. And your petitioner will ever pray &c. Ben Cushna

I do hereby certify that Benjamin Cushna a Petitioner under the Insolvent law of Maryland and its several supplements is now confined in the Jail of Washington County for debt and for no other cause. Nov 19th 1826. Alex Neill Sheriff.

State of Maryland Washington County to wit I certify that Benjamin Cushna a petitioner for relief under an act of Assembly entitled an act for the relief of sundry debtors and its several supplements hath not before obtained a release from the Court under the said act and its several supplements and that no such discharge appears in the Record of this Court.

C H Williams Clk

Nov 19th 1826 Personally appears before me the subscriber a Justice of the Peace for Washington County and State of Maryland John Cushna and makes oath on the Holy Evangelys of Almighty God that Benjamin Cushna of Washington County now confined in the Jail of Washington County, for debt has resided for a whole years next preceding his petition in the State of Maryland Nov 19th 1826. Sworn Before J Schnelly.

State of Maryland Washington County to wit appeared before me the subscriber a Justice of the Peace for Washington County and State of Maryland Benjamin Cushna and makes oath on the Holy Evangelys of Almighty God that he hath not at any time before the present been released under the act of Assembly of this State entitled an act for the relief of sundry insolvent debtors and its supplements Given under my hand this 19th day of December 1826 J Schnelly. Know all men by these presents that we Benjamin Cushna John Cushna and John Sohleigh of Washington County are held and firmly bound unto the State of Maryland in the just and full sum of five thousand five hundred dollars current money to be paid to the said State or its certain Attorneys to which payment well and truely to be made and done we bind ourselves our heirs executors and administrators