John Powers Sl and Newcomer

State of Maryland Washington County sct I hereby certify the foregoing to be truly taken from Liber folio 488 489 and 490 one of the Land Records of Washington County

In testimony whereof I hereunto subscribing my name and affix the seal of the Circuit Court for Washington County this 27th day of April A.D. 1865

Isaac Nesbit clk

Thereupon the Complainant by his Solicitors R H Alvey Esq filed in Court here the following Exceptions to wit.

Andrew K Syester Trustee vs David Brewer and Wife et al

No 1216 Equity In the Circuit Court for Washington County as a Court of Equity

1st The plaintiff in this cause Andrew K Syester excepts to the admissibility as evidence in the cause of the paper or document filed with the answer of the defendants John S Cushna and David Brewer and wife as exhibit A and purporting to be an original mortgage from Benjamin Cushna dec'd to John Cushna dec'd

2d The said plaintiff also excepts to the admissibility as evidence in the cause of the paper or documents filed with the answer of the said defendants as exhibit B and purporting to be a list of claims filed by said John Cushna deceased for the said Benjamin Cushna dec'd &c

3d And the said plaintiff also excepts to the admissibility as evidence in the cause of the account Book filed with the answers of the said defendants as exhibit C and hereby objects to the admissibility in evidence of any of the accounts or entries made in said Book

R H Alvey Solr for plff.

The following Exceptions to deed marked Exhibit K filed in Court.

Andrew K Syester Trustee vs David Brewer and wife and others

No 1216 In the Circuit Court for Washington County sitting as a Court of Equity

June Term 1865

The defendant and petitioner David Brewer and wife and Z S Hagan Guardian to Eliza A Cushna and Rachel A Cushna infants under the age of 21 years and heirs at law of John S Cushna late of said County deceased, defendants in the above cause to a copy of a certain deed filed in this cause and marked Exhibit K These defendants except to the said deed and deny that the same is proper evidence in this cause against these defendants because the same is not a copy compared therewith and not returned as evidence under the commission issued in this cause to take testimony.

William T Hamilton Solr for D S Brewer and wife

Geo W Smith Jr Solr for heirs of John S Cushna dec'd

The following Exceptions to evidence was also filed by the defendants to wit,

Andrew K Syester Trustee vs David Brewer and Wife and others

No 1216 In the Circuit Court for Washington County sitting as a Court of Equity.

March Term 1865

The petition and exceptions of David Brewer and Elizabeth Brewer his wife and Z S Hagan Guardian to Eliza A Cushna and Rachel A Cushna infants under the age of twenty one years and heirs at law of John S Cushna late of said County deceased defendants in the above cause to certain evidence returned by the Commissioner and filed therein,

1st These defendants except to the Record evidence of the suit of Henry Seibert

vs Benjamin Cushna with the entires proceedings and orders thereon taken from pages 60 of the Minutes and proceedings of Washington County Court at its March term in the year 1827 and marked Exhibit No 6, returned by the Commissioner and filed in the cause and deny that the same is admissible as evidence in this cause against the defendants because the same is a record of proceedings between the parties with which these defendants or any of them or the parties under whom they claim had no part and were not privy thereto.

2d These defendants except to so much and such part of the record evidence of the proceedings under the application of Benjamin Cushna, an Insolvent debtor for the benefit of the Insolvent laws returned by the Commissioner and filed in this cause and marked B C as relates to and embraces the proceedings of the suit of Henry Seibert vs Benjamin Cushna on allegations filed by the said Henry Seibert and tried at the March Term of Washington County Court in the year 1824 together with all the proceedings entries verdict and judgment thereunder and deny that the same or any part thereof is admissible as evidence in this cause against these defendants because the same is irrelevant and is a record of proceedings between other parties in which these defendants or any of them or the parties under whom they claim had no part and were not privy thereto.

3d These defendants except to the printed record evidence filed in this cause under an agreement dated March 27th 1855 and filed in the 30th day of March 1855 signed by the Solicitors the said record being a record of the proceedings in a cause in the Washington County Court between John S Cushna and others against Isaac B Cushna and others and these defendants deny that the said printed record is admissible as evidence in this cause or any part thereof against these defendants because the same is irrelevant and improper as evidence in these proceedings. 4th These defendants further except to the testimony of Jacob Powers taken and returned by the Commissioner and filed in this cause because the same relates to the trial of a cause in which these defendants or any of them or the parties under whom they claim had no part and were not privy thereto and because the same is irrelevant and improper as evidence in this cause and not admissible as such against these defendants.

William T Hamilton Solr for David Brewer and wife

Geo W Smith Jr Solr for heirs of John S Cushna dec'd

The following Agreement of Counsel as to certain evidence was thereupon filed to wit

A K Syester Trustee vs David Brewer

No 1216 In the Circuit Court for Washington County sitting as a Court of Equity June Term 1865:

In the above cause it is admitted that the instrument of writing purporting to be a Mortgage executed by Benjamin Cushna the insolvent in the proceedings to John Cushna and filed in this cause as defendants Exhibit A with their answer was executed by the said Benjamin Cushna and his signature thereto affixed is the signature of the said Benjamin in his own proper handwriting and such admissions are made to give the same force and effect to said instruments purporting as of proven regularly under the Commission in this cause to take testimony subject to all legal exceptions, and it is further admitted that the Copy of the deed of Benjamin Cushna for the Shable farm and filed by the Complainant as Exhibit K be used as evidence in this cause, is a true Copy of the original deed and that the land thereby described is part of the land conveyed by Benjamin Cushna to John Cushna by Exhibit marked No 3 filed with the Complainants