executed the same she may be more incapable of managing her affairs, and charge that at the time of filing her said bill of complaint she was induced to do so because of undue and improper influence exerted over her by reason of her imbecility occasioned by advanced age, she being as they are informed and believe upwards of ninety years of age; and they aver that according to her own showing she should have sued by her committee or next friend instead of filing her said bill in her own name. And these defendants for further answer say that all that part of complainants bill in relation to the assignment of notes evidences of debt &c, to George Steffler in his life time is foreign and irrelevant to the relief prayed, but they utterly deny that said assignments were made as charged by the said complainant in her Bill of Complainant, and these defendants deny all and all manner of unlawful combination and confidence wherewith the said George Steffler is charged by the said bill, all which matters and things these defendants are ready and willing to aver maintain and prove as this Honorable Court shall direct, and humbly pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

Chas. S. Baggett Solr for Defdts

Thereupon the following Commission to take Testimony was issued.

State of Maryland. Washington County, to wit

The State of Maryland to David K. Wiles and Frances M. Darby Gentlemen Greeting: Be it known that you are appointed Commissioner to examine evidences in the cause depending in the Circuit Court for Washington County, sitting as a Court of Equity, between Sarah Steffler, Complainant, and John Highberger & others defendants, Therefore we have confided, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as Clerk to attend the execution of this commission, that at such time and place as you shall seem convenient, you cause to come before you, all such evidences as shall be named or produced to you by either the Complainant or Defendants, and that you examine them upon their corporal oaths, to be by you duly administered on the Holy Evangely of Almighty God, touching their knowledge & remembrance of any thing that may relate to the cause aforesaid; and that you cause notice to be given to the parties or their Solicitors of the execution of this Commission, before you execute the same; and having reduced the depositions of the witnesses so taken by you into writing, you send the same with this Commission closed under your hand and seal to this Court with all convenient speed. Witness, the Hon. Thomas Perry, Judge of our said Circuit, the 7th day of March 1857. Issued the 28th day of May 1857

Isaac Nesbitt, Clerk

Commissioners Oath

You shall according to the best of your skill and knowledge, truly, faithfully, and without partiality, to any or either of the parties, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the within Commission, upon the interrogatories now or which may hereafter before the said Commission is closed, be produced to and left with you; by either of the said parties. So help you God Sworn before J. Cook J. P.

And thereupon all further proceedings in the premises aforesaid between the parties aforesaid, by order of the Court here, were continued from term to term, until the fourth Monday of July 1860. On which said fourth Monday of July being the Twenty third day of the same month, in the year of our Lord one thousand eight hundred and sixty, came again into Court here, the Complainant aforesaid by Chas Solicitor aforesaid, and the Defendants aforesaid, by their Solicitor aforesaid.

And the said Frances M. Darby one of the Commissioners named in the foregoing Commission to take Testimony, made return of the said Commission to the Court here, on the 30th day of July 1860 endorsed as follows, to wit: "The execution of this commission will appear by certain schedules thereto annexed. F. M. Darby Com (Seal)

Here follow the schedules above referred to by the Commissioner aforesaid.

Sarah Steffler vs. John Highberger & others } In the Circuit Court for Washington County, sitting as a Court of Equity

Interrogatories to be propounded to witnesses, to be produced on the part of the complainant

1st Interrogatory. Do you know the parties Complainant and Defendants to this suit, or any, and which of them, and how long have you known them, or any and which of them respectively? Declare the truth of the several matters by this interrogatory inquired after according to the best of your knowledge, remembrance and belief? 2nd Interrogatory. Whether or no was the said Sarah Steffler on the 1st of August 1846 seized of or otherwise entitled to or interested in any, and what real estates? Declare and state fully your knowledge herein 3rd Interrogatory. Were you acquainted with a certain George Steffler in his life time, and if yea, when and where died? State fully all your knowledge as to the business affairs of Sarah Steffler being entrusted to the said George Steffler in his life time, and state also the capacity of Sarah Steffler for the transaction of her own business & whether or not she was capable of being influenced to be over reached by the said George?