December Term 1863

Sarah Stiffler vs John Hughbergers & others } In the Circuit Court for Washington County as a Court of Equity. No 1460

The defendants in the above case, by R.S. Claggett their Attorney excepts to the interrogatories filed in said cause being leading & improper & to all the testimony taken under commission in the said cause as irrelevant to any issue joined in said cause and as otherwise inadmissible. 2nd To the competency of Van S. Brashears & William Brashears, witnesses examined on the part of the complainant to prove any fact in this cause as cause from the whole evidence taken in the case they and each of them are interested in the event of the suit. 3rd To the admissibility of so much and such parts of the depositions of Jeremiah Kuhn, Van S. Brashears, William Brashears, Paul Hammond, and Jonathan Hill, witnesses examined on the part of the Complainant, as professes to prove the condition of the Complainants mind and the influence exerted over her by George Stiffler, because they give opinions without stating the facts upon which their opinions are based, and that their impressions and opinions without stating the facts upon which they are founded are not evidence and that the other facts testified to by said witnesses are irrelevant and inadmissible in any issue joined in this cause. 4th That the testimony of R. Ellsworth Brooks is irrelevant to any issue in this cause and is for other reasons, inadmissible to prove the facts sought to be established by the complainant. 5th To all those declarations of Sarah Stiffler, the complainant, to Paul Hammond & others as to the property in controversy belonging to her, as inadmissible in this case. 6th To "Exhibit S.G." as being inadmissible for the purpose for which it is offered there being no exhibit with the Bill of complainant of a certified copy of the alleged deed. 7th To all the evidence taken under the commission as inadmissible under the issue in this case.

R. S. Claggett Solr. for Defts

Thereupon the Solicitors aforesaid filed in Court here, on the 30th day of July 1860. the following agreement to wit

Sarah Stiffler vs John Hughbergers & others } No 1461. In the Circuit Court for Washington County sitting as a Court of Equity

It is agreed by the Solicitors for the respective parties that the above case be set down for final hearing & argument this 30th day of July 1860.

Alfred L. Merrick Sol. for Compls. R. S. Claggett Solr. for Defts

And thereupon all further proceedings in the premises aforesaid,

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between the parties aforesaid, by order of the Court here, were continued until the fourth Monday of November next: On which said fourth Monday of November being the twenty sixth 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 her Solicitors aforesaid, and the defendants aforesaid, by their Solicitor aforesaid

Whereupon the Court filed in the cause the following opinion

Sarah Stiffler vs John Hughberger & others } In the Circuit Court for Washington County, sitting as a Court of Equity

In this case I have entertained much doubt in regard to the sufficiency of the evidence and the effect upon the right of the parties. I have however determined that the complainant is entitled to relief. The evidence satisfies my mind that the intestate of the defendants imposed upon the complainant and it is one of those cases in which a Court of Equity should interpose to give relief. I will therefore pass a decree to set aside the deed to George Stiffler and which is recorded in Liber J.N.No 4. folios 272 & 273 &c.

Thomas Perry

Whereupon the Court passed the following decree, to wit:

Sarah Stiffler vs Daniel Hughberger & others } No 1461. In the Circuit Court for Washington County, sitting as a Court of Equity, November Term 1863

This cause standing ready for hearing and being submitted & the counsel for the parties were heard, and the proceedings read and considered. It is thereupon this 30th day of November in the year 1863, by the Circuit Court for Washington County, sitting as a Court of Equity, adjudged, ordered and decreed that the deed in the proceedings mentioned, from the complainant Sarah Stiffler to George Stiffler the defendant intestate bearing date on the seventh day of April in the year 1849, and which is recorded in Liber J.N.No 4, folios 272 & 273 one of the land records of Washington County State of Maryland and the record thereof be, and the same are hereby set aside, and declared to be held and taken to be utterly null and void to all intents and purposes whatever and that the defendants pay the complainant her costs of suit to be taxed by the Clerk of the Circuit Court for Washington County

Thomas Perry