

No. 5926 Equity

leaving surviving him the said Beresce Payne and Catharine Lytle his only heirs at law,

Fifth: That the said Catharine Lytle died about the fifth day of January in the year 1872 and by her last will, dated the twenty ninth day of December in the year 1867, duly admitted to probate and recorded in Book No. 1, folio 467, one of the record Books of wills, in the office of the Register of wills of Frederick County, devised all her interest in said real Estate to her niece Mary Cecelia Mullinix, during her natural life, and at her death to her children, to be divided share and share alike among them, all of which will appear by reference to a Certified Copy of said will herewith filed marked Exhibit A.

Sixth: That the said Mary Cecelia Mullinix, wife of Thomas Mullinix is still living and resides in Frederick County, State of Maryland, and that she has three children who are living and residing with their parents in Frederick County, namely, Mary Benton Mullinix, Leonia Louis Mullinix and Alice Catherine Mullinix, all of whom are infants under the age of twenty one year.

Seventh: That the Complainant, together with the defendants to this Bill of Complaint are parties of the real Estate hereinbefore described as tenants in common, and that the same cannot be divided among the parties hereto without loss and injury, and that it will be necessary that the said lands be sold, under the decree of your Honorable Court and the proceeds of the sale thereof divided among them.

To the End thereof that the defendants hereinabove named may answer the matters and things hereinbefore stated, as fully as if they were herein again repeated, and they were thereunto specially interrogated, and that the lands and premises in these proceedings mentioned may be sold, and the proceeds of said sale divided among the parties interested according to their respective interests, and that your Orator may have such other and further relief as the nature and equity of the Case may require, May it please your Honors to grant unto your Orator writs of subpoena against Mary Cecelia Mullinix and Thomas Mullinix, her husband and Mary Benton Mullinix, Leonia Louis Mullinix and Alice Catherine Mullinix, the defendants herein, all of them being residents of Frederick County, commanding them to be and appear in this Court in person or by guardian, on some certain day to be therein named, to answer the premises and abide by and perform such decree as may be passed therein.

Chas W Hoffman
Solicitor for Complainant

Filed March 22nd 1892.

Exhibit A

State of Maryland, Frederick County, Pet
I James H. Waters, Register of wills for Frederick County do hereby Certify and attest, that on the 13th day of June, 1864 Letters of Administration were granted by the Judges of the Orphans Court, of Frederick County aforesaid to Joseph Payne Esq on the Estate of Mary Deek late of Frederick County deceased, the

Exhibit A.