

No. 5926. Equity.

Came to the Examiners to take testimony on the part of the Complainant to support the allegations of the Plaintiff's Bill of Complaint as against the infant defendants thereto, the answers of said infant by Joseph W. Byrne their Guardian ad litem having been filed.

Chas W. Hoffman

Solicitor for Complainant.

Ordered by the Court this eleventh day of April A.D. 1892 that the above Cause be and the same is hereby referred to the Examiners to take testimony on the part of the Complainant to support the allegations of the Bill as against the infant defendants thereto.

Geo W. Shurf.

Filed April 11th 1892

Serence Byrne

Mary Cecelia Mullinix
Thomas Mullinix and others

No. 5926. Equity.

In the Circuit Court for Frederick County sitting as a Court of Equity.

In pursuance of the amended order of the order of the Court and notice given and by the Solicitor for the Plaintiff in the above entitled Cause.

J. Clayton O. Needy one of the regular Examiners of said Court duly appointed, qualified and sworn, having met at my office in Frederick City and assigned the 19th day of April A.D. 1892 at the place aforesaid as the time and place for taking the testimony in this Cause and having given due notice thereof to the parties concerned, did at the appointed time and place proceed to take the following testimony to-wit:

The Plaintiff filed with the Examiners as evidence Exhibits A. B. C. D. E & F which are herewith returned by said Examiner.

Frederick Werthimer a witness of lawful age produced on the part of the Plaintiff being duly sworn and Examined viva voce deposed and says as follows:

My name is Frederick Werthimer, my age 69 years and I reside in Frederick City where I have resided for about 29 years, I knew Mary Deek late of Frederick County deceased. She was the wife Joseph Deek also late of Frederick County, decd. and survived him. Mary Deek left at her heirs at law the following sister and Brothers viz:

Joseph Byrne, Serence Byrne (the Plaintiff) and Catherine Lytle. I knew said Joseph Byrne. He is dead. He died in Washington County, Md. about 1876.

I also know said Serence Byrne. He is living. He resides in Washington County, Md.

I also know said Catherine Lytle. She is dead. She died in Frederick City in January 1892. I know Mary Cecelia Mullinix the niece of Catherine Lytle. She resides in Frederick County