

No. 3926. Equity.

and is the wife of Thomas Mullinix. The said Cecelia Mullinix has three children living viz: Mary Benton Mullinix, Sedonia Louis Mullinix, and Alice Catherine Mullinix, all of said children are under 21 years of age and reside with their parents.

I know the property on North Market Street and that on East Street both in Frederick City which was owned by Mrs. Catherine Lytle in her lifetime. Said piece of property or neither of them can not be divided among said parties in interest without loss and injury thereto because they are both improved town properties of very unequal values. The only way an equitable division could be made is by selling them and dividing the proceeds. Ans. To the Com. Dec. by the Examiner, Nothing that I know of.

Frederick Wetherman

Eliza C. Lewis a witness of lawful age sworn on the part of the Plaintiff being duly sworn and examined vis voce deposes and says as follows:-

My name is Eliza C. Lewis; my age 66 years, I reside in Frederick City and have lived here for upwards of fifty years.

I knew Mary Deek late of Frederick County deceased. She was the wife of Joseph Deek and survived her husband some years. Mary Deek left no children but left as her heirs at law two brothers and a sister viz: Joseph Byrne and Surrence Byrne and Catherine Lytle. I knew said Joseph Byrne. He is dead. He died some 10 or 15 years ago.

I knew said Surrence Byrne. Slightly I have seen him and spoken with him, but have no particular acquaintance with him. He is living yet and resides somewhere about Harper's Ferry.

I also knew the said Catherine Lytle. She is dead. She died at her home in Frederick in January 1872.

I know Mary Cecelia Mullinix, the niece of Catherine Lytle, she is the wife of Thomas Mullinix both of whom live Plain No 4 in Frederick County. She has three children who are living. The oldest is called Mary; the next one Sedonia and the youngest is quite a baby. I have not learned its name. These children are all under 21 years of age and live with their parents in Frederick County. I know the property on North Market Street and also that on East Street in Frederick City, Maryland and which was owned by Mrs. Lytle in her lifetime. I should not think the said property could be divided among the parties without loss or injury because they are improved town properties and the one is worth considerably more than the other.

To the Com. Dec. by the Examiner.

Ans. - I don't know of any thing else. Eliza C. Lewis

Whereupon there being no other witnesses to be examined and no further time being required for the production of testimony the said Examiner hereby certifies that the foregoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectively and I herewith return the same enclosed to the Court.