

No. 5983. Equity

they describe the said land of which he died seized and possessed the said land is situated in Satow Valley in Urbank District in Frederick County and is worth about \$25- or \$30- per acre.

During my father's lifetime Patrick Naylor owned land adjoining his on the South west side and for the purpose of straightening the dividing line between their lands they mutually agreed upon an exchange of certain small pieces of land about equal in quantity which exchange was made and a dividing fence placed on such new dividing line accordingly that was done about the year 1846 or 1847 that fence has remained there ever since and that line and fence have been maintained and recognized on the dividing line and fence between said properties ever since said Patrick Naylor's land has since passed to Otto Thomas Naylor and McHenry J. Naylor who are parties to this proceeding.

Said land of which Thomas Lyles died seized and possessed has not been sold since his death can not be divided or partitioned among the parties entitled according to their respective rights without loss and injury because the parties are numerous and there is but one set of books to divide it.

The said parties in interest have been enabled to agree upon a sale of said lands among themselves and it would be to the best advantage of all to have it sold under a decree of this Court.

To the Com. sent by the Examiner
Ans. I don't know of any thing more.
Thomas Lyles

Thomas H. Hall a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined under oath deposes and says:-

My name is Thomas H. Hall, my age 54 years, I reside in Frederick City, I know all of the parties to this suit but am not one of them. I knew Thomas Lyles late of Frederick County, he is dead, he died in Frederick County about 10 or 12 years ago. He left no will. He left a widow Sybil Lyles who died about three years ago and also the following children viz:-

1. A daughter Nancy G. who is the widow of Horace Smith dec'd.
2. A Son Thomas Lyles, the preceding witness.
3. A daughter Margella L. who is the wife of William W. W. (W. W. W.)
4. A daughter Elizabeth Lyles who is the wife of James Lyles
5. A Son Charles A. B. Lyles who died about five years ago, without issue and children, but leaving a widow Cornelia Lyles who has since married Francis Jackson.
6. A daughter George Alice Mabel wife of Jacob Mabel.
7. Also the following named grand children, being the children of a deceased daughter, Debona Ann Hall who died before her father the said Thomas Lyles viz:-

1. Thomas Hall
2. John Hall
3. Helen Hall
4. Virginia the wife of Louis Wilson.