

No. 8102, Equity.

Ans.

An adult daughter Bertha A. who is married and whose husband's name is Harry Green; an infant daughter Myrtle Jane Mullinix who is the defendant in this cause, and myself who am the surviving husband of Francis A. Mullinix, decd. and as such am entitled to dower interest in the property, and who has since married my present wife's name being Annie E. Mullinix.

Q-

In the property mentioned in Exhibit No. 1. susceptible of division amongst the parties entitled, without loss and damage to them?—

Ans.

It could not be because it consists of a half acre of land, improved by a dwelling house with out buildings, which makes it impossible to be divided among the parties of interest, and I believe it would be interest and advantage to all the parties to sell the same, and especially to the benefit of the infant—

Q-

What arrangement if any have you made, looking to the sale of the property?

Ans.

I believed, until quite recently that the deeds, Exhibits 1, were made conveying the property to my wife and myself and was under the impression after my wife's death that I had the title to the property and acting upon this belief, I made a contract with Claudy E. Norris of Hummer's Mel. to buy the said property and all on about the 7th of Dec. 1906. Met Mr. Norris in Frederick, with the intention of making a deed conveying the property to him, but when I examined the title, I found that it had been conveyed to my wife, Francis A. Mullinix, decd. whereupon, I was unable to carry said property pursuant to the contract I