

filed in said cause, executed by O Horsey, Joseph J Mitchell and Catharine L. Mitchell, dated on the 10th day of December 1858, which uses and trusts are particularly set forth on said papers. ~

Your Petitioner further states that Joseph J. Mitchell Senior - and Joseph J. Mitchell Junior have both died since the passage of the said decree, and that the interest and title in said Estate has rested in the said Eliza Lee Mitchell as sole survivor - and that the said James McSherry holds the title in the Lands and premises, as her trustee, all of which matters will more fully and at large appear by the Bill and all proceedings in No. 2673 Equity, which your Petitioner prays may be taken as part of this his petition ~

Your Petitioner further states that the said Catharine L. Mitchell as Trustee and as Guardian for her children Ada Mitchell and Robert Bross Mitchell under an order of the Orphan's Court for Frederick County, assigned and transferred the said decree and Mortgage for value to your Petitioner, as will fully appear by a copy of said order of the Orphan's Court, and by the assignment here - with filed marked Exhibit O. H. ~

Your Petitioner alleges that more than three years having elapsed since the date of the decree, the said decree has become dormant, and that he cannot have Execution thereof unless revived by an order of your Honorable Court. ~ Your Petitioner therefore prays your Honor to order a subpoena scire facias to be issued to the Sheriff of Frederick County, Commanding to summon James McSherry and Eliza Lee Mitchell, to be and appear in the Court by a certain day to be named therein, and show cause if any they have, why said decree should not be revived as prayed ~

Wm J Ross Solicitor
for O Horsey

In No. 2673 Equity - Circuit Court for Frederick County ~
Ordered by the Court this seventh day of January 1868, that the subpoena scire facias be issued as prayed ~

Allen vs Burk
1st Blund 544
1st Johnson Ab. Chancery
342 ~

John A. Reynolds
Filed January 7th 1868 ~

Exhibit O. H.

In the Matter of the application of Kate L. Mitchell, Guardian of Ida Mitchell and Robert Bross Mitchell

In the Orphan's Court for Frederick County - Oct. Term 1867 ~
Upon application of Kate L. Mitchell Guardian of Ida Mitchell and Robert B. Mitchell, ordered by the Judges of the Orphan's Court for Frederick County

this 26th day of November 1867, that Kate L. Mitchell as Guardian as aforesaid, sell, assign and transfer for Cash, the Mortgage and decree in No. 2673 Equity Circuit Court for Frederick County, heretofore assigned by Richard H. Marshall, to said Kate L. Mitchell by assignment filed in said cause No. 2673, and with which sum and decree as assigned, the said Kate L. Mitchell has charged herself as Guardian as aforesaid in this Court ~



Stamp
number

Jest J. L. McLean Regr

Filed January 7th 1868 ~

Subpoena

Answer
Eliza Lee M

Answer
James M