

1st. That your Petitioners together with John Elliott are the heirs at law of Susannah Elliott late of Frederick County deceased.

2nd. That by virtue of a decree of the Circuit Court for Frederick County passed in the above cause John C. Motter and Frank L. Stoner Trustees sold the property in said proceedings decreed to be sold, and have distributed and paid over the proceeds of sale, to all the parties to said cause according to their respective interests, excepting the said John Elliott, who has been absent and unheard of for a period of about twenty years, and is supposed to be dead,

3rd. That the said John C. Motter and Frank L. Stoner distributed 1/3 the said order filed in said cause the sum of One Hundred & fifty five 23/100 dollars to the said John Elliott, and have been unable to pay said distribution over to him on account of his absence although your petitioners have made an effort to discover his whereabouts .

4th. That your petitioner Mary Elliott Annie Elliott and Laura Elliott are sisters of the said John Elliott, Maggie Ray and Estelle Ray are nieces of the said John Elliott being the daughters of a deceased sister, That William H. Jordan and Avy Jordan are Nephews of the said John Elliott being the Sons of a deceased sister.

5th. Your petitioner prays your Honors, the following relief Viz.

1st. That an Order may be passed by your Honorable Court instructing John C. Motter and Frank L. Stoner Trustees in said cause to distribute pay over to your petitioners the above sum according to their respective interest in said fund, upon satisfactory proof of his death of the said John Elliott.

John C. Motter &
Frank L. Stoner
Attys for Solitors

The above petition having been read and considered, it is thereupon on this 6th day of October in the year eighteen hundred and ninety four by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof Ordered and adjudged that the papers in the above cause be and they are hereby referred to Clayton O. Keedy one of the regular Examiners of this Court to give the petitioners solution an opportunity to prove the allegations in said petition charged and to return the testimony to this Court for its further action

John A. Lynch
Judge of the Cir-Court.

Filed Oct. 6th, 1894.

T E S T I M O N Y

Annie Elliott	()	No. 5924 EQUITY.
Vs.	()	In the Circuit Court for
Mary Elliott	()	Frederick County sitting as
and others.	()	a Court of Equity.
	()	

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In pursuance of an order of the Court passed in this cause on the 16th day of October A.D. 1894, and notice given me by the Solicitor for the petitioner, I Clayton O. Keedy, one of the regular Examiners of said Court duly appointed, qualified and sworn, having met at my office in Frederick City, Md. on the 20th day of October A.D. 1894 and assigned the said time and place as the time and place for taking the testimony herein 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:-

John L. Jordan a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined Viva Voce deposes and says!-My name is John L. Jordan, I reside at Brunswick Frederick County, Md. I know all of the parties to this suit, Their names are Mary Elliott Annie Elliott Laura Elliott Maggie Ray Estelle Ray, Edward Jordan, Avy Jordan, and John Elliott. They are all of the children and grand children of Susannah Elliott dec'd who was the owner of the property described in the following.

I know that the property in question was sold by John C. Motter & Frank L. Stoner, Trustees in August 1892 I believe the money has been distributed as will be seen by the