

Bill

Joshua Staley and wife
William Whitmore wife
& Isabella Buntaker

No 2444 Equity in the Circuit Court for
Frederick County sitting as a Court of Equity in
the records and figures following to wit.

Exhibit
No 1

vs
John M. Buntaker
Mary J Buntaker
& others

To the Honorable Madison Nelson Judge of the Circuit
Court for Frederick County sitting as a Court of Equity

The Bill of Complainant Joshua Staley and Ann E. Staley his wife, Isabella Buntaker, William Whitmore and Sarah Whitmore his wife who were by William Whitmore her husband and next friend all of Frederick County shew that John Buntaker Senr. of said County departed this life many years since after duly making his last will and testament whereby among other things he devised as follows: "Believing my son John Buntaker incapable of preserving and managing real property and I do therefore give and grant to my trusty friend Valentine Dost my plantation on which I now reside, containing two hundred and twenty acres more or less together with all my mountain lots, in trust and care for the use and advantage of my aforesaid son John Buntaker until his death with this provision that if my aforesaid son can satisfy the Orphans Court of Frederick County, by three reputable neighbours that he is so changed as to be able and capable of managing temporal affairs to such degree as men generally are; that then he be put into full and entire possession of the real property aforesaid as fully as it is now in mine, after his death in every event I bequeath it to his lawful heirs forever" as will appear by reference to an extract of said will herewith filed marked Exhibit No 1 which with all other Exhibits your orators & oratrices pray may be taken as part of this their Bill of Complaint. Your orator and oratrices further shew unto your Honour that the said John Buntaker Jr departed this life sometime in the year 1857 leaving as his only heirs at law, your oratrices Ann E. intermarried with your orator Joshua Staley, Isabella Buntaker, Sarah intermarried with your orator William Whitmore and John M. Buntaker, Mary J Buntaker, Isaac Buntaker, Calvin Buntaker Samuel Buntaker and Milam J Buntaker to whom as your orators and oratrices are advised the said real estate belongs as tenants in common. Your orators and oratrices further shew unto your Honour that the said John M. Buntaker, Sarah Whitmore, Mary Jane Buntaker, Isaac Buntaker, Calvin Buntaker, Samuel Buntaker and Milam J Buntaker are infants under twenty one years of age and that they all reside in Frederick County. Your orators and oratrices further shew unto your Honour that the said real estate is susceptible of advantageous division and that it will be for the interest and advantage of the said infants and all parties concerned that said real estate be sold and the proceeds thereof divided among said parties. To the end therefore that the said John M. Buntaker, Mary J Buntaker, Isaac Buntaker, Calvin Buntaker, Samuel Buntaker and Milam J. Buntaker may answer the several matters and things hereinbefore stated as fully and particularly as if the same were here repeated and they thereto specially interrogated, and that said real estate may be sold and that your orator and oratrices may have such other and further relief as their case requires may it please your Honour to grant to your orator and oratrices the status writ of Subpoena against the said John M. Buntaker, Mary J Buntaker, Isaac Buntaker Calvin Buntaker, Samuel Buntaker, and Milam J. Buntaker of Frederick County commanding them to be in this Court in person or by solicitor at some certain day to be therein named to answer the premises and abide by and perform such decree as may be passed therein. And as in duty bound to

Subp^a

Subp^a

Subpoena

M. B. Luskett
Solicitor for Complainants

Enclosed filed August 19 1852