

No. 3803 Equity

To the Honorable the Judges of the South Judicial Circuit of the State of Maryland sitting in the Circuit Court for Frederick County as a Court of Equity.

The Bill of Complaint of John B. Kunkle surviving partner of John B. Kunkle and Jacob M. Kunkle partners trading under the name style and firm of John B. Kunkle & Brother respectfully shews to your Honors, that a certain Benjamin Willhite was indebted to John B. Kunkle and brother by his promissory note dated on the 23rd day of January in the year 1863 payable two years after date in the sum of Two Thousand two hundred dollars with interest from date the interest payable annually, as will fully appear by reference to said promissory note herewith filed marked Exhibit No. 1 which your Complainant prays together with all other Exhibits herein after produced may be taken and considered as part of this his Bill of Complaint. Your Complainant further charges that the said Benjamin Willhite for the purpose of securing the payment of said promissory note together with the interest due thereon in conjunction with his wife Mary P. Willhite on the 23rd day of January in the year 1863 executed their deed of Mortgage to the said John B. Kunkle and Jacob M. Kunkle conveying all those tracts and parts of tracts of Land situate and lying in Frederick County State of Maryland called "Poplar Grove" containing 39 $\frac{3}{4}$ Acres of Land and described in a deed from Nelson Ross and Wife to Benjamin Willhite dated the 18th day of January 1858 and recorded in Liber B. G. F. No. 1 folio 274 one of the Land Records of Frederick County, also all that part of a tract of Land called "Creeper Surprise" containing 170 $\frac{1}{4}$ Acres of Land conveyed by John Kruger to Benjamin Willhite dated the 6th day of August 1849 and recorded in Liber B. G. F. No. 1 folio 276 one of the Land Records of Frederick County, also all those parts of tracts and parcels of Land containing 517 Acres and 25 Acres of Land more or less conveyed by deed by John Clemons and Wife to Benjamin Willhite and Wm. Krom as tenants in common dated the 20th day of February 1849 and recorded in Liber B. G. F. No. 1 folio 278 one of the Land Records of Frederick County and being the same Land conveyed to Benjamin Willhite by William Krom by deed dated the 14th day of June 1851 and recorded in Liber B. G. F. No. 1 folio 271 one of the Land Records of Frederick County and did also bargain and sell to the said John B. Kunkle and Jacob M. Kunkle the following Personal Property Four Horses and Four Mules Two Wagons and Gear Six head of Cattle and the grain growing on the premises and to which said Mortgage there was a condition annexed that if the said Benjamin Willhite shall pay on or before the 23rd day of January in the year 1865 to the said John B. Kunkle and Jacob M. Kunkle the sum of Twenty Two hundred dollars with interest thereon from the 23rd day of January 1863 the interest payable annually then the said Mortgage should be void all of which will more fully and at large appear by reference to a certified copy of said Mortgage herewith Exhibited marked Exhibit No. 2 And your Complainant charges that no part of the aforesaid sum of money mentioned in said Promissory