

The deposition of Wood Hensley taken  
by consent of parties on the 8th July 1854  
to be read as evidence in the case of the  
affidavit of Mary G Warburton & others  
depending in the Circuit Court of the City of  
Washington and County of James City.

The deponent being first duly sworn, deposes and  
saith by way of question and answer.

First Interrogatory by the party. Please look at the <sup>copy</sup>  
and show you, being <sup>in</sup> in presence of Geo H Barlow and  
Mary G Warburton & dated 16th May 1851, and say, who  
paid it, and what passed at the time between you & the  
person who paid it. &

Ans. Robert Warburton called to see me at  
my father's in James City County, and paid me  
about one half of the amount of the above  
execution shortly after said execution came  
into my hands, and offered to pay the balance,  
provided I would receive an order on  
William S. Spencer, telling me at the same  
time that his mother had sold the mules  
listed on by me by a previous execution &  
named in the forepart of the coming bond  
upon which the above execution issued he  
also said that he had bought one of the mules  
of his mother. I can not say positively that  
the money which he paid was for the purchase  
of said mule, but from the conversation with  
him this impression was left upon my mind:  
he after was came up to see me, and paid the  
balance due on said execution.

at our first conversation he offered me an order  
on William S. Spencer, and also said that Spencer  
had purchased one his mother's mules, I refused

accept the order because the Execution was a  
Cash Execution, and told him he must collect it  
himself, before leaving he promised as soon  
as he could get the money of Spencer, he would  
come up and pay the balance, which he did  
soon afterwards.

2<sup>nd</sup> Interrogatory by the pett. did the said Warburton say  
that he & Spencer were to pay for the Mules?  
Ans. He did, but I can not recollect the  
several amounts, but think the purchase money  
for both mules would about pay off the Execu-  
tion.

3<sup>rd</sup> Interrogatory by the pett. did you ever hear Mrs  
Warburton give any reason, why she did not put  
said her said Mules in the deed of Trust which  
she made to Mr Spencer, for the benefit of her son and  
others, if so state what she said?

Ans. She told me the reason she did not  
include them in the Trust Deed was, because  
she thought they were bound for this debt,  
being named in the Forthcoming bond, and  
she put them to pay off the said Execution.  
Crop Examined by the Counsel for  
the Deft. Robt Warburton et al.

4<sup>th</sup> Interrogatory. do you know at what time the  
mules you speak of were sold to the Deft  
Robt Warburton, and Trustee Spencer, and  
the terms of sale?

Ans. I do not know the exact time, nor  
do I know anything about the terms.

5<sup>th</sup> Interrogatory. do you know that the money paid you  
by Robt Warburton in settlement of this execution  
in favor of Barlow, was the purchase money for the

mules sold by Mary E. to the depts Robt Warburton  
and Foster Spencer, or do you know the source  
from which said Robt obtained the money paid  
you

Ans. I do not know positively that it was, but  
the impression left upon my mind from  
our conversation above alluded to is that it  
was.

4<sup>th</sup> Q<sup>u</sup>est<sup>ion</sup>. Was the impression you speak of in your  
last answer derived from any admissions of the  
depts Robt made to you that the money paid you  
was the purchase money of the mules, or from  
any other statement made by him other than  
that he had purchased one of the mules.

Ans. I do not know what produced this impres-  
sion, but such was the result of our conversa-  
tion.

5<sup>th</sup> Q<sup>u</sup>est<sup>ion</sup>. Did you at the time you received  
the money spoken of from the depts Robt Warbur-  
ton, have any execution against him alone or  
in connection with any one else, or did you have  
any claim against him for money or security for  
his mother Mary E. Warburton.

Ans. I did not have any execution <sup>against him</sup> ~~individually~~  
or in connection with his mother, but an execu-  
tion against his mother, and Thomas D Harris  
which execution issued upon a forfeited forth  
coming bond signed by Mary E. Warburton and  
Robert Warburton, and I supposed the said execu-  
tion was against the said parties whose  
names were signed to the said forth coming

land, not having looked into the body of the  
said Execution, and I presume Robert Warbur-  
ton was under the same impression, as I had  
told him that unless the Execution was dis-  
charged I should be compelled to buy in his  
property.

Wm. J. Halsey

Subscribed and sworn to before a Justice  
of the Peace for the City of New York on  
the 8th day of July 1854

J. H. Barlow J.P.

We agree that this Deed may be read  
in the case stated on the Caption.

Amfandish  
Cyrus A. Branch  
for the Deed

Wm. J. Halsey  
Deed