

To the Judge of the Circuit Court of the City
of Williamsburg and the County of James
City.

Humblly complaining sheweth unto your Honor,
your Orator Robert McCallish of the City of Williamsburg.

That on the 10th day of May in the year 1851
your Orator received a Judgment in the Circuit Court of
the City of Williamsburg and the County of James City, against
Mary E Warburton of the said County for the sum of
One thousand and thirty eight Dollars and ninety one
cents with interest thereon from the 1st July 1850 until
paid, and six Dollars and fifty nine cents, for the
costs of Suit. That on the 15th May 1851 your Orator
caused a writ of Fieri facias to issue from the office
of the said Court, against the said Mary E Warburton
on the said Judgment, directed to the Sheriff of the County
of James City, who on the 20th June 1851 returned the
same, that there was no property in his bailwick out
of which the said debt interest or costs could be
made or any part thereof. That on the 13th of May
in the year 1851, the said Mary E Warburton made a
deed to a certain William L Spooner in trust to
secure certain supposed debts said to be due
by her, to her, son Robert Warburton, and to her
Brother Thomas H Harris, which deed was recorded
in the County Court of James City on the 14th day
of June in the year 1851. The said deed recites
that the said Mary E Warburton stands justly indebted
to the said Robert her son in the sum of One hundred
and thirty five Dollars and thirty eight cents, balance
due on a settlement of her guardianship of her son,
and also that she the said Mary E Warburton had become
justly indebted to her said son in the sum of eight
hundred and eighty nine dollars and ninety two
cents, by reason of his responsibility as her security

in various bonds, to various persons, some of which
have been already paid off by her said son, and
the residue he has agreed to pay, making in the
whole one thousand and twenty five dollars and
twenty two cents, for which sum the said Mary &
Marburton had on the 13th May 1851 executed
her bond to her said son. The said deed
also recites, that the said Mary & Marburton was
indicted to her said Brother Thomas & Harris
in the sum of three hundred and thirty eight
dollars and twenty cents, by reason of responsibility
incurred, and money paid as her surety in vari-
ous bonds, for which sum she had given her bond
to her said Brother of even date with the said
deed. The said deed expresses a desire to secure
the said two persons in the said sums of money,
and then she, by the said deed, conveys to her
said trustee, the following property to wit, one female
slave named Betsey and her three children Maria
Edgar & Jerry, and the future increase of the slave
Betsey, also her interest in slave named Eliza,
supposed to be a life estate, also her interest
in the slaves Ben & George since for the year
also one mule of oak, one cart and yoke, mason and
green, tumble cart and beer, a lot of pine wood
already secured, being about two hundred cords, a
portion of which is now at the landing and the balance
in the woods, also all the wood to be hereafter cut,
also her growing crops of corn &c, her stock of
cattle & hogs, and her house hold and kitchen
furniture of every sort & description, with power
to the said trustee, when required to see the said
property or any part thereof for cash, on notice
as required by the said deed, and the proceeds

to be applied to the said two debts, and the balance
if any to be applied to her other creditors pro
rata - and the deed allows the said Mary & Mar-
ton to remain in the possession of the said property
until required for the purposes of the said deed,
and to take the profits, benefits and proceeds thereof
to her own use, as if the said deed had never
been given.

Copies of the Judgment, Execution, returns,
and the deed aforesaid, are herewith filed
as parts of this bill.

Your Honor will see that the said deed is
recorded on the day before the execution aforesaid
was placed in the hands of the Sheriff, and
your Orator charges that the said deed was made
in fraud of his rights, and to hinder and delay
him in the collection of his debt aforesaid.
That no such balance was due to her son
as guardian aforesaid, or a settlement, that
no such settlement was ever made, if made
your Orator calls for its production, & he
calls for all the notes or bonds, which
her son has taken up for her, or is to
take up for her, and he charges the fact,
that her own funds were used, to take
up the whole or many of said bonds, &
he charges that the said supposed debts
are pretensions and not real and bona fide
debts, and he calls on the said Harris to
produce the bonds which he has taken
up for his sister, or that he is to take
up, and he charges that they were all or
most of them taken up with her own

funds, that the said Mary ², has been for
some time in the wood business, that her
said Brother & son acted as her agents,
and received her money from time to
time, & with it took up, claims due by
her, and there are the claims now
sought to be covered by the said deed
the whole transaction now would charges to be
fraudulent and void as to him, and the deed made
to hinder and delay him.

The said Mary ², held a piece of land
in the said County, on which she resides, supposed
to contain about two hundred and seventy and
about acres, in which she has a life estate
which she did not embrace in her said deed,
because the judgment of your Orator gave a
lien on it, and which therefore, she could
not convey. She is now engaged in the wood
business, cutting wood from the said land
for sale, and every cord of wood she cuts
goes to diminish the value of the said land
and her life estate in the same is of
but little value, but whatever it is, your
Orator desires to preserve it, as it is very
certain, that the whole property of the said
Mary ² will not pay her debts, if the
claims mentioned in the said deed, are
to be regarded as proper debts. Your
Orator has a lien on the land by his judgment
and he has caused his judgment to be docketed
and he will probably cause an Execut to issue
on the said judgment. Your Orator has been
informed that the land is not worth more