

than two or three hundred dollars, and would not  
rent for more than thirty or forty dollars by the  
year - Your orator is informed that, under these  
circumstances a sale of the said rice is order-  
ed by a Court of equity; as it is clear the  
debt cannot be made out of the same  
by the rents, the rent not being equal to  
the interest.

The said Mary G., it may be seen by  
the deed has deserted her self, of all interest  
in the said property, and it is probable that  
if it can be got at, at once, & sold  
that all her debts may be paid, inclu-  
ding those mentioned in the deed, if they  
are proper debts, which is not by any  
means admitted, but if she is to retain  
the property & take the profits & proceeds to  
her own use, there is no chance of  
her debts being paid. The most probable  
mode will be to let her take the proceeds,  
two of the negroes, her interest will cease  
in, at the end of the year, whilst the  
land & one of the slaves, depend on her  
life estate, it is clear therefore, that  
the interest of all the creditors require  
an immediate sale, and this is, what  
Your orator asks for. If the said Mary  
G., is to remain in possession & take the  
profits of the property as appurtenant to her  
own use, whilst her debts are to be increased  
by the annual interest, it is very obvious  
that her debts cannot be paid, but if the  
land can be rented out, the most solid

the negroes be sold out, and the house hold and  
Kitchen furniture sold at once, as also  
any other of the property, which may be  
lost or injured by keeping, and the whole  
applied to the debts, there may be some  
chance of paying all the debts. This  
will do her no harm, as she has no  
interest in the property, as your Orator  
avows that the whole will not pay  
her debts, if those mentioned in the  
deed are to be regarded as her debts.  
Your Orator is willing that this bill may  
be regarded as a bill for all the  
creditors.

Your Orator is advised that under  
all the facts & circumstances of this case,  
a Court of equity will upon the 3<sup>d</sup> Mary  
& face others from cutting wood or  
timber from the said land, will order  
a sale of the wood already cut, as also  
a sale of any other of the property liable  
to be lost or injured by keeping, and also  
that the land shall be rented out, & the  
Slaves, which are not ordered to be sold  
shall be hired out, and particularly that  
the house hold & Kitchen furniture shall  
be sold, and this is what your Orator  
asks by his bill, in addition to what he  
has before stated was his object.

In Judgment Consideration whereof &  
for as much as your Orator is without

relief in the premises, save by the aid of a Court  
of equity, where matters of this kind are pro-  
perly cognizable. Do the said therefore your  
Orator prays that the said Mary<sup>e</sup> & her hus-  
band, Robert Warburton, Thomas & Harris &  
Wm<sup>d</sup> Spencer trustee as aforesaid, may  
be made parties depts to this bill, with  
apt & proper words to charge them as  
such, that they be compelled on oath  
to answer the same, that the said Robert  
& Thomas D, shall be required on  
their oath to exhibit the bonds & notes  
of the said Mary<sup>e</sup>, which they have taken  
up, or which they may be liable for,  
that they may answer say, if all or  
some of the said bonds or notes were  
not in fact, taken up with the funds  
or money of the said Mary<sup>e</sup>, if they  
did not act as agents for the said  
Mary<sup>e</sup>, in the sale of her wood & did  
not as such receive her money & if  
they did, what become of it, did  
they not in fact take up her bonds  
& notes with her own money -  
that that the said Robert, shall file  
with his answer, the settlement with  
his mother of her guardianship of  
his estate, that a decree may be  
made for a sale of the said land  
& of all the other property mentioned  
in the said deed, & until the same can

be made that, ~~that~~ the same may be laid out  
or rented, and that in the mean time the  
said Mary E, may be deprived from cutting  
any more wood from the said land, that  
the parties may be deprived from removing  
any of the said property, & finally that your  
Orator may have his debt paid out of  
the proceeds of said property, that all necessary  
proper accounts may be ordered, and  
generally that your Orator may have  
such relief, may it please the Court  
to grant a s<sup>d</sup> of Page 12. and your Orator  
will ever be &c.

Wm. G. Andrusk

city of Richmond to wit:  
This day Robert McCandlish made oath to the truth of  
the foregoing bill in due form of law, Given under my hand  
and seal this 13<sup>th</sup> day of June 1857. John P. Johnston seal

An Injunction is awarded according to the prayer of the bill to injure  
and restrain the defendants their agents and all others from cutting any more  
wood or timber on the land in the bill mentioned or which the defendant  
Mary E Warburton resides, and also from removing any wood already  
cut from the said land until the further order of the Court, and also  
from removing or in any wise disposing of any part of the personal  
property mentioned in a deed of trust from the said Mary E  
Warburton to the defendant Spencer bearing date on the 13<sup>th</sup> of May  
1857. and recorded in James City county, county, or as to place beyond the  
control of the Court, but the plaintiff is not to have the benefit of this  
order until he or some one for him shall enter into bond with good  
security in the penalty of one hundred dollars with condition to pay  
and satisfy all costs and damages which may be ascertained by  
reason of this injunction in case it shall hereafter be dissolved  
To the clerk of the Circuit Court of city of  
Williamsburg and  
county of James City

John P. Johnston  
June 13<sup>th</sup> 1857.