

1909-17

Santhampter County Chancery

Burgoyne, George P. et al vs Gidley, A. B.
Excutory

"Bill to Construct"
Will

Burgoyne, Emma W.

Gidley, M. A. B. Estey
Gidley, N. J. Esq. y
Est

Gidley, Thomas

Gidley, M. A. B.

Hughart, A. B.

Hughart, E. A.

Hughart, J. W.

Hughart, M. J.

Gidley, N. J.

Gidley, M. J.

Gidley, J. W.

Gidley, Bettie

(Burgoyne, Thomas Gidley
Burgoyne, George Collock
Burgoyne, Henry K.

- 1909 -

Burgwyn and wife

vs.

Ridley's Ex. et als

Bill and Exhibit

Wright and + Elliott page

In the Circuit Court of Southampton County.

George P. Burroughs and Emma W. Burroughs
his wife Plaintiffs

Against

M. A. B. Ridley Executor and N. J. Ridley
Executor of the estate of Thos. Ridley
deceased, the said M. A. B. Ridley in her
own right, A. B. Urquhart and E. A. Urquhart
his wife, J. W. Urquhart and M. F. Urquhart
his wife, the said N. J. Ridley, in his own
right and M. J. Ridley, his wife, J. W.
Ridley and Bettie Ridley, his wife, Thomas
Ridley Burroughs, Henry K. Burroughs
and George Pollock Burroughs the last
three named being infants under
the age of twenty one years. Defendants.

To the Honorable George Blow, Judge of
said Court.

Humily complaining, sheweth
unto your honor, your orator and oratrix
the above named plaintiffs, the
following case:

The said Thomas Ridley, late of
said County, departed this life, on the
7th day of ~~March~~^{March} A.D. 1875, having
first made and published his last
will and testament, which was
duly admitted to probate in the
County Court of said County on the

terms of the said will as stated in said clause, the said testator made an absolute gift of the said sum of Four Thousand Dollars to your oratrix, have frequently demanded of the said Executors and Executor the payment of the said sum out of the estate of the said testator, but the said Executors and Executor being in doubt as to the true meaning and construction of the said gift to your oratrix have heretofore refused to pay over the said sum when demanded as aforesaid.

By the seventh clause of said will the said testator gives and devises all the rest and residue of his estate after the settlement of the specific devises and legacies thereinbefore made to be equally divided between all of his heirs, who are as aforesaid, your oratrix and the said defendants E. A. Urquhart, M. F. Urquhart, N. J. Ridley and J. W. Ridley.

Your orator and oratrix respectfully insist, claim and charge that the true intention and meaning of the said testator by the said fourth clause of said will was to give absolutely to your oratrix the said

sum of Four Thousand Dollars, with the right to demand and receive the same from the said Executors and Executor and with the further right to have, use and enjoy the same and to invest it in such manner as youratrix might elect or desire, and that the limitation or condition imposed thereon by the said clause was only intended to limit the inheritance of such property ~~to~~ the hands of youratrix to such of her children as might not have attained the age of twenty one years at the death of youratrix; but if this honorable Court upon a construction of said will should be of opinion that the true meaning and intention of the said testator was to give youratrix only the income arising from the said sum during the infancy of her children with the right to the same to become absolute upon the youngest child attaining the age of twenty one years then and in such event youratrix and oratrix respectfully insist, claim and charge that they have the right to control the investment

of the said sum until the right of your oratrix to the same shall become absolute.

The defendants Thomas Ridley Burgwyn, Henry K. Burgwyn and George Pollock Burgwyn are the children of your orator and oratrix, now living, all of whom are infants under the age of twenty one years.

Your orator and oratrix further charge that all the debts and funeral expenses of the said testator and all other charges upon his estate have been fully paid by the said Executrix and Executor out of the proceeds of the personal estate of the said testator; that the said Executrix and Executor now have in their hands or under their control sufficient personal estate out of which to satisfy the said legacy to your oratrix and that after the payment of the same there will still remain a balance to be divided among the heirs of the said testator from the personal estate; and in addition thereto there is a tract of land belonging to the estate of which the said testator died seized, situate in the Counties of Southampton, Virginia, and Northampton North Carolina, being a portion of the land known as the "Branch Farm", which is not susceptible of partition among the heirs of said testator.

In Tender consideration whereof and forasmuch as your orator and oratrix are without a remedy save in a Court of Equity &c. To the end therefore that the said Ch. J. B. Ridley Executrix and H. J. Ridley Executor

of the estate of the said Thomas Ridley deceased, the said M. A. B. Ridley in her own right, A. B. Urquhart and E. T. Urquhart his wife, J. W. Urquhart and M. T. Urquhart, his wife, the said N. J. Ridley in his own right and M. J. Ridley, his wife, J. W. Ridley and Bettie Ridley, his wife, Thomas Ridley Burgwyn, Henry K. Burgwyn and George Pollock Burgwyn the last three named being infants under the age of twenty one years, may be made parties defendant to this bill and required to answer the same; That a Guardian ad litem may be appointed to defend the interest of the said infant defendants in this suit; That the fourth clause of the said testator will hereinbefore stated and referred to may be construed as to the true meaning thereof, by this Honorable Court; That a decree may be entered requiring the said Executor and Executrix to pay the said sum of Four Thousand Dollars to the plaintiffs; That an account may be taken of the receipts and payments made by the said Executor and Executrix and that such balance as may be found due by them, or which remains of the personal estate of the said testator may be equally divided among the heirs

aforsaid; that an account may be taken of the real estate of which the said testator died seized which was not specifically devised by his said last will and testament and that it may be determined under the direction of this honorable Court whether the same is susceptible of partition among the heirs of said testator and that in such an event it may be divided, and if not susceptible of such partition then that the same may be sold under the decree of this Court and the proceeds thereof equally divided; that all other matters pertaining to the final settlement of the estate of said testator may be closed under the direction of this Honorable Court; and that the plaintiffs may have such other and further and general relief in the premises as the nature of their Case may require and to equity shall seem just. May sum-
mons issue. And the said plaintiffs do hereby consent that this Cause may be submitted to the Judge of this Court in vacation for decision or decree as to all the matters connected herewith

Opinion of

Hon Geo. Blawie

My dear Mr. Blawie

On the fifth day of March 1875. The last will and Testament of Thos. Ridley, dec^d. was admitted to probate in the County of Southampton.

The Fourth clause of said will reads as follows. "Item 4" I give to my daughter E. W. Bangwyn Four Thousand Dollars, If she should die before her child or children, if any, is of age, I wish such to have the property."

I am called upon by the pleadings in this suit to construe this clause of Testator's will. Ascertain its true and legal signification & intent, and instruct the personal Representative, as to his rights and duties in the disposition of this legacy.

In the first place, it may be proper to observe that the will is very short. The language is brief & condensed. And in no other part of itself, contains any language indicating any purpose or intention of the Testator, different from that disclosed in the clause under consideration.

There are but two pecuniary legacies contained in his will. In the 1st Clause, (he says) I give to my beloved wife M. A. B. Ridley Five Thousand Dollars &c in fee simple. And I leave her the lands &c four miles deep &c &c during her life. The Testator manifestly attaches a different meaning to the two words give & leave as abundantly appears from the context.

But when he comes to the 4th Clause

the One under Consideration. He demands the word leave, used in the 1st. 2^d & third Clause, as indicative of his purpose to give but a life Estate. And uses the broader word "give" "I give to my Daughter E. H. Bingham Four thousand Dollars. &c.

It could not then have been the intention of the Testator, to have conferred upon this Daughter but a life Estate, with Remainder to her Children. The ensuing sentence clearly indicates his purpose "If she should die before her Child or Children, if any, is of Age, I wish such to have the property given to her."

I think too clear to admit of doubt. That it was the purpose and intent of the Testator, to give to his Daughter E. H. Bingham an absolute Estate in fee to Four thousand. But liable to be divested, in the event that ~~any child or~~ ~~children~~ she should die, before any Child or Children of hers shall attain the age of Twenty One Years, and in that event to go to that Child or Children.

Upon this Construction Mrs. Bingham is entitled to have the four thousand Dollars paid to her At Once.

But for the due preservation of the interests of the Infants I deem it proper that the Legatee be required to give Bond with Sufficient Security in the penalty of \$8000 with Warrant of Return and Conditioned to pay the sum of Four thousand Dollars & all accrued interest in the event of the happening of the Contingency above referred to.

Burgoyne is wife

as my

Redrup En. is also

Platons of

J. A. Burgoyne

To the Honorable R. R. Pontis Judge of The Circuit
Court of Southampton County

Humbly petitioning your Petitioner
J. A. Burgoyne a Resident of Northampton County
North Carolina a county of that state adjoining
Southampton County on the south thereof unto your
Honor that by a decree of The Circuit Court of
Southampton in the case of Burgoyne and wife vs
Ridley ^{entered at the May term 1894} ~~vs~~ ^{he} was appointed a receiver for
Mrs Emma W Burgoyne wife of George P Burgoyne
both of whom also reside in Northampton Co.
N. C., and that early in the year 1893 Mrs
Emma W Burgoyne departed this life intestate leaving
four infant children to wit, B. K. Burgoyne
George P Burgoyne, W. B. S. Burgoyne and Mariah J
Burgoyne. By the will of Colonel Thomas Ridley
the father of Mrs Emma W Burgoyne he bequeathed
to her the sum of four thousand dollars and at her
death to her children. Your Petitioner sheweth
further that he has returned to the Circuit Court of
Southampton a report of his proceedings as
receiver of Mrs Emma W Burgoyne by which the
Court will see he has had in his hands as such
~~the~~ receiver the sum of \$2746.65 etc in bonds and
money on the 11th of June 1894 which belongs
now to the children of Mrs Burgoyne.

Your Petitioner states further that all the
infant children were named of Mrs Burgoyne
~~and named~~ ^{and named} in Northampton County
N. C. as well as himself and that neither
they or their mother own any debt in
Virginia and that on the death of Mrs Burgoyne

which occurred in 1893 he qualified as guardian
of the four infant children above named in the
superior Court of Northampton County N. Carolina
as will more fully appear by a certified copy of his
bond herewith filed marked Exhibit A by which your
Honor will see he gave bond and security in the
penalty of \$1000 for the faithful performance of
the trust. Your petitioner states further that these
minor children reside in Northampton County N. Ca
with their father George B. Burgoyne a gentleman
of large means who is the brother of your
petitioner and also his security on his guardian
bond. Your Petitioner states that there is now no
reason why these funds should any longer
remain in Virginia as the guardian
his wards are here in another state. In
consideration of all which he therefore asks
the court. That an order be entered in this
court directing the clerk of the circuit court
of Northampton to send to the clerk of the
superior ^{Court} of Northampton County, N. Carolina a
certified copy of his report showing a balance of
~~about~~ \$2766.05 - to be due to the four
minor children of Mrs Emma W. Burgoyne to
wit T. Ridley Burgoyne, Henry K. Burgoyne, J.
Pollock Burgoyne and M. J. Burgoyne and that the said
Petitioner be directed to settle his guardian accounts
herewith in Northampton County, N. Carolina and
is in duty bound your Petitioner will ever pray

R. A. Burgoyne

~~Wm. A. Burgoyne~~

J. A. Burgoyne

Burgwyn wife
Bridgys Enr et als.
Report of
J. A. Burgwyn
Receiver

1895 May 30. filed

Estate of Emma M. Burgwyn

1891 In acf with J.A. Burgwyn Receiver

\$s

Cs

May 23	By Cash, received from J.W. Ridley			
1892	former Receiver		320	00
Apr 12	" 9th Dividend Exch. Nat. Bank - Norfolk		200	00
May 23	" <u>Bal. due Estate</u>		520	00
1892				
May 23	By Balance on hand		520	00
1893	" 3 " 10th Dividend Exch. Nat. Bank.		80	00
" 23	" <u>Balance due Estate</u>		600	00
1893				
May 23	By Balance on hand		600	00
1894	Mar 12 " Cash of J.W. Ridley		12	47
" 27	" amt due from J.W. Ridley			
	former Receiver	821.60		
	Interest on above	48.40		
	Note, secured by Deed of Trust		870	
June 11	" 11th final Dividend Exch. Nat. Bank		80	
"	" Cash - Interest received to date		70	03
			1632	50
			1632	50
1894				
Jan 9	Paid W.B. Shands Esq. Prof. services	20		
"	" Expenses to Court house	3	50	
Mar 28	" do do	2	95	
"	" Recording Deed	3	15	
May 23	" W.B. Shands Esq. Prof. services	30		
	" Clerk of Court	6	85	
		66	45	
			1566	05
	Received of J.W. Ridley former			
	Recr 3 Bonds of U. J. Ridley as follows:			
	Dated Jan 20, 1887 due on demand		800	
	" Apr 1, 1889 " " "		200	
1894	" " 12, 1890 " " "		200	
June 11	<u>Forward Bal on hand</u>		2766	05

June ¹⁸⁹⁴ 11 By and due the Estate of
Emma H. Burgwyn Final

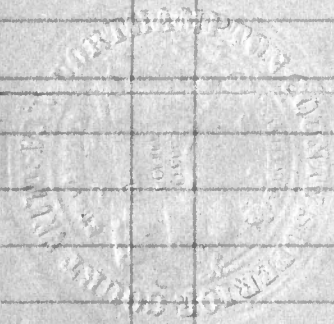
2766 05

" 11 To J. Ridley Burgwyn his 1/5 share	553	21
" Henry K. Burgwyn " " "	553	21
" G. Pollok Burgwyn Jr " " "	553	21
" H. H. Sumner Burgwyn " " "	553	21
" Minnie G. Burgwyn her " "	553	21
	<u>2766</u>	<u>05</u>

J. A. Burgwyn

Sworn to and
subscribed before me,
this 25th day of
May 1895.

J. T. Filley
Clerk of the Superior
Court of Newton Co.



Burgwyn wife
vs 3 Report of Receiver J. W. Ridley
Ridley Exr

In this cause your Receiver respectfully submits the following report. That in pursuance of an order entered in this cause at Nov: Term 1885. I have collected from the Receiver of the Exchange Nat: Bank of Norfolk the sum of \$800 and have invested the same by loaning it to W. J. Booth. I herewith return his bond, which is secured by a deed of trust on his farm in this County - valued at \$2000 - all of which is respectfully submitted

To Judge Lee: Ct. 3 -
Southampton Co 3 -

Oct: 29 / 1886

J. W. Ridley
Receiver

Burgwyn Skife
vs. 3 Report
Ridley's Exr's

1886. Oct 29

Filed. L.B. Pee

Bmd filed

\$800. On demand, for value received, with
interest from Jan'y 1. 1886, I owe
and promise to pay J. W. Risley,
Receiver in Chancery suit of
Burgwyn vs. Risley's Ex'r &c.
Eight hundred dollars. I agree
to pay the interest on this bond semi-
annually to Emma W. Burgwyn,
and waive my homestead exemp-
tion as to this debt. Witness my
hand & seal July 16. 1886.

Witness:

Wm. H. Parker,

W. J. Cobb Secy

Burgwyn et ux.
v. ~~W. Burgwyn~~ Petition.
Ridley Assoc. et al.

Emma W. Burgwyn

To
The Hon. L. W. Hill Judge of
the Circuit Court of Southampton County.

Burgorn & wife P. H. H.

ridley's Exrs. et als. Defdts.

Your petitioner Emma M. Burghwyn one of the plaintiffs in this cause respectfully sheweth as follows: That by a decree rendered in this cause at the May Term 1882. M. A. B. Ridley and Ch. J. Ridley Executors of Thomas Ridley dec. were directed to deposit in the Exchange National Bank of New York Four thousand Dollars subject to the order of this Court. the interest thereon of 6% to be paid quarterly to your petitioner; That by a decree rendered at the November Term 1885. J. Wm. Ridley was appointed receiver to receive any and all dividends that might be declared by the receiver Wm. H. Peters, the Bank having in the interim suspended and been placed in said receiver's hands; the said Ridley was also directed to loan all moneys thus received by him by reason of the deposit made by the Executors of said Thomas Ridley dec. on real estate

secured by deeds of Trust which he has done. as will appear by reference to said Ridley's report filed in the paper.

Your petitioner further sheweth ^{that} that is yet unpaid on said deposit of \$4000. the sum of \$1480⁰⁰, a portion of which your petitioner suspects will be paid at no far distant day. That J. Wm. Ridley has tendered his resignation as receiver with the consent of your petitioner so far as possible and has suggested the appointment of Alvanston Burmyrn in his stead. which suggestion if heeded by this Hon. Court would be altogether satisfactory to your petitioner.

Your petitioner therefore asks that the resignation of J. Wm. Ridley be accepted and that Alvanston Burmyrn be appointed in his stead with like power and authority as was conferred on the said Ridley by the Decree of November Term 1885. And as in duty bound, your petitioner will ever pray &c.

Emma W. Burmyrn.

by

Jas. L. McQuinn her atty.

First Dividend, 20 per
cent, paid on the within
Certificate.

Second Dividend, 10 per
cent, paid on the within
Certificate.

Third Dividend, 10 per
cent, paid on the within
Certificate.

Fourth Dividend, 5 per
cent, paid on the within
Certificate.

Fifth Dividend, 5 per
cent, paid on the within
Certificate.

Sixth Dividend, 5 per
cent, paid on the within
Certificate.

Seventh Dividend, 5%
paid on the within Cer-
tificate.

Eighth Dividend, 3%
paid on the within Cer-
tificate.

Burgwyn strike
re 3 Proof of
3 claim
Ridley Ex 7 4.

1885. June 29.
Recd & Filed

948

RECEIVER'S OFFICE,

Exchange National Bank of Norfolk,

Norfolk, Va., June, 25. 1885.

This is to Certify, That *J. B. Prince, Clerk of the*
Circuit Court of Southampton Co.

has this day made legal and satisfactory proof that *he is a*
creditor of The Exchange National Bank of Norfolk, Va., to the
amount of *Four thousand* Dollars,
and Cents, upon the following claim,

to wit: *Deposits made June 8, 1882, under a decree*
of the Circuit Court of Southampton Co., in a
suit therein depending between Geo. P. Burgwyn
vs. wife & others and M. A. B. Adley & others. depts.
subject to the order said Court.

No assignment of this claim, or any portion thereof, will be recognized in the payment of dividends, unless notice of such assignment is given to the Receiver and entered upon his books before such dividends are declared.

Wm. H. Patten
Receiver of The Exchange National Bank of Norfolk.

This certificate is only good to authorize the bona fide owner thereof to draw his proportion of any dividend that may hereafter be declared by the Comptroller of the Currency in favor of the creditors of this Bank.

Burgoyne & wife

vs { Answer of
Infant Def. -

Ridley's Exrs &c

Exhibendum.

Circuit Court of Southampton County
George P. Burgwyn and Emma W. his wife. Pltffs
against

M. A. B. Ridley Executors et al. Defs.

The answer of Thomas Ridley Burgwyn,
Henry K. Burgwyn and George Pallock Burgwyn
infants under the age of twenty one years
by L. R. Edwards their Guardian ad litem
to a bill in equity exhibited against them
and others in said Court by the above
named plaintiffs in the above entitled Cause

The said defendants in answer to the
said bill or to so much as they are ad-
vised that it is necessary for them to an-
swer, answering say that the said de-
fendants are infants under the age of
twenty one years and their rights and
interests in the matters involved in this
Cause are submitted to the protection
of this Honorable Court.

And the said Guardian ad litem further
answering says, that he hereby consents
that this Cause may be submitted to the
Judge of this Court in vacation for de-
cision or decree as to all the matters
connected herewith.

L. R. Edwards Guardian

ad litem for

Burgwyn Swift
" $\frac{5}{8}$ Receiver Bond

Ridley's Exr et al:

1885. Dec 2nd filed

Know all men by these Presents, that

Know all men by these Presents, That we *J. W. Ridley and*
M. A. B. Ridley

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Sixteen Hundred — Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *2* day of *Decbr* — A D. 18 *85* —

THE CONDITION of the above obligation is such that if the above bound

J. W. Ridley who was appointed a Receiver by a decree of the Circuit Court of Southampton County, entered at the November Term 1885 in the chancery suit therein depending styled *Bunfuzum tribe vs Ridley Exors &c*. for certain purposes specifically set forth in said decree, reference to which is hereby specially made —

shall faithfully discharge the duties of *his* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

J. W. Ridley
M. A. B. Ridley



Swigwyn and wife

vs.

Ridley Esr et al

Answer of Adult Deft.

Viceint Court of Southampton County.

The joint and separate answer of the defendants
M. A. B. Ridley in her own right and as Executrix
of Thomas Ridley, deceased, N. J. Ridley as Executor
of said Thomas Ridley deceased and in his own
right and M. J. Ridley, his wife, M. B. Urquhart
and E. A. Urquhart his wife, J. W. Urquhart
and M. F. Urquhart, his wife, and J. W. Ridley
and Bettie Ridley, his wife, to a bill in
equity exhibited against them and
others in said Court by Geo. P. Burgoyn
and Emma W. Burgoyn, his wife, plain-
tiffs

These respondents reserving to them-
selves all and all manner of ex-
ception to the said bill, for answer
thereto or to so much thereof as
they are advised that it is necessary
for them to answer, answering say:

The defendants M. A. B. Ridley and
N. J. Ridley as Executrix and Executor
of the estate of said Thomas Ridley
deceased, in answer to so much
of the said plaintiffs bill as refers
to the legacy to the said Emma W.
Burgoyn, say, that having here-
tofore been in doubt as to the
true meaning and intention
of the said testator as to the terms

upon which the said sum of Four Thou-
sand Dollars were given to the said
E. W. Morgan they have not paid over
the same, but that as soon as this
Honorable Court shall have construed
the said will they are prepared to
comply with such decree as may
be made in this Cause in regard
to the payment or investment of the
same.

As to the other allegations contained
in the said Complainant's bill these
respondents all admit that the
same are true and respectfully
submit the settlement of the residue
of the said testator's estate to the
direction of this Court.

And now having fully an-
swered these respondents, hereby
consenting that this Cause and
all the matters connected therewith
may be submitted to the honorable
judge of this Court for decision or
decree in vacation, pray to be
hence dismissed.

M. A. B. Ridley &

M. A. B. Ridley

M. T. Ridley Ex

M. T. Ridley.

M. T. Ridley

C. B. Morgan

C. B. Morgan

C. B. Morgan

C. B. Morgan

J. W. Ridley

B. Ridley

RECEIVER'S OFFICE.

Exchange National Bank,

NORFOLK, VA.

June, 25, 1885

J. B. Prince Esq.
Clerk of the Circuit Court of
Southampton Co.

Sir

Your favor of the 23^d inst., enclosing
proof of Claim for money deposited in
this Bank under a decree of the Court,
received.

Dividends on this Claim will be paid
by Check to your order, to be disposed
of as the Court may direct.

Certificate showing that you have made
legal & satisfactory proof of above Claim
is enclosed herewith.

Very Respectfully
Wm. H. Peters,

Receiver

Per W.

Burgess J. Spa

gilted—ad. notum—
Ridley Exr

1881. Aug 26th

Executed,
Deleg. Curran
for W. B. C. J. J.

The Commonwealth of Virginia,

To the Sheriff of Southampton Co.—Greeting :

We command you to Summon *Gen L. Beaton, Wm R Jones, & Augustus*
Societe,

JR. Tyler Commissioner in Chancery of the Circuit
to appear before the Judge of our Court of Southampton County, at the Courthouse

on the *26th* day of *August* 1881 to testify and the truth to say on behalf of
in behalf of Geo. P. Burgess,
in the case of Geo. P. Burgess vs. Redfern & Co

and this *day* shall in no wise omit under the penalty of the law, and have then there this writ.

Witness : *James R Tyler Commissioner*
DITTETON B. EDWARDS, Clerk of our said Court at the Courthouse this *19th*

day of *August* 1881 in the *10th* year of the Commonwealth.

James R Tyler Com^r

70

Aug. 27th 1881 -

J.R. Tyler Esq.

Com^r in the suit of

Bungwyn & wife v Ridley & Co

Dear Sir

We, the undersigned heirs
at law of Thos Ridley dec^d, beg leave
to say that neither of us is will-
ing to take the whole tract of land
in the proceedings in said suit men-
-tioned, & pay the others their due
proportions - but leave the whole
matter to be settled according to the
judgment of the Hon. Court -

Very respectfully

J.W. M^rgushart

W.F. M^rgushart

A.B. M^rgushart

C.F. M^rgushart

John T. Bidley;
Edw. Burgeson
Edw. Burgeson
John T. Bidley

Judge Ingueheart-

Dear Sir

I did expect to come today, but I have two fishings under my arm which prevents my riding that distance. But would make the attempt any way if I knew it was actually necessary. But Garp Smith, Capt. Beaton & Wm A Joyner know the land as well as I, and can, no doubt give all the information you desire. If my services in the future should be needed I will come with pleasure.

I do not see how you can possibly divide the Land, so as to make either piece of any value.

Let me know and I will come with great pleasure. Your friend

J. C. G. R. Branch
Aug 24th 1881

Judge Argueheart-

Burgwyn & Wife

2d.

3

Report of

Riddle's Exors & Co

Commissioner Tyler

1881 October 22^d filed

Commissioner's Office,
Jerusalem, Va.
October 19th 1881

Burgess & Wife

against

Ridley's Exors &c

Defts.

Defts.

In Chancery

To the Hon. George Bland, Judge of the Circuit
Court of Southampton County,

The Undersigned
Commissioner, appointed at the May Term 1881,
of said Court, to "take an account of the
administration of the Estate of Thomas Ridley dec'd
by his Executors, and of any balance that may
be due by them, to said Estate. Also of any
real Estate of which the said Decedent died
seized, which was not specifically devised
to any person, in his last Will & Testament.
And to ascertain and report whether partition
can be conveniently made, among the parties
entitled thereto, of any such real Estate, or
whether the same can be allotted to any
party who will accept it, and pay therefor
to the other parties entitled thereto, such
sum of money as their interest therein
may entitle them to, and what such sum
would be, or whether the interests of the
parties will be promoted by the sale of
the whole of such real Estate, or by the
allotment of a part, and the sale of the residue,"
begs leave to report that he had examined
the several reports of said Executors, and
finds them correct, and that from their
last report made only up to March 1st 1881,

he finds a balance of Four Thousand dollars and two Cents (\$4000.⁰²/₁₀₀) due the Estate, and that amount is held under the last decree of Said Court as the legacy due the Plaintiffs in this Cause, and to be paid over to them as soon as they shall have entered into the bond as required by Said decree.

And further that from the Depositions of several parties duly taken and returned, filed, he finds that there is a tract of Land known as the "Branch Tract," containing 550 acres; and from further examination, that the said tract in all, belonging to Said Estate, not specifically devised.

And further, that from said Depositions he has ascertained that partition of said Tract can not be conveniently made between the parties entitled thereto, nor can the whole be allotted to either one of the parties, he paying their due proportion to each of the other parties, as they have each declined to receive the whole, as may be seen from their letter herewith filed.

The whole tract is valued at (\$3000.⁰⁰/₁₀₀)

Making each one's portion (\$400.⁰⁰/₁₀₀)

Nor will it be to the interest of the parties to sell a portion and allot the residue of the Tract. And your Commissioner has come to report further, that he is satisfied that a Sale of the whole Tract will greatly promote the interest of

all the parties entitled thereto.
Given under my hand as Commissioner aforesaid,
the day and year first aforesaid.

James R. Tylor

Commissioner

Commissioner's fee for
taking Depositions,
Examining Witnesses
attended & for
this Report \$10.00
Charged to Plaintiffs.

In the Circuit Court of Southampton County
George P. Burgoyn and wife Plaintiffs

M. A. B. Rialley Ex. of Thos. Rialley, dec'd et al. Defendants.

The depositions of George E. Beaton, Wm. A. Dryner and Augustus Smith, witnesses examined before me James R. Tyler, Commissioner in Chancery, touching the matters referred to me by the decree entered in said Cause at the May Term 1881, by consent of parties, at the office of Urquhart & Elliott Attorney at Law in the town of Jerusalem in said County, on Friday the 26th day of August A.D. 1881:

Present: Chief Urquhart & Elliott, Attys for all the parties.

George E. Beaton, being first duly sworn, deposes and says as follows:

1st Ques. What is your age, residence and occupation? Answer: I am 43 years old, I reside at Branchville in this County and am a farmer and merchant.

2nd Ques. Are you familiar with a certain piece of land near Branchville, of which Thomas Rialley dec'd, died seized and which is known as the Branch Land? Answer: I live very near to it, have cultivated a part of it and am generally familiar with it.

3rd Ques. How much land is there in the tract? Answer: The land is situated partly in Virginia and partly in North Carolina. I should judge thereabout 550 acres, about 300 of which are in North Carolina.

4th

Ques: Please state whether, from your knowledge of the said land, the same is susceptible of partition among five parties so as to make anything like an equal division of the same.

Answer: I think not. I do not know how it could be divided into more than two parts, as it is now one in Virginia and the other in North Carolina, the land is so situated that I am certain it could not be divided in any way so as to make an equal division among the five parties who are entitled to it.

5th

Ques: What is the value of the land?

Answer: Both tracts together in my opinion are worth about \$3000.⁰⁰, that which is situated in North Carolina being worth about \$2000.⁰⁰ and in Virginia about \$1000.⁰⁰.

And further the deponent saith not: George E Beaton

Wm. A. Joyner being next duly sworn deposes and says as follows:

1st

Question: What is your age residence and occupation? Ans: I am 62 years old, reside near Branchville and am a farmer.

2nd

Question: Are you familiar with the tract of land near Branchville known as the Branch tract of which the late Thos. Ridley died seized?

Answer: Yes sir: I am well acquainted with it. I live on the adjoining tract and have resided there for nearly forty five years.

3rd

Ques: Have you heard the deposition of

Mr George Beaton which has just been taken in this Court.
Answer: Yes. I have been present during Mr Beaton's examination, and have heard the questions and his answers, and I fully concur in all that Mr Beaton has said in regard to the land and as to its value.

5th Then you do not think that partition can be made equally among the five parties who are entitled to it under ~~that~~ ^{Mr Ridley's} will?

Answer: I am very certain that it cannot be done.

And further the deponent saith not.

Wm. A. Joyner

Augustus Smith being next duly sworn deposes and says:

1st Question: What is your age residence and occupation? Answer: I am 60 years of age, reside about one mile from Branchville and am a farmer.

2nd Question: Do you know the Branch Tract of which the late Thos. Ridley died seized?

Answer: I know it well. I cultivated a part of it for about four years.

3rd Question: Could that land be divided among the five parties who are entitled to it under Mr Ridley's will so as to make an equal division? Answer: It could not. Mr Beaton and Mr Joyner who have just testified before you have in my opinion given the facts

as I think they exist. The tract is now in two parcels, one in Virginia and the other in North Carolina. It cannot be subdivided into any smaller tract so as to be useful or valuable for farming or other purposes.

2th Question: What is its value? Answer: I think Mr Beaton has made a good and proper statement of its value. The whole is worth about \$3000.⁰⁰ the Va. tract about \$1000.⁰⁰, and the N.C. tract about \$2000.⁰⁰ And further the deponent saith not.

Witness: W. J. Bellist.
Augustus ^{his} Smith

The above depositions were taken, sworn to and subscribed before me by the above named witnesses at the time and place stated therein given under my hand this 26th day of August A.D. 1881.

James R. Taylor
Commissioner in Chancery

W. J. Bellist,
Gen. E. Beaton, \$1.14 1 day & 8 miles
Wm R. Taylor, \$1.14 1 " day & 8 miles
Augustus Smith, \$1.14 1 day & 8 miles
\$3.42

In the Circuit Court of Southampton County
George P. Burghwyn and Emma W.
his wife

Plaintiffs.

vs.

M. A. B. Ridley, Executor and A. J.

Ridley, Executor of Thomas Ridley

deceased et al
Defendants.

^{by Hon. Geo. Sloan, Judge of said Court.}
The petition of the above named plaintiffs
respectfully sheweth as follows:

Since the decree was entered in the above
entitled cause at the May Term A.D. 1881 of
the said Court in which the 4th Clause of
the will of the late Thomas Ridley was
construed and determined, your petitioners
have tendered to the Clerk of the said Court
a bond made and executed in accordance
with the terms of said decree and with good
and sufficient security, but the said Clerk
has declined to receive any bond from your
petitioners unless it is accompanied by the
affidavit of the person or persons executing
the same as security that the said person
or persons are the owners of unencumbered
real estate within the State of Virginia of
the value of the penalty of the said bond,
to-wit the sum of Eight Thousand Dollars.

The bond tendered by your petitioners was
executed by a person residing in Virginia
as security who was worth an amount

largely in excess of the said penalty over and above all debts and liabilities and after deducting the amount of the Homestead Exemption.

The refusal of the said Clerk to accept the bond tendered has deprived Your petitioners of the right to receive the legacy mentioned and described in these proceedings on the terms prescribed by the said decree.

Your petitioners are now and were at the time of the death of the testator, Thomas Ridley dec'd, residents of the County of Northampton in the State of North Carolina.

Your petitioners believe that the intention of the said testator, as evidenced by the decree of this honorable Court, was to provide a Homestead and support for the plaintiff Emma W. Burgwyn and her infant children by the gift of the said sum of Four Thousand Dollars; and your petitioners are advised that the said executors are ready to pay over the said sum of Four thousand Dollars at any time under the decree of this Court in this cause, all the interest on the said sum having been paid by the said executors to the said plaintiff Emma W. Burgwyn.

Your petitioners further represent that it is their intention and purpose to aside

in the town of Jackson in the said County of Northampton in the State of North Carolina until the Child or Children of the said Emma W. Burghyn shall have become twenty one years of age; and to that end the said Emma W. Burghyn has selected a Homestead in the said town of Jackson suitable for a residence for herself and family, of the value of two thousand, five hundred dollars, which is well worth that sum, and she is advised that it is competent for this honorable Court to direct the investment of so much of the said legacy in the said Homestead according to the terms of the said Will.

Wherefore your Petitioners pray that the said Executor and Executrix of Thomas Ridley deceased may be required by the decree of this Court to deposit the said sum of Four Thousand Dollars in the Exchange National Bank of Norfolk, Virginia subject to the orders of this Court in this Cause on interest; that a Commissioner be appointed by this Court to make the investment of the said sum of Two Thousand five hundred Dollars in the House and Lot situate in the County of Northampton North Carolina, and to that end that the said Commissioner

be authorized and empowered to check on the said Bank for the said sum of Two Thousand five hundred dollars to pay for the same; that the said Commissioner shall cause the said Homestead so purchased to be conveyed to the said Emma W. Burgwyn, but upon the condition that if the said Emma W. Burgwyn shall die before her child or children, if any, is of age, then that such should have the said property so conveyed to her: and that the said Commissioner be required by the said decree to ascertain and see that the title to such property is perfect and unencumbered. And your petitioners further pray that the said Emma W. Burgwyn be authorized and empowered to check on the said Bank at the expiration of every six months for the accrued interest on the balance of said sum until the same shall have been otherwise invested under the direction of this Court.

And your petitioners will ever pray &c.

Emma W. Burgwyn

by G. P. Burgwyn

G. P. Burgwyn

Urquhart & Eliott, p. q.

Est. of Henry Ridley d. 2.
Account Current

1885- May 20th filed-

The Estate of Thomas Ridley dec.
In Account with M. A. B. + N. T. Ridley Executors.

1881.		\$	cts	\$	cts
March 1.	By bal. br. of prior Report.			4000	02
" 21.	" balance of rent.			15	00
" "	To paid Tax + Tickets.	90	23		
Aug. 10.	By Cash from A. T. Harrison.			78	56
" "	To " paid Attorney's fee	16	43		
Dec. 22.	" " Tax in N.C.	13	33		
" 24.	By " from Dismas + J.			31	00
" 31.	" " " Beniam, (Rent)			50	00
Jan. 30. 1882	" " " Branch.			117	45
Feb.	To " " for Timber?	2	50		
" "	" " " Urgent + E.	2	00	00	
" 23	" " " Tax in N.C.	11	33		
March 1.	By Bal. on (\$4000.02)			2440	00
" "	To Cash on (\$532.10)	24	10		
" "	" paid E. W. Burgess	2440	00		
" "	" Balance.	3931	41		
1882		\$4532/03		\$4532/03	
March 1.	By Balance brought down.			3931	41
June 1.	" Int. on \$4000. (3 months)			40	00
" "	To Cash paid Exchange N. Bank.	4000	00		
" "	" " " " " (Interest)	40	00		
" 3.	" " " Taxes Pa. + Tickets	16	44		
" "	" " " Clerk's tickets	3	01		
Oct. 10.	By " from N. Bank.			12	59
Nov. 11.	" " " R. Jones.			20	00
" 13.	" " " B. D. Simmons.			36	50
" "	" Interest on Loan.			16	12
Dec. 27.	To paid Taxes in N.C.	13	33		
" 31.	By amt rent from Beniam.			48	00

1882				
Dec. 31.	By amt Recd from (Branch)			150.00
1883				
Jan. 15.	To paid taxes in Ct. C.	18.33		
Feb. 1.	By amt from E. J. Branch			100.00
" "	To Com. in (\$443.21)	22.16		
" "	" Balance -	246.35		
1883.		\$4374.82	\$4374.82	
March 1.	By balance brought down.			246.35
Jan. 7.	To paid Taxes in Va.	9.18		
Aug. 30.	" " Shandy & Son Att'y fee	5.00		
Dec. 31.	By Cash from Binum, (Recd.)			45.00
" "	" " " Branch (")			150.00
1884	" " " " " " " "			
March 1.	" " " " " " " "			14.78
" "	To Com. in (\$246.35) 1 year -	10.48		
" "	To Com. in \$209.78			
" "	" Balance -	431.47		
1884.		\$456.13	\$456.13	
Mar. 1	By balance brought down.			431.47
Apr. 1.	To Cash paid Taxes in (Ct. C.)	13.13		
May 31.	" " " " " " (Virginia)	9.12		
June 30.	By Cash from Gillett's Est.			42.02
" 30.	" " " " " " " "			8.12
" "	To Cash paid A. B. Wagoner & wife.	31.90		
" "	" " " " " " " "	42.50		
" "	" " " " " " " "	17.50		
" "	" " " " " " " "	8.00		
" "	" " " " " " " "	36.00		
1886.				
March 1.	By interest on \$270.00 (8 months)			10.80
" "	To Cash in (\$41.42)	3.07		
" "	" paid J. R. Tyler Com. for 2			
" "	former Report.	10.00		
" "	To paid J. R. Tyler Com. for 2			
" "	Report & a Copy of same	5.00		
" "	To paid at J. R. Tyler 1/5 of (balance)	90.37		
" "	" " A. B. Wagoner & wife (bal)	58.47		

"	"	To paid J. W. Urgent & wife (bce)	30	39		
"	"	" J. P. Burroughs & wife, (")	82	37		
"	"	" J. W. Ridley (Beland)	54	37		
			1492	91	1492	91

Respectfully Submitted,
 Jas R Tyler,
 Clerk in Charge.

Burgoyne & wife

or 3

Ridley on

Petition to

Emma W. Burgoyne

Nov 8th 1885

To the Honorable George Blawie Judge of
the circuit court of Southampton County
in chancery sitting

Respectfully petitioning your
petitioner Emma W Burgoynne shunts
unto your Honor that at the May
Term 1882 a decree was entered in the
case of Burgoynne vs Ridley Ex^{rs}
that M. A. Ridley and H. T. Ridley executors
of Thomas Ridley dec^d do deposit in
the Exchange National Bank of
Norfolk Va subject to the order of ^{the court in} this
cause the sum of four thousand
dollars the said sum to be deposited
on interest at the rate of six per cent
the interest to be paid to your petitioner
every three months on the check
of your petitioner and that your
petitioner might at any time apply
to the court hereafter for an
investment of the said fund under
the direction of the court

Your petitioner states further that
the said four thousand was deposited
in the Exchange National Bank at
Norfolk Va under the said order
by the said executors of T. Ridley dec^d

That some time in the spring of
this year the said Exchange National
Bank of Norfolk broke and failed
to meet its liabilities and was placed
in the hands of J. B. Piles, a
receiver under the laws of the United
States and your Petitioner fears she
will receive but a small portion
of her money which ^{was} all her
patrimony, That recently the said
Receiver has declared a dividend of
20 per cent, That J. B. Prince clerk
of the court kindly proved her
claim before the said receiver and
J. H. Cannon Comptroller of the
currency has sent to Mr Prince
a receipt for \$800 in blank to be
signed by the party authorized by the
court and when that is done he
will send a check for the said
\$800

Your Petitioner asks your Honor
to appoint her brother J. W. Ridley
a receiver to receive and check
for the said sum from the said
Bank and any other dividends
that may be hereafter declared
and invest the same by loan

on real estate and to report to court
and as in duty bound &c

Emma W Burgeye
by Charles W. Low her attorney

Recd. Oct 8-1890 of B. F. McLemore Clerk
of the Circuit Court of Southampton Co
proof of claim due Mrs E. W. Burgwyn
dated Norfolk Va June 25-1885 & signed
by Wm Peters Receiver Exchange Nat Bank
Bank -

J. W. Ridley

The above proof of claim has been
returned and filed in the papers of
this cause.

Oct 20-1890

P. M. Howard DB.

Recd April 27th 1891. of B. F. McLemore
Clerk Circuit Court of Southampton
proof of claim due Mrs E. W. Burgwyn
dated Norfolk Va. June 25. 1885 & signed
by Wm Peters Receiver Exchange Nat Bank
J. W. Ridley

The above proof of claim has been
returned and filed in the papers of this cause
May 9-1891 -

B. F. McLemore Clerk
Per J. M. H

Jackson N. P.
Nov 3rd 1886

Gen. Wm. Shanks.

Dear Sir,

I write -

This morning I ask your
attention to a case I wish
you to attend to for me du-
ring the coming term of
Superior Court in Jerusalem
In 1881 Judge Elow ordered
that the money left me by my
Father (the late Thomas Kilday)
should be placed in the Nat-
Exchange Bank. I deposited it
I changing the interest for the
same. As you know this Bank
failed in the Spring of this
present year and of course I
thought I had lost everything.
The Bank however has declared

a dividend which entitled
me to \$800.00 (eight hundred
dollar) which I thought
the Clerk of Jones County would
draw as he holds the original
copy of report and Mr. Pettis
had sent him the prospectus
etc of my claim. Judge Blow
said however that it could
not be drawn out until a
petition or motion was made
here at this Court. Then he
would give an order carrying
out my wishes as far
as practicable. Now I wish
you to make this motion
for me and press it on
the Judge's attention as I
hear he is very prone to
postpone everything and
as you can easily imagine
it is of the utmost importance

to me that this money be drawn
and put out at interest. I wish
my Brother William (Mr.
William Ridley) to be appointed
to receive, or give the authority
to draw this and any other
money the Bank may pay in
the future on my account. The
money to be loaned out on real
estate security until he can see
a good investment for it in
land. I don't think Judge
Blow ought to go too much
on his own judgment as his
last investment in regard of
position to my wishes was
such a disastrous one. Some
one suggested that he would
certainly have Commissioners
appointed to decide this
which I hope he will not as
there is so little of it. I do

not wish to be subjected to
any more expense than I can
pay. but if he does I wish my
Brother put on the commis-
sion. I trust I have made
myself intelligible. but being
totally unacquainted with Law
business I may not. Hoping
you will give the matter your
strict personal attention
I am with sincere regard

Yours respectfully
Mrs Geo. P. Bingham
Jackson.
Northampton Co
N. C.

Please let me hear from
you at your earliest convenience

Boykins Va.
June 21st 1886

Mr. J. B. Prince,
Jerusalem Va.
Dear Sir,

Enclosed please find
some receipts which you will please
place with the papers in the suit of
Burgoyne & wife vs. Ridley's Exrs. & others.
Please notice one signed by J. M. Ridley
and if his wife should have signed
it too return and I will get it fixed
and return to you. Your attention will
greatly oblige.

Yours Truly
A. T. Ridley.

(£ 54 $\frac{3}{4}$ / 100)

Received, this first day of March
1885- of M. A. B. & T. T. Ridley Exrs^s of
Thomas Ridley dec^d, the sum of fifty four
 $\frac{3}{4}$ / 100 dollars in full of amount due me,
from said Estate, as per report of J. R. Tyler
Com^t made up^d March 1st 1885, and filed
with the papers in the Chancery Suit of
Burgwyn & wife vs. Ridley's Exrs^s & others
J. W. Ridley

($30 \frac{39}{100}$)

Received, this 1st day of March
1883- of M. A. B. & A. T. Ridley execs of
Thomas Ridley decd. the sum of thirty
 $\frac{39}{100}$ dollars in full of amount due us
from said Estate, as per report of J.
R. Tyler com^r, made up to March 1st
1883, and filed with the papers in the
Chancery, Suit of Burgoyne & wife vs. Ridleys Ex^{rs}
and others

J. H. Wagonhart
Wm. F. Wagonhart

\$58 $\frac{47}{100}$

Received, this first-day of March 1886-
of M. A. B. & T. T. Ridley Execs, of Thomas
Ridley dec^d, the sum of fifty eight $\frac{47}{100}$ dollars
in full of amount due us, from said Estate,
as per report of L. R. Tyler Com^r, made up
to March 1st 1885, - and filed with the papers
in the Chancery suit of Bouquyn & wife
vs Ridley's Execs and others

W. B. Bouquyn
C. A. Bouquyn,

(\$90³⁷/₁₀₀)

Received this first day of March
1885 - of M. A. B. & T. T. Ridley Executors of
Thomas Ridley dec'd. the sum of ninety
+ ³⁷/₁₀₀ dollars in full of amount due me
from said Estate, as per report of J. R.
Tyler Comr. made up to March 1st 1885,
and filed with the papers in the Chan-
cery suit of Bugwyn & wife vs. Ridleys
Execs & others

A. T. Ridley.

\$82.³⁴/₁₀₀

Received, this first day of March 1885
of M. A. B. & T. J. Ridley Exec^{rs}, of Thomas
Ridley dec^d, the sum of eighty two ³⁴/₁₀₀ dollars
in full of amount due us, from said Estate,
as per report of J. R. Tyler com^r, made up
to March 1st 1880, and filed with the
papers in the Chancery suit of Burgwyn
& wife vs. Ridley's Exec^{rs} and others

Geo P Burgwyn

Emma R. Burgwyn

Burawell & wife

to }
3

Ridley's Cove

Filed June 29th 1882

DR Edd and c

The Exchange National Bank,

Norfolk, Va. June 8 1882

M A B Ridley Exec^r & N T Ridley
Exec^r

have this day deposited in this Bank

Four thousand

Dollars

U. S. currency, under a decree of the Circuit
Court of Southampton Co., in a suit therein depending
between Geo W Burgwyn & Wife

Plaintiffs, and M A B Ridley Exec^r & others

Defendants, subject to the order of said Court. - Said deposit
to draw interest at 6% per annum from
June 1st & the interest to be drawn every
three months by Emma W Burgwyn.

\$4,000 -

J H Toomer
Cash

\$ 300 00

Received, June 1st, 1882, of M. A. B.
Ridley & A. T. Ridley Exrs of Thos Ridley
Dec^d The sum of three hundred dollars
in full of interest on my beqcy, of four
thousand dollars, from March 1st, 1881 to
June 1st, 1882.

Emma H. Ringwiese

Courtland, Or.

Dear Sir,

I herewith return petition
as requested in your favor of the
2^d Oct. If there is anything fur-
ther for me to do please let me
know by return mail, & I will at-
tend to it promptly.

I have transferred all of the accounts,
viz., Receiver 2766.⁰⁵, Adms 572.⁴⁰,
into the Guardian account, & have
credited the Guardian by such other
sums as I have received which
belong to that ac. I have not made
out my annual ac as Guardian,
but will do so as soon as I hear

Burgwyn sniffs

vs. 3 In chf.

Ridley's Exportals.

Report of Sub-Ridley
Receiv.

1891. Apl. 20

Mrs. Emma W Burgwyn.

1885.

In ac with J. Wm Ridley Receiver &c.

Dec	10	By amts. rec'd from Ex. Nat. Bank			
		1st Dividend 20% of \$4000.00			800.00
		To Coms. on \$800.00 5%	40.00		
		" paid Expenses to Norfolk to collect			
		same Hotel and Railroad fare.	6.80		

1886

Jan	10	To paid Express charges on money.		50	
Mch	20	By amts. rec'd from Ex. Nat. Bank			
		2nd Dividend of 10%			400.00
		To Coms. on \$400.00 5%	20.00		
		" R.R. fare to Norfolk	3.30		
		" Hotel " at "	3.00		

1887

May	16	By amts. rec'd from Bank			
		3rd dividend. 20%			400.00
		To Coms. on \$400.00 5%	20.00		
		" Expenses to Norfolk R.R. fare	3.30		
		" " " Hotel "	2.50		

1888

May	28	By amts. rec'd from Bank			
		4th Dividend 5%			200.00
		To Coms. on \$200.00 5%	10.00		
		" Expenses to Norfolk R.R. fare	3.30		
		" " at " Hotel	2.50		

Nov.	12	By amts. rec'd 5th dividend from			
		Ex. Nat. Bank 5%			200.00
		To Coms. on \$200.00 5%	10.00		
		" Expenses to Norfolk R.R. fare	3.30		
		" " " Hotel	1.00		

1890

Feb	20	By amts. rec'd from Bank 6th			
		Dividend of 5%			200.00
		To Expenses to Norfolk R.R. fare	3.30		
		" " at " Hotel	1.00		
		" Coms. on \$200.00 5%	10.00		

\$143.80 / 2200.00

1890

		Prints brot forward	\$143.80	\$2200.00
Octs	8.	By Am. recd from Bank		
		7th div. of 5%		200.00
		To Coms. on \$200. 5%	10.00	
	"	Expenses to Norfolk RR fare	3.30	
	"	" " " Hotel	1.00	
1891 may	1.	By Am. recd from Bank		
		8th Div. of 3%		120.00
		To Coms. on \$120. 5%	6.00	
	"	Expenses to Norfolk RR fare	3.30	
	"	" " " Hotel fare	1.00	
	"	paid J. L. M. Lemore atty's fee	10.00	
		Balance	2341.60	
1891			\$2520.00	\$2520.00

1891

May 5 By bal. due Mrs. E. W. Burgwyn \$2341.00

Respectfully Submitted
J. Wm. Ridley
Receiver

Your Receiver would beg to say that he has given above full statement of his transaction as Receiver in the Chancery Cause of Burgwyn wife vs. Ridley & Sons. That by consent of all parties in interest he begs now to tender his resignation as such receiver, and would recommend to the Court Mr J. A. Burgwyn as his successor in office which he hopes may meet with its approval. Your Receiver would state further that a considerable amount of the \$2341.00 due or now in his hands, as appears from the report has been loaned-out in obedience to orders of this Court and the bonds are now in the papers of the

cause. All of which however, he is ready to turn over to his successor in office whenever this Honorable Court shall so order. That he has accounted for no interest in his report because the Court has directed that all interest be paid to Mrs Burgwyn.

The expenses to Norfolk charged in this account were unavoidable, as the Receiver would only pay the dividends upon presentation of the ^{dividends} ~~proof~~ by the proper party in Norfolk. All of which is, Respectfully Submitted.

J. Wm. Ridley
Receiver

By a decree entered in the circuit Court of
Northampton in the case of Burgoyne vs wife of
Ridley ex - at the end term 1841, J. Alveston
Burgoyne was appointed guardian of Mr Emma W
Burgoyne, in place of J. W. Ridley former R.
who signed who gave bond in the sum of
\$ 5000

Mr Burgoyne who resides in Northampton
Co N. H., has

Mr Burgoyne in Jan'y 1833
wife of George P Burgoyne

Burgwyn

Receiver

~~COMMISSIONER'S~~

BOND.

to . }

Commonwealth.

1891. May 26. filed.

Know all Men by these Presents, That we J. Alveston
Burgwyn and Collinson P.E. Burgwyn
are held and firmly bound unto the Commonwealth of Virginia, in the sum of Five
thousand Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 26th day of May one thousand eight
hundred and ninety one.

The condition of the above Obligation is such, That if, the above bound J. Alveston Burgwyn
shall faithfully perform the duties of his office or trust, as Receiver for
Mrs Emma H Burgwyn
under a decree of the Circuit Court of the County of Southampton, pronounced on the 5th
day of May, 1891, in the suit therein depending under the name and
style of Burgwyn wife of R. Ridley's Exors & als.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

J. Alveston Burgwyn 
By J. M. Howard Attorney for
Collinson P.E. Burgwyn 
By J. M. Howard Attorney for 

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day _____
suret _____ on the above bond, made oath before me _____, Clerk
of the Circuit Court of the County of Southampton, that _____ estate after the payment
of all _____ just debts, and those for which _____ bound as securit _____ for others,
and expect to have to pay _____ worth the sum of _____ dollars;
whereupon the said bond is admitted to record according to law.

Given under my hand this _____ day of _____ 18 _____.

Teste : _____ Clerk.

Hustings Court,

HON. S. B. WITT, JUDGE.
WILLIAM P. LAWTON, CLERK.
H. M. SMITH, JR., COMMONWEALTH'S ATTORNEY.

Richmond, Va. April 16: 1891.

I, William P. Lawton, Clerk of the Hustings Court of the City of Richmond, do hereby certify that it appears from the Land Books of the said City, on file in the Clerk's Office of said Court that C. F. E. Burgwyn is seised with Real Estate in said City, valued at over five thousand dollars.

Given under my hand, the day and date above.

W. P. Lawton, Clerk.

State of Virginia

City of Richmond to wit

I, Chas. J. Whelan a Notary Public for the City and State aforesaid do certify that C. F. E. Burgwyn personally appeared before me in my City aforesaid and made oath that the Real Estate referred to in the ~~above~~ statement above is free of all incumbrances
Given under my hand this 16: day of April 1891
Chas. J. Whelan
N. P.

Know all men by these presents that
I Collinson P. E. Burgwyn of the City of
Richmond State of Virginia, do hereby make
constitute and appoint Thomas M. Howard my
true and lawful attorney in fact, for me
and in my name to sign acknowledge and
deliver, as security a certain bond required
to be given by J. Alveston Burgwyn
by decree of the Circuit-Court of Southampton
County rendered at the May term 1891 in
the Chancery Cause therein depending
styled "Burgwyn & wife vs Ridley's Ex'r et
al." in which decree J. Alveston Burgwyn
is appointed Receiver in place of J. Wm Ridley
resigned, said receiver's bond is in the penalty
of five thousand dollars, and to do what
ever else that may be necessary to make
the said bond as good and binding upon
me as though I were personally present
signing and acknowledging the same.
And I hereby ratify and confirm whatsoever
my said attorney shall lawfully do in my
name in the premises by virtue of these
presents.

Witness my hand and seal this the nineteenth
day of April 1891

Collinson P. E. Burgwyn (Seal)

State of Virginia, City of Richmond to wit,
This day personally appeared
before me, James R. V. Daniel a Notary
Public for the City of Richmond in the State of
Virginia Collinson P. E. Burgwyn and
acknowledged his signature to the within
writing, and I further certify that the
said Burgwyn made oath before me
that his estate after the payment of his
just debts and those for which he is
bound as security and expects to have to
pay is worth the sum of five thousand
dollars.

Given under my hand ~~at~~ the
sixteenth day of April 1891.

J. R. V. Daniel.
Notary Public.

Mrs J. A. Burgwyn Gen.

To B. F. McLenore, Clerk of Southampton County Court, Dr.

1894

May 11 To fee on D of J from N. J. Ridley
to J. A. Burgwyn's Trustee.

1 25

" tax on same

5 60

6 85

May 25th 1894.

Paid

B. F. McLenore C. C.

By A. B. Urganhart Jr. D. C.

J. A. BURGWIN,
COUNTY TREASURER AND
PUBLIC ADMINISTRATOR,
NORTHAMPTON COUNTY.

Jackson, N. C., Aug 22 1895

W. B. Shands Esq
Lewittland Pa.

Dear Sir

Enclosed please find Guardian Bond certified to by the Clerk of the Superior Court of Northamp. Co. N. C.

Will you kindly have the necessary papers gotten and the funds accounted for by me as Receiver, and Guardian, transferred to this County as suggested in your letter of the 30 June.

Please accept my apology for not acknowledging the receipt of that letter sooner, but sickness and a

vacation necessitated by the
same, prevented my doing so
at once.

With kind regards

Yours very respect.

J. A. Burgoys

A. J. Ridley
& { Present
M. W. Subart H.

An Agreement made the day of
A.D. 1881 between A.B. Urquhart and Eliza A., his
wife, J.W. Urquhart and Margaret T. his wife,
W.T. Ridley, George P. Burgwyn and Emma W.,
his wife, and J.W. Ridley.

Whereas the late Thomas Ridley of Southampton
Co. during his lifetime qualified as the guardian
of the said W.T. Ridley and received in his
possession a large sum of money, but failed
to render any accounts to the Court as guardian
so as to show a settlement of his accounts
as such: and whereas the said Thomas Ridley
in his lifetime had certain other transactions
with the said W.T. Ridley after he became
of age in which he loaned to said W.T. Ridley
a certain sum of money and received his
bond therefor, together with a certain state-
ment made by said W.T. Ridley of certain
money collected by said W.T. Ridley for the
said Thos. Ridley: and whereas the said Thos.
Ridley, in his lifetime subsequently had a
settlement with the said W.T. Ridley of their
joint accounts, and delivered to the said
W.T. Ridley his said bond but failed or neg-
lected to deliver up the said statement. And
whereas it is mutually agreed between the
said W.T. Ridley and the other heirs of the
said Thomas Ridley who are all parties hereto
that the mutual accounts between the said
Thomas Ridley and W.T. Ridley were finally
settled and closed, but there is no record
evidence of the same - Now therefore, for

the purpose of settling all matters between the said parties, the said parties do agree as follows:
The said C. T. Ridley in consideration of the agreement hereinafter made hereby covenants and agrees to forever release and discharge the estate and the heirs of the said Thomas Ridley deceased from any liability to him or his heirs on account of any funds or estate received by him as his guardian in his lifetime; and in consideration of the above release the said A. B. Urquhart and Eliza A. (who was Eliza A. Ridley) J. W. Urquhart and Margaret T. (who was Margaret T. Ridley) George P. Burgwyn and Emma W. his wife (who was Emma W. Ridley) and J. W. Ridley do hereby covenant and agree to forever release and discharge the said C. T. Ridley from any liability to them or their heirs on account of any transactions had with the said Thos. Ridley in his lifetime.

The parties hereto do hereby agree that the mutual accounts between the said C. T. Ridley and the said Thos. Ridley in his lifetime were finally settled and closed.

The expenses of drawing and recording this agreement are to be borne by the said heirs in equal proportions.

Witness ~~that~~ following signatures and seals.

A. B. Urquhart (seal)

E. A. Urquhart - (seal)

J. W. Urquhart (seal)

M. T. Urquhart (seal)

C. T. Ridley (seal)

GP Burgwyn

GP Burgwyn

Seal

Seal

J. W. Ridler

Seal

J. A. Burgin Rec

J. W. Ridley Rec.

Recpt

Dec 1892

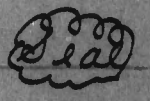
Rec^d. Dec 6. 1892 of J^m Ridley
three bonds, due by R. F. Ridley to
J^m Ridley, Receiver of Mrs Emma W.
Burgwyn. viz: 1 bond dated Jan'y
20. 1887. for \$800.⁰⁰ - 1 " " April
1st 1889 " \$200.⁰⁰ 1 " " Mch
12th 1890 " \$200.⁰⁰. turned over to
me by order of Court entered at the
May term 1891. of the Circuit Court
of Southampton Co. in the case of
Burgwyn wife & Ridley's Exors & al;

Exp. package. Seign here - J. A. Burgwyn
opened in the pres: Receiver of Emma W. Burgwyn
-ence of J. B. McRae May 16 1893

Murston Burgoyne.
To ~~the~~ Power of
attorney
Howard

Know all men by these presents.
that J. Alveston Burgmyn do hereby
make constitute and appoint Thomas
M. Howard my true and lawful attor-
ney in fact, for me and in my name
to sign and acknowledge a certain bond
required to be given by me by decree
of the Circuit Court of Southampton County
rendered at its May Term 1891. in the Cham-
berly cause of Burgmyn & wife vs Ridley's
Eson and others by which decree I am ap-
pointed Receiver in the place of J. Wm. Ridley
resigned, and to do whatsoever else that
may be necessary to make the said bond a
firm and binding upon me as though I
were personally present signing and
acknowledging the same. And I hereby rati-
fy and confirm whatsoever my said attorney
shall in my name lawfully do in the
premises by virtue of these presents.

Witness my hand and seal this the 20th
day of April 1891.

J. Alveston Burgmyn 

State of North Carolina

County of Northampton to wit.

I J. A. Baxton a Justice
of the peace for the County of Northampton

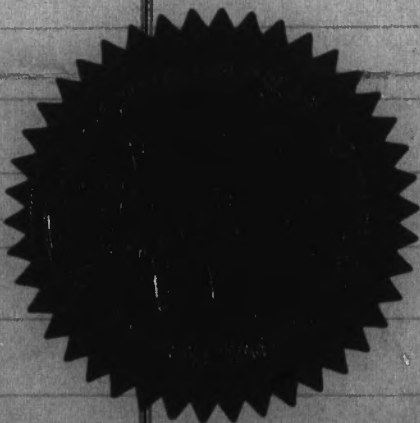
State of North Carolina, do certify that
J. Almonston Burgwyn whose name is
signed to the writing within bearing date
the 20th day of April 1891. has acknowledged
the same before me in my County aforesaid.
Given under my hand this the 20th
day of April 1891.
J. B. Buxton. J.P.

Certificate of
Probate Judge
that the Justice is
duly elected qualified
etc.

North Carolina, Northampton County,
I. J. T. Gelyche Clerk of the Superior
Court of said County, do hereby
certify that J. A. Buxton Esq. who has
signed his name to the foregoing certificate
was at the time of so doing, a Justice
of the Peace in and for said County
duly authorized by the laws of said
state to administer oaths and take
acknowledgments, and that all
his official acts are entitled to
full faith & credit, and that
his signature thereto is genuine

In witness whereof
I hereunto set my
hand and seal of
said Court, This
Apr. 20th 1891.

J. T. Gelyche
Clerk. Sup. Court



Thomas Ridley's

Will
"

Thomas wife }
Ridley's Ex et alen }
Exhibit A.

(Alcoper) (504)

I, Thos. Ridley of the County of Somerset and State of V^t
do make, ordain and constitute this my last Will and Testament to wit,

Item 1st I give to my beloved wife M. A. B. Ridley Five
Thousand Dollars, my household and kitchen furniture, my
Carriage, harness and match horses in fee simple; and I leave
her the Lands on which we live known as Dennis Down and Duckhorn,
four mules, six cows, two yokes of Oxen, eight sows and pigs and
one year's allowance during her life.

Item 2nd I leave to my daughter E. A. Urquhart during her
life the plantation recently purchased of Mr. Thos. Urquhart, as
which will I give said land to such of her children as may be
living at that time if any may die to descend to the survivors.

Item 3rd I have made a ^{similar} ~~provision~~ provision for my daughter
M. B. Urquhart.

Item 4th I give to my daughter E. B. Pierquyot Five thousand
dollars, if she should die before her child or children, if any, ~~at~~ of
age, I wish such to have the property given to her.

Item 5th I give to my son N. D. Ridley the plantation on which
he lives known as Bloomfield to him and his heirs forever.

Item 6th I give to my son J. W. Ridley my lands known as the
Mill Piece and Vick also my Mill and six horses or mules,
two yokes of Oxen, two cows, 6 sows and colts from Duval, if he
survives his mother he can have the lands loaned to her and that
given him valued and take either place at his option; but I wish
his and her lands worked jointly until he is of age.

Item 7th I wish all my property not given above equally divided
between all of my heirs.

Item 8th I wish my wife M. A. B. Ridley and son N. D. Ridley

to settle my Est: and I request the Court not to require them to give security.

Given under my hand and seal the fifth of December 1873.

Thos. Ridley



At a Court held for the County of Southampton on the 15th day of March 1875.

A writing bearing date the fifth day of December 1873, purporting to be the last Will and Testament of Thomas Ridley dec^d, was this day produced to the Court, and there being no subscribing ^{and J. R. Tyler} witnesses, Thos. H. Briggs and Joseph D. Prince, being sworn and examined as witnesses, the Court after hearing the testimony is of opinion that the said writing bearing date the fifth day of December 1873, and the signature thereto, are wholly in the hand writing of the said Thomas Ridley dec^d. Therefore it is ordered that the said writing be recorded as the last Will and Testament ^{the said} of Thomas Ridley dec^d. And on the motion of M. A. B. Ridley and T. J. Ridley the Executors and Exectu^r, therein named, who made oath according to law, and entered into and acknowledged a bond in the penalty of Fifty Thousand Dollars, conditioned according to law (but without security, the Will directing none to be taken and the Court requiring none), which bond is ordered to be recorded. Certificate is granted them for obtaining a probate of the said Will in due form.

Attest

Jos. R. Edwards CC

Burgwyn is wife

or 3

Deene

Ridley ex^{or} in

This day This cause came on again to be heard on the papers formerly read and the petition of Mrs Emma W Burgwyn filed at this court and was argued by counsel on consideration whereof the court doth adjudge order and decree that S. W Ridley who is hereby appointed receiver for that purpose shall withdraw from the papers in this cause the following paper to wit

" No of claims 948

First dividend

Received from Ch. W. Cannon Comptroller of the currency Eight hundred dollars being a dividend of 20 per cent upon my claim of four thousand dollars against The Exchange National Bank of Norfolk Va

Dated at Norfolk Va

188 "

And presents to the said Ch. W. Cannon and Mrs. Ch. Peters any receipt or receipts that may be necessary for the same, and the court doth further adjudge order and decree

that the said J. W. Ridley be and
is hereby enjoined as said receiver
to receive and receipt for to either the
said H. W. Cannon or Wm H. P. P. for
for any further dividends which the
said Exchange National Bank of
Norfolk may pay on claim No
948 for four thousand dollars
owed by J. B. Pinner and due to
Emma W. Burgwyn and the said
J. W. Ridley on receiving the said
sum of money \$800 or any other
future dividends will lend the
same out on real estate in
Bathampton County will secured
by deed of trust taking from the
borrower bonds or bonds conditions
to pay the interest semi annually
to Emma W. Burgwyn and report
his proceedings to court

But the said J. W. Ridley shall
not proceed to act under this decree
until he shall have executed a
bond in the penalty of sixteen
hundred dollars with good security
conditions for a faithful
performance of this decree in the
clerk's office of this court

Rec^d May 16th 1887. of J. B. Prince, Clerk
of the County Court of Southampton County.
the proof of the claim due Mrs. E. H. Burgwyn
dated, Norfolk Va. June 25th 1885 and signed by
W. H. Peters, Receiver of the Exchange National
Bank of Norfolk Va.

J. W. Ridley
The above proof of claim has been
returned and filed in the papers of
this cause.

B. F. M. Lemore Sec.

Rec^d May 28th 1888. of B. F. M. Lemore Clerk
of the Circuit Court of Southampton County.
the proof of claim due Mrs. Emma H. Burgwyn
dated, Norfolk Va. June 25th 1885 and signed
by W. H. Peters Receiver of the Exchange
National Bank of Norfolk Va.

J. W. Ridley
The above proof of claim has been returned
+ filed in the papers of this cause.

B. F. M. Lemore Sec.

June 25/88.

Rec^d Nov 12. 1888. of B. F. M. Lemore, Clerk.
the proof of claim mentioned in the above
certificate.

J. W. Ridley

The above paper returned + filed.

B. F. M. Lemore Sec.

Received Dec 2, 1885 of L.B. Prince
Clerk of the Circuit Court of
Southampton. the papers
authorized to be delivered by
this decree

J.W. Ridley
Received Dec 10th 1885 of L.B. Prince Clerk of
the Circuit Court of Southampton the proof of
the claim due Mrs Emma W. Burgeyn. dated
Norfolk Va June 25. 1885. & signed by W.H. Peters.
Receiver Exchange Natl. Bank of Norfolk Va.
This paper is delivered because the Receiver
refuses to pay without it.

J.W. Ridley
The proof of claim, mentioned above.
has been returned and filed in papers of this
Cause.

Dec 23. 1885.

L.B. Prince C.C.

Burgeyn & wife

on 3 Dec

Ridley can't take
to be entered
Nov 30 1885

Geo. Beers,

Rec'd March 19th 1886 of L.B. Prince, Clerk of the
Circuit Court of Southampton Co. the proof of the claim
due Mrs E.W. Burgeyn. dated Norfolk Va June
25th 1885, and signed by W.H. Peters. Receiver Exchange Natl. Bank
of Norfolk Va. This paper is delivered because
the Receiver refuses to pay without it.

J.W. Ridley
The above proof of claim has been
returned and filed in the papers of
this Cause.

L.B. Prince C.C.

Rich 25/86

Rec'd Feb'y 20. 1890 of B.J. McLane, Clerk of the Circuit
Court of Southampton Co. Proof of claim due Mrs E.W. Burgeyn
dated Norfolk Va June 25. 1885. & signed by W.H. Peters, Receiver
Exchange Natl. Bank.

J.W. Ridley
The above proof of claim has been
returned in the papers of this Cause. J.M. Howard D.C.

Burgmyr + wife
vs. ^{James} Decker
Kiddup's Estate et al.

1891. May Term
To be entered.
CMT

Ent Page 460

The books mentioned in the within
decease turned over to Sternberg
Dec 6 1892

Burgmyn & wife

vs.

Money

Decree

Ridley's Exors et al.

This day this cause came on again to be heard upon the paper formerly read, the report of J. Wm. Ridley receiver, and the petition of Mrs Emma W. Burgmyn filed since the last term of this Court and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that ~~the~~ the report of said Ridley receiver &c. be and the same is hereby confirmed. That said Ridley's resignation as receiver &c. be accepted and that J. A. Burgmyn be and he is hereby appointed Receiver in place of said Ridley with like powers and authority as was conferred upon him ^{the said Ridley} by Decree of November Term 1885 entered in said cause. And when the said J. A. Burgmyn has entered into bond with approved security before the clerk of this Court in the penalty of \$5000. the said Ridley is directed to turn over to him the money and bonds now in his hands amounting in the aggregate to \$2341.00 taking his receipt therefor and report to Court.

Burgwyn wife

v

Ridley's Exors &c

Decree

To be entered May
5th, 1882.

Geo: Brown, J.

Ex

Geo. P. Burgwyn & wife
vs.

Chas. B. Ridley Executor et al.

This Cause came on this day to be again heard on the papers formerly read and was argued by counsel.

On consideration whereof, on the application of the plaintiff Emma W. Burgwyn this day made by her Counsel, the said Emma W. Burgwyn not now desiring to give the bond required by the decree entered in this Cause at the May Term 1881 and to receive the sum of Four Thousand Dollars on the terms presented by said decree, the Court doth adjudge order and decree that Chas. B. Ridley Executor and W. J. Ridley Executor of Thos. Ridley deceased do deposit the said sum of Four Thousand Dollars to the credit of in The Exchange National Bank of Norfolk, Va. subject to the orders of this Court in this Cause, the said sum to be deposited on interest at the rate of six per centum per annum from the date of such deposit. Thereafter And that the said Executor and Executor do pay to the said Emma W. Burgwyn the interest on the said sum of four thousand dollars up to

the date of each deposit, and that they do return to the Court a Certificate of each deposit and the receipt for the interest paid, and upon each deposit and payment being made that the said Executors and Executrix be discharged from any further liability for the said sum to the said plaintiff or to any other persons.

And the Court doth further adjudge order and decree that the said Emma W. Burroughs may at any time hereafter apply to the Court for an investment of the said fund under the direction of the Court, and that she may be allowed and is hereby empowered to check on the said Bank at the expiration of every three months from and after the date of each deposit for the interest which may accrue on the said sum of four thousand dollars.

And the further consideration of this Cause is continued.

Burgwyn wife

^{or}
Ridley's Ex et als

Decree

To be entered May 4, 81

Geo. B. Bond.

Geo P. Burgwyn and Emma W. his wife
vs.

M. A. B. Ridley Executrix of Thos. Ridley et al.

This cause came on this day to be again heard on the papers formerly read and was argued by Counsel: On consideration whereof the Court doth adjudge order and decree that the true meaning and intent of the said testator Thos. Ridley deceased by the fourth clause of his said will, was to give to the said plaintiff Emma W. Burgwyn the said sum of four thousand dollars as an absolute estate in fee, but liable to be divested in the event that the said plaintiff should die before any child or children of the said plaintiff shall attain the age of twenty one years and in that event the said sum to go to that child or children which had not attained the age of twenty one years.

And the Court doth further adjudge order and decree that the said M. A. B. Ridley Executrix and M. T. Ridley Executor of the said Thomas Ridley deceased do out of any funds in their hands not liable to ^{any unpaid debts} the ~~indebtedness~~ of the said testator pay to the said plaintiffs the said sum of four thousand dollars with interest thereon from and after the expiration of twelve months from the date of their qualification as such executrix and executor. But before

the said plaintiffs shall receive the said sum they or one of them, or some person for them, shall enter into and acknowledge before the Clerk of this Court, a bond in the penalty of Eight Thousand Dollars payable to the Commonwealth of Virginia with surety deemed sufficient by said Clerk, with condition that in the event that the said plaintiff Emma W. Burghyn shall die before her child or children shall attain the age of twenty one years then that the said sum of Four Thousand Dollars with interest thereon from the date of the death of said Emma W. Burghyn shall be paid to such child or children as may not have attained the age of twenty one years at the time of her death.

But in the event that the said plaintiffs shall elect not to give such bond then they shall be at liberty to apply at any time for an investment of the said sum according to the terms of the said testator will as heretofore construed under the direction of this Court.

And the Court doth further adjudge order and decree that an account be taken of the administration of the estate of the said testator by the said Executrix and Executor, and of any balance that may be due by them to said estate,

and also of any real estate of which the said testator died seized and which was not specifically devised to any person by the said will; and that this cause be referred to James R. Tyler who is hereby appointed a Special Commissioner to take the accounts directed by this Decree; and the said Commissioner is also directed to ascertain and report whether partition can be conveniently made among the parties entitled thereto of any such real estate, or whether the entire real estate of which the said testator died seized, ^{and not specifically devised} can be allotted to any party who will accept it, and pay therefor to the other parties entitled thereto such sums of money as their interest therein may entitle them to; and what such sums would be; or whether the interest of the parties will be promoted by a sale of the whole of such real estate or by the allotment of a part and the sale of the residue

And all of the said parties having filed ^{in open Court} and entered of record their Consent that this cause may be heard and determined in vacation the Court doth ^{further} adjudge order and decree that this cause may be further heard and decree entered herein at any time during the vacation of this Court.

George P. Burgwyn and Emma W. his wife, Plaintiffs

vs.

M. A. B. Ridley Executor et al. Defendants.

This day came the plaintiffs by their attorneys and by leave of the Court filed their bill in this cause, ^{and the exhibits therewith} in open Court, and at the same time came the adult defendants M. A. B. Ridley Executor of Thos. Ridley deceased and the said M. A. B. Ridley in her own right, Ch. T. Ridley Executor of said Thos. Ridley deceased and the said Ch. T. Ridley in his own right and Ch. T. Ridley his wife, A. B. Waghart and E. A. Waghart, his wife, J. W. Waghart and Ch. T. Waghart, his wife and J. W. Ridley and Bettie Ridley his wife, ^{by their attorneys} and by leave of the Court filed their joint and separate answer to the said bill; and thereupon the Court doth appoint L. R. Edwards, Guardian ad litem of the said infant defendants Thomas Ridley Burgwyn, Henry K. Burgwyn and George Pallock Burgwyn, ^{to defend their interests in this cause} and the said Guardian ad litem then by leave of the Court filed the answer of the said infant defendants to the said bill and the plaintiffs filed general ^{applications to said answers} applications to said answers.

Then this Cause came on this day to be heard on the said bill and exhibits and the said ^{and the general applications to said answers} answers, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that this Cause be placed upon the docket in this Court; and all the

parties to this Cause having consented, and entered their Consent in writing in the said bill and answers in open Court thereto, the Court doth further adjudge order and decree that this Cause and the several matters involved therein may be heard and determined by the Judge of this Court in vacation and decision made and decrees entered herein during the vacation of this Court.

Burroughs and wife

v.

Frederick Greening et al

Decree do 1

To be entered do 5, 1880

W. B. Lloyd

Burgoyne's wife
vs 3 Deane
Ridings Co. n ab

To be entered

Sept. 29, 1896

Robert R. Dentis.

2578

Entered Page 103

Burgoyne to wife

vs 3

Ridley vs - 1000

Dece

This day this cause came on again to be heard on the paper formerly read, the Report of J. A. Burgoyne Receiver of Mrs Emma W Burgoyne of the funds in his hands belonging to her estate filed in the papers since the last order entered in this cause and the Petition of J. A. Burgoyne guardian of the four minor children of Mrs Emma W Burgoyne with the exhibit therewith filed asking that the court would authorize him to withdraw the funds which he has in his hands belonging to the four minor children as heirs of Mrs Emma W Burgoyne dec'd in Virginia and hold the same as guardian for the said children in Northampton County N. Carolina and was argued by counsel and it appearing to the court that Mrs Emma W Burgoyne who resides in Northampton County N. Carolina has departed this life, leaving four infant children to wit B. K. Burgoyne, George P Burgoyne, W. B. S. Burgoyne and Mariah J. Burgoyne, who also reside in Northampton County N. Carolina, and that J. A. Burgoyne guardian as aforesaid has executed a bond in the Superior Court of Northampton County N. Carolina in the penalty of six thousands dollars more than double the amount of the funds in his hands belonging to his wards the court doth adjudge order and decree that the clerk of this court transmit to the clerk of Northampton County N. Ca Superior Court a certified copy of the Report of J. A. Burgoyne as Receiver of Mrs Emma W Burgoyne dec'd along with a certified copy of this decree for record

There, and that the said J. A. Burgoyne received as
apportioned from their funds from himself as
successor of Mrs Emma W. Burgoyne died in Virginia
to himself as guardian of the four infant
children deceased in Northampton County North
Carolina, and that the said J. A. Burgoyne in
the said settlement of his guardian accounts in
Northampton County N. Carolina charge himself
with the sum of \$553.21 for each of these
minor children as received from the estate of Mrs
Emma W. Burgoyne with interest from the 11th of June
1894