

A Circuit Court held for the County of Southampton at the Court House thereof on Thursday the 5th day of May A.D. 1881.

Presents
The Hon George Blane Judge

George P. Burleigh and Emmes W. Burleigh his wife, Plffs
vs. H. B. Rieley Executor, and W. P. Rieley Executor, } In Schenck
of the Estate of Thomas Rieley decd and others. Dfts }

This cause came on this day to be again heard on the papers formerly read and was argued by counsel, on consideration of which the Court doth adjudge and order that the true meaning and intent of the said testator Thomas Rieley deceased by the fourth clause of his will viz to give to the said plaintiff Emma W. Bungey 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 shall not attain the age of twenty one years. And the Court doth further adjudge and order and decree that the said W. B. Rieley Executor and W. P. Rieley Executor of the said Thomas Rieley deceased do out of any funds in their hands not liable to any unpaid debts of the said testator pay to the said plaintiff 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 executor and executor But before the said plaintiff shall receive the said sum they or any of them or some person for them shall in writing 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. Bungey should 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. Bungey 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 plaintiff shall die not to give such bond then they shall be at liberty to apply at any time for and receive the said sum according to the terms of the said testator's will as hereinafore construed under the direction of this Court. And the Court doth further adjudge and order and decree that an account be taken of the administration of the estate of the said testator by the said Executors 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 persons by the said will and that this cause be referred to James R. Tyler who is hereby appointed 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 undivided estate, and 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 less, 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 their cause may be heard and determined in vacation the Court doth further adjudge and order and decree that their cause may by further heard and decree entered thereon at any time during the vacation of this Court.