

1887-06

Southampton County Chancery.

Burgwyn, Emma W. et al vs Ridley, M. A. B. et al
(Exd. v.)

Sues for settlement of estate
and for instructions to invest
their money

Burgwyn, George P.
Urquhart, Margaret Frances
" , Joseph W.
" , Eliza Ann
" , A. B.
" , William,
(next friend)

Ridley, N. T.
Executor of
Ridley, Col. Thomas
Ridley, J. W.
Burgwyn, Geo. P.
Urquhart, A. B.
Urquhart, Jos. W.

Burguyn & others

as 3 Stat. Rules

Ridley's Exors &c

107

Kelly comp. to

Burgwyn & others

27 } Rice
+ Ex.

Ac. Mrs. Ridleys' Exam
Sal.

1875 September Rules

Cir. cl. Southern C.

To The Hon: Geo. Blom;

Judge of the Circuit Court of the
County of Southampton, Virginia

Southampton County, to wit.

Complaining shew unto the Court your Com-
plainants, Emma W. Burgwyn (wife of Geo.
P. Burgwyn); Margaret Frances Mudgett (wife
of Joseph W. Mudgett); and Eliza Ann Mudgett
(wife of A. B. Mudgett), suing by W. Mudgett
their next friend.

Your complainants respectfully repre-
sent to the Court, and say:

1. That their father, Col. Thomas Ridley died
in the County of Southampton Virginia, on the
day of March 1875, having first made and
executed his Last will and Testament, which was
on the 15th day of March 1875, duly proved in, and
ordered to be recorded, by the County Court of
said County - a duly certified copy of said
will and order of Court are filed herewith as a
part of this Bill and is marked "A"
2. That by said will, the Testator appointed
his wife Mrs. M. A. Ridley his own Adm^r. Mr.
Ridley his Executor and Executor, who duly
qualified as such in said County Court on the
said 15th March 1875, as will appear by the order
of said Court, on said will -
3. That the Testator by his said will, in the
2^d item thereof says "I leave to my daughter, (who
E. A. Mudgett

from misfortune & otherwise become Bankrupts and have been so declared under the act of Congress usually known as the "Bankrupt Law", and that the said Joseph W. Mergenthal is Insolvent.

10. Your Complainants say, that they have (each) children, and that the provision made for your Complainants, by their father will be but a moderate support for them, & while having full confidence in the Honor, & integrity of their husbands, they feel Compelled for their own protection & safety to ask that whatever estate they may be entitled to from their said Father's estate, may be settled to their separate use.

11. That in order to ascertain the amount to which they may be entitled, they ask that the said Mrs. M. A. B. Ridley & A. J. Ridley, personal Representatives of said Col. Thomas Ridley dec'd, may be required to render before a Commissioner of this Court an account of their transactions.

In Consideration whereof and as this Court has jurisdiction to grant all adequate Relief, In the End your Complainants pray that the said M. A. B. Ridley and A. J. Ridley as Executors & Executrix of Col. Thomas Ridley dec'd, & in their own right, and J. W. Ridley, Geo. P. Burpyn,

A. B. Ursubart and Joseph W. Ursubart, may
be made defendants hereto, and answer
the allegations herein made. That the
transactions of said M. A. B. Ridley & Ch. J.
Ridley, Personal Representatives, of Col. Thomas
Ridley decd., may be only settled - That the
amount of Principal & Income to which
each of your Complainants may be entitled
under said Testator's will, may be ascertained,
and settled to their separate use, and that
such other and further relief may be granted
Consistent with Equity &c.

Emma W. Burgesse,

May and Anne Ursubart

Eliza Ann Ursubart

By

John R. Kelly Son attys

"A"

Thomas Ridley's

Bill

Burgoyne's
to { Exhibit with Bill

Ridley's Ex. 5

507 for

(Acopy)

I Tho: Ridley of the County of Southampton and State of
V^a 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 in which we live known as Bennie Doon and Backhorn,
four mules, six cows, two yoke 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.} W^m Urquhart,
at which time 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 ~~separate~~ ^{similar} provision for my daughter
M. F. Urquhart.

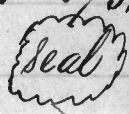
Item 4th I Give to my daughter E. H. Burroughs Four
Thousand Dollars, if she should die before her child or
children if any, is of age, I wish such to have the property given
to her.

Item 5th I Give to my son N. T. Ridley the plantation
in which he lives known as Bloomfield to him and his heirs
forever.

Item 6th I Give my son J. W. Ridley my lands known as
the Mill Pices and Vick, also my Mill and Gin, 4 horses or
mules, two yoke of Oxen, two cows, 6 sows and colts from Queen,
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. Ridley and son N. J. 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: was this day produced to the Court, and there being no subscribing witnesses thereto Thos. H. Briggs ~~and~~ and Joseph H. 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: Therefore it is ordered, that the said writing be recorded as the last Will and Testament of the said Thomas Ridley dec: And on the motion of M. A. D. Ridley and N. J. Ridley, the Executrix and Executor 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.

A Copy

Teste, Wm. H. Parker Clk.

The Clerk of the Circuit Court of
Southampton Co. Va.

here upon sp^d in Chy. to Sep. rule,
1895. Said bond as follows.

Emma W. Burgeyn, Mary Ann Frances Wightman
& Eliza Ann Wightman (femme covert) suing by
Amy Wightman their next friend

vs.

M. A. B. Ridley, & A. J. Ridley, Executors & Executors
of Col. Thomas Ridley dec'd, & in their own right,
J. W. Ridley, Geo. P. Burgeyn, A. B. Wightman
and Joseph W. Wightman.

any 16 7895.

J. R. Kilby p. q.

The process for Geo. P. Burgeyn, given to me
K.

Burgwynn Jinks

m.

Ridley's Exam

Paper

(K.)

filed at May 1896.

Burgwyn v.

v.

Ridley's Exr.

I certify that there is ample
Estate belonging to the Estate of Col. Thomas
Ridley and to pay all the debts expenses &
the special Legacies, & there is no objection to
a decree for the moneyed Legacy to Mrs. E. W.

Burgwyn.

Chas. T. Ridley Ex^r

Bungoza h
(M)

Ridley's Sam h

1895

Nw. ch.

Decree

To be entered

Geo. T. Blow

Burgwyn &

n

Ridley Exor. &

This cause came on this day to be heard on the Bill of the Complainants' taken for confessed as to the defendants, on whom process had been duly executed and they still failing to appear & make answer to an Exhibit filed with the said Bill, and was argued by counsel. On consideration ^{without now deciding any questions involved in this cause} whereof the Court ^{doth} adjudge, order and decree that a Com. of this Court, ascertain report to Court, 1st what would be a proper & judicious and ~~best~~ advantageous instrument to make of the ~~money~~ legacies to which the plaintiffs Emma W. Burgwyn, Margaret Frances Merchant & Eliza Ann Merchant, are entitled under the will of said Thomas Ridley deceased & 2^d whether the amounts to which said parties are entitled as aforesaid, would be a reasonable settlement to their separate use, & 3^d the said Com. will settle the accounts of said M.A.B. Ridley and N. J. Ridley Personal representatives of said Thomas Ridley decd, and make report to Court of any matters, specially stated seemed pertinent by himself, or that any one of the parties may desire to be so stated.

Burgoyne St

n

Ridley En

order

May 27 1877

Stamping Bill as
to Emma W. Burgoyne

He entered

Geo. V. Blod.

Burgwyn & wife & others

vs

Ridley Exec. &c

On the motion of the said Emma W.
Burgwyn by am. Vaughan her next friend
It is ordered that this cause be dismissed
as to her, but without prejudice to her
rights, and the cause is continued

Southampton Circuit Court November Term 1875.

Emma H. Sargyn, wife of Geo. S. Sargyn, Margaret Francis Urquhart,
wife of Joseph H. Urquhart and Eliza Ann Urquhart, wife of A. B.
Urquhart, suing by H. Urquhart their next friend - Plaintiffs
against

W. A. P. Ridley & T. J. Ridley Executors and Executors of Cod. Thomas
Ridley dec: and in their own right, and J. H. Ridley, Geo. S. Sargyn, A.
B. Urquhart and Joseph H. Urquhart - Defendants.

This cause came on this day to be heard on the bill of the Complainers taken
for confessed as to the defendants, in whom process had been duly executed and
they still failing to appear and make defence and on exhibit filed with
the said bill, and was argued by Counsel. On consideration whereof the
Court without more deciding any questions involved in this cause doth adjudge,
order and decree that a Commissioner of this Court, ascertain and report to
Court & what would be proper and judicious and advantageous invest-
ment to make of the money legacies to which the plaintiffs Emma H.
Sargyn, Margaret Francis Urquhart and Eliza Ann Urquhart, are
entitled under the will of said Thomas Ridley deceased and 2nd Whether
the amounts to which said parties are entitled as aforesaid, would be a
reasonable settlement to their separate use, and 3rd the said Commissioner

will state and settle the accounts of said M. A. P. Ridley and N. T. Ridley Personal representatives of said Thomas Ridley decd., and make report to Court of any matters, specially stated deemed pertinent by himself, or that any one of the parties may desire to be so stated.

Attest

Date, Sept. 2nd 1860.

Wm

James W. & Co
 100 N. 3rd St
 New York
 Dudley's Care &c

done after this date
 Aug 22nd

Burgynre }

re

Ridley's Eronz }

from Notes

COMMISSIONER'S OFFICE,

Jerusalem, Va., ~~February~~ ^{12th} 1876

To Emma W Burgyn wife of Geo P. Burgyn. Margaret Francis Urquhart wife of Jos H. Urquhart and Eliza Ann Urquhart wife of A B Urquhart suing by W^r Urquhart their next friend
against

M. A B Ridley & A. T Ridley Exors & Exor of Col Thomas Ridley decd and in their own right and J. W. Ridley Geo P Burgyn. A. B Urquhart and Jos H. Urquhart

Ploffs

Hefts

You are hereby notified that I have fixed upon the 22^a day of Feb^y next, if fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit: What would be proper and judicious and advantageous investment to make of the money legacies to which the plaintiffs Emma W ~~Urquhart~~ Burgyn. Margaret Francis Urquhart and Eliza Ann Urquhart are entitled under the will of said Thomas Ridley decd. and 2nd whether the amounts to which said parties are entitled as aforesaid. would be a reasonable settlement to their separate use, and 3rd the said Commissioner will state and settle the accounts of said M. A. B. Ridley and A. T. Ridley Personal representative of said Thos Ridley decd and make report to court &c &c

3

required, to be taken by a decree of Southampton County Court, rendered on the ~~of~~ ^{12th} November day of ~~1875~~ ¹⁸⁷⁶, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

JAMES R. TYLER, COMMISSIONER.

To the Sheriff of Southampton county to execute.

Sturgis, J. A.

Res.

Sept 4

Ridley, Emma J.

Commissioner Taylor

Confirmed May 11 1876

(Filed Apr 27th 1876)

Commissioner's Office

Jerusalem, Pa.

April the 27th 1876.

To the Circuit Court of Southampton County,

Pursuant to a decree of the Circuit Court of Southampton County, rendered in a suit in Chancery depending in the said Court between Emma W. Burgoynne, wife of Geo. F. Burgoynne, Margaret Frances Urquhart wife of Joseph W. Urquhart and Eliza Ann Urquhart, wife of A.B. Urquhart, Surviving by W^m. Urquhart their next friend, Plffs. against

Mc A.B. Ridley & A.F. Ridley Executors and Executors of Col. Thomas Ridley dec^d and others Defts, the undersigned one of the Commissioners of the said Court, to whom was referred for Settlement by said decree,

1st "What amount to a proper and judicious and advantageous investment to make of the money legacies to which the Plaintiffs Emma W. Burgoynne, Margaret Frances Urquhart and Eliza Ann Urquhart are entitled under the will of said Thomas Ridley dec^d."

2^d Whether the amounts to which said parties are entitled as aforesaid should be a reasonable Settlement to them Separately and

3 The said Commissioner will also State and settle the amounts of said Mc A.B. Ridley and A.F. Ridley personal representatives of said Thomas Ridley dec^d and report to Court. Reports to the Court that he recommends an investment in real Estate in North Carolina, near the residence of Mrs. Emma W. Burgoynne, of the \$4000, or referred to in Artth Item of Col. Thomas Ridley's will, as the sole and separate Estate of said Emma W. Burgoynne, as Mrs. Burgoynne lives in North Carolina and expects there to remain

1
Your Commissioner also reports that as to the fund referred to in
the 7th Claim to wit: "I wish all of my property not given
away, equally divided between all of my heirs." The recommenda-
tion is made as the amount cannot be ascertained till the
Executive act is finally settled. The Commissioner further
reports to the Court that after the completion of the said
Report he retained the Paper in his Office ten days for
the examination of the parties, which with the decree
and Notice and answers returned.

Given under my hand as
Commissioner aforesaid, the day and year first aforesaid.

Commissioner's fee \$5.00 }
Chg. to the Plaintiff }

James K. Tyler,
Commissioner

1772-94

Burgwyn & others
to } Stat Rules

Ridley's Exors &c

In Southampton Circuit Court.

Emma W. Burgwyn, wife of Geo. P. Burgwyn, Margaret Frances
Urquhart, wife of Joseph W. Urquhart, and Eliza Ann Urquhart, wife
of A. B. Urquhart, suing by Wm. Urquhart their next friend
against

M. A. B. Ridley & J. T. Ridley Executors and executor of Col Thomas
Ridley dec'd & in their due right, and J. W. Ridley, Geo. P. Burgwyn, A. B.
Urquhart, & Joseph W. Urquhart.

1875 Aug 17 Summons in chancery issued

" Sep. R. Sum. Ret. Executed. Bill filed - D. Nisi v. Defts

" Oct. Bill taken for Confessed as to the Defts and cause set for
hearing

" Nov. J. Decree for acct of

1876 Apr. 27. Com. Fylers Report.

1877 May - Decree & Cont. dismissing bill as to E. W. Burgwyn &

Burgynne

John R. Kilby Esq
Mr Attorney at Law.

Suffolk. Virginia.

Burgwyn

(v)

Ridley, Enns

I acknowledge
due service of the
within summons
aug. 20 1895.

G P Burgwyn

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

M & B. Urquhart. & A. J. Ridley Exec. W. A. B. Urquhart. & Joseph W. Urquhart
Exor. of Ede Thomas Ridley decd, and in their own right, J. W. Ridley. Geo. P. Burgwyn

if they be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in September next to answer a bill in chancery exhibited against them in our said Court by Emma W. Burgwyn, Margaret Frances Urquhart & Eliza Ann Urquhart (feme covert) suing by W. Urquhart their next friend

And have then there this Writ.
the Court House, this 17th
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of August A. D. 1875, in the 100

L. R. Edwards Clk

Executed by delivering to A. N. F.
 & W. Ridley Joseph W & A. D. Wightman
 each a copy of this document on the
 30th day of August 1855, that
 Burgwyn is not a resident of my
 branch

W. W. Gregg Shiff

Burgwyn John
 Sum. Chy.

Wright's Exr's

1855. September Rules

W. W. in the

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

*M. A. B. Ridley & A. T. Ridley Exors:
of Edo. of Colo Thomas Ridley dec' & in their own right, W. Ridley. Geo. P.
Burgwyn, A. B. Urquhart & Joseph W. Urquhart*

if they be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in

*September next
To answer a bill in Chancery exhibited against them in our said Court by
Emma W. Burgwyn, Margaret Francis Urquhart & Eliza Ann Urquhart
(femesse Coverts), suing by Wm. Urquhart their next friends*

And have then there this Writ.
the Court House, this 17
year of the Commonwealth

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of August A. D. 1875, in the 100th

L. R. Edwards

Bonnie Fran. Oct. 9th 1852

Dear Emma

After considerable delay, from unavoidable causes, I received a letter from Mr Smith, in reference to the proposed action in your case, on last Saturday. & am writing from this place, at your Mother's request, to give you his views substantially.

He says no action can be maintained in N. C^a, either by or against the Executors, unless they take out letters of administration in N. C^a. And further that he would not advise, as either desirable or safe, the dismissal of the chancery suit in this State, & qualification of the executor in N. C^a, in order to confer jurisdiction & secure a decree allowing an investment in land in that State. The personal estate which constitutes the legacy to you, being in Va, the

hominal of the testator & in possession of the ex-
ecutors, under the authority of a grant of letters testa-
mentary in Southampton, is under the exclusive
control of the Courts of this State & any evasion of
jurisdiction, by the course suggested, would in-
volve a personal liability on the part of the Execu-
tors they ought not to incur. - "My opinion (I quote
his language) is decidedly adverse to this indirect
way of accomplishing an object not attainable
by direct means."

Mr Smith says, however, that he sees no reason
why the Court in Va., should refuse its assent to
an investment desired by you, approved by your
friends, & commending itself, to the judgment of the
Court, as wise & advantageous, merely upon the
ground that the land is in an adjoining City
of N. C. - The title can be put in Trustees liv-
ing in Va. & under the control of her Courts
as well as if the land lay in Virginia -
So much for business - Let me hear when you
will get ready for the concert - we are anxious &
ready to join you - Love to all
very truly y^{rs} Geo. W. Gilbert

Jackson N. Co
Oct 23rd 1876

John R. Kelby Esq.
Sir.

I write to state the following circumstances. Arrangements have been perfected according to my Husband 1000 acres. The Mill & Store property part of the landed estate formerly owned by him. This he will receive free from all encumbrance. Now this property has no buildings upon it save a few sugar cottages & only a few hundred acres of cleared land, but is supposed to be valuable. There is a Plantation near this estate & which is no part of the estate formerly owned by my Husband which I can buy for \$4000 cash. if bought between now & Nov 15th or Dec 1st. It contains 500 acres of land 350 cleared 150 good timbered land & has upon it a comfortable dwelling house. Barn & Stables. Grain House. & all necessary cottages & out buildings. The land is thought to be very valuable even for Roadster land. The dwelling house is in the uplands & is is thought to be in very healthy as well as desirable situation. I also have a considerable quantity of valuable Horses & mules. Cattle hogs & forage for same which have been employed upon my Husband's Estate but now his pursuits are so much outside they will be no longer useful & in the present

Depressed condition of the Country could
only be sold at a great sacrifice & which
had I a plantation of my own could
be used to great advantage. I write to
ask your full & candid opinion
in view of these facts, whether or not
you can get the Judge at Worcester
Court to sanction such a purchase &
at once. I also wish to know if it be a advis-
able that any witnesses be present to prove
any of the foregoing facts & if so which
of them - Mr. Bangs gives affirma-
tion of the House 1st Dec. & we will
be forced to suit unless this arrange-
ment can be effected by that time
I enclose you a letter from Mr. H.
M. Smith in reply to one from my
Brother asking his opinion as to
the propriety - of the Executors assenting
to an arrangement proposed by
a N. C. Attorney, by which you will see that
he does not agree to the means sug-
gested, but thinks there is no reason why
the object can not be accomplished in
some other way. I wish your full &
candid opinion at once. & please
write me when Court meets in South-
field & if you think my case will come up & be
decided at this time. You can see that
it is a matter of the utmost importance to
me. & I beg that you will do all in your power for
me -

Respectfully
Yours George P. Bangs

once Robert B. Peebles,

Attorney-at-Law,

PRACTICES IN ALL THE COURTS OF

NORTHAMPTON, HALIFAX, BERTIE AND HERTFORD COUNTIES,

In the Supreme Court of North Carolina and in the Federal Courts.

Jackson, N. C., April 28 1877

Dear Sir:

Enclosed you will find a letter to Mr. J. R. Kelby which you will please deliver on his arrival.

Yours truly

R. B. Peebles

In

The Clerk of the District Court
for the County of Southampton Va.
Jerusalem Va.

Robert B. Peebles,

Attorney-at-Law,

PRACTICES IN ALL THE COURTS OF

NORTHAMPTON, HALIFAX, BERTIE AND HERTFORD COUNTIES,

In the Supreme Court of North Carolina and in the Federal Courts.

Jackson, N. C., April 28th 1877

To

John R. Kilby Esqr.

Dear Sir:

*You will
please have the Chancery suit now
pending in the Circuit Court of Southampton
Co. Va. wherein we and others are plaintiffs
and the Executors of the late Col. Thomas
Kilby are defendants, described ^{as to us} without
prejudice and oblige,*

Yours respectfully,

Edw P. Burgwyn.

E. H. Burgwyn

Mrs Burgeson



John T. Hilby Esq
Attorney at Law
Suffolk - Virginia

Oct 29th 1876-

Mr Kilby

Dear Sir

As the time
that you mentioned to Mr Br
wyn when it would be necessary
for me to make up my mind
as to what disposal I wish
of my interest in my Father's
Estate has nearly arrived. I have
after much thought & a careful
perusal of my Father's Will conclud-
ed that I am not embarrassed
in asking through you that the Court
decree that my property be settled on
me or my children, with the
Express Clause that I be allowed
the selection of such investments
as I may prefer. This clause I deem
absolutely necessary for my interest.

My wish at present is to invest
the \$4000 left me by my Father
first by a loan to my Brother
secured by Bond & Mortgage,
then in a purchase of real
estate in North Carolina. It has
been suggested by my friends that
the Court will not approve of any
investment out of Virginia, this
thinks me as change, injudicious
& unjust. My Husband's interests
lie solely in D. Ca. My home
is in N. C. and my interest lies
& it is utterly impossible that I should
be able to attend to my interest in
any other State as well as in my
own. ^{2nd} As I wish to invest my
property in Real Estate & a Home of
desire. The Court would be com-
pelling me to act against my wishes again. Item ^{2nd}
with what I think I have just grounds
to consider my own. Again I must

insist upon the absolute disposal
of my property in an investment
so obvious the necessity of continually
applying to the Court for its approval
of my actions or for power to act
thus occasioning delays which
may be detrimental to my interest
& also needlessly incurring legal
costs. My grounds for believing
that I have just reason to think
that what is left me by my Father
is my own is that by the language
of the will. The Court would be
amply justified in placing an
interpretation favorable to
my wishes. to wit. in Item 1st of
my Father's will he mentioned
certain absolute bequests to his wife
& then uses the words I have etc
telling me to act against my wishes again. Item ^{2nd} I have to my daughter
etc. A. A. Enghart etc. Item 3rd is I have
to my son etc. Item 4th is I have

now she would give to my
daughter E. W. Burgeon 4000. If
she should die before her child or
children of any, or of age I wish
such to have the property given
to her. I cannot but think that the
Court would be justified in enter-
ing this as a positive bequest to
me. With an intimation of how
in a certain event he would wish
the property disposed of. Certainly there
is no intimation of a wish that I
should not have the full & unham-
pered power to invest this sum
in any way I might wish. Now we
come to the point in which I am
unable to decide. That should the
Court decide that I have full right
to invest as I see fit that is that the
Will gives me such power, does
such power given me by the will
also give power to Mr Burgeon

Creditors to contend for any part
of this sum. in other words, If
the Will should be construed as I
may (in the event of the Court
being unwilling without this
construction, to give me the
absolute & unhampered selection
of investment) desire, does it also
give Mr Bungeyer such interest
on this sum as might be lia-
ble to his debts incurred or
that might ~~be~~ incurred again
if the Will be construed to mean
that the \$4000 is an absolute gift
to me, with the right to dispose
of principal & interest in any
manner I choose, does Mr Bun-
gyer thereby acquire such inter-
est as may be liable for his
debts. I do not see how I can say

more to you than that I wish you
to take such steps as will have
my property settled upon me
& my children if I can have the
absolute election of the mode of
investment. I wish to contented by
the will itself that I have such
right unless by so doing if such
contention is successful) My Ben
groyn's creditors (would be entitled
to any portion of the fund
I hope I have made my wishes
sufficiently plain to you & I can
but think that they are only just
& proper. You can readily see
how disagreeable a trick of estate
could be so done as well as a
forced investment. If I cannot
be allowed to be my own trustee
& should one be decreed as my trustee
will not consent to act. I prefer

my Brother Lat. in whom I
have perfect confidence.

Hoping that your experience
will enable you to find a way
to carry out my wishes & that
you will answer this letter
fully. I am with sincere regard
Yours respectfully
Emma M. Ringway