1869-006

NANSEMOND COUNTY
(SUFFOLK)

MARGARET E DUKE BY RICHARD G EDWARDS VS ALLEN EDWARDS ET AL

1869

CHANCERY CAUSES

SURNAMES: PHILLIPS, MCCLENNY, DUCK

Duke vs Edwards

Costs

Clerk	£10:00
Atto:	16.00
Shff: Hants	2.50
" I. of Wight	1.00
" Southampton	1.00
Counsel	30:00
	£60.50

Add for City Acts

£2.00

Costs Edward L. vs Duke

Clerk	£10.00
Atto:	15.00
Counsel	30:00
	£55.00

Coobs

The Commonwealth of Virginia,

To the Sheriff of ~~Nansemond~~ Isle of Wight County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Allen Edwards, J. W. Duck, James M. McClenny and Nathl P. Phillips

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in January next, 1867 . being rule day, to answer a bill in chancery, exhibited against them by Margaret E. Dicke, an infant, suing by Richard G. Edwards, her guardian and next friend.

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*. PETER B. PRENTIS, Clerk of our said Court, at his Office, this 15th day of December 1866 . and in the 91st year of the Commonwealth.

Peter B. Prentis Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Julius C. Dandy Personally appeared before me Geo. F. Hall a Justice of Isle of Wight county and made oath that he delivered a true copy of the within to I. W. Duck on the 3rd of Jan 1867

Geo. F. Hall J.P.

Recd. Feb. 25

Benjamin C. Duke
an infant &c
vs
Subpoena in Eq.
William Edwards adm &c
&
Julius C. Dandy Jan. 1867

Post. C. Ro: A. Hays Esq
Cir: Ct

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Allen Edwards, I. W. Duck, James M. McKenny and Natal. P. Phillips

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in January next, 1867, being rule day, to answer a bill in chancery, exhibited against them by Margaret E. Duke, an infant suing by Richard G. Edwards, her guardian and next friend

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 15th day of December 1866, and in the 91st year of the Commonwealth.

Peter B. Prentis Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Executed June 5th, 1847 & a true Copy hereof delivered to J. W. Parks, Jas. M. McKinney and Nath. P. Phillips. Allen Edwards is no inhabitant of my County

Wm. Eng Sheriff

Kelly p.q.

Marquett. C. Cooke

and others &c

vs

E. Scudder Chy.

Allen Edwards & Wife

To June Rules 1847

Pro: 6. Nc: 1. Aug 16

Cir. Co

The Commonwealth of Virginia,

To the Sheriff of ~~Nansemond~~ Southampton County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Allen Edwards, I. W. Duke, James M. McCleny and Natl. P. Phillips.

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in January next, 1867, being rule day, to answer a bill in chancery, exhibited against them by Margaret E. Duke, an infant suing by Richard G. Edwards, her guardian and next friend

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 15th day of December 1866, and in the 91st year of the Commonwealth.

Peter B. Prentis *Clerk.*

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kelby. p. 9

Margaret E. Duke,
an infant &c

vs

Summons in Chy

Allen Edwards Def:

To Jany: Rules 1867

Executed Dec 29th. 1866
on Allen Edwards by
delivering him a copy
of the within.

E. L. Story Dep.
for S. Kells Shff

Pro. b. No: 1. Page 16

Cir: Co

At a Circuit Court held for Nansemond County, on the 16th day of April, 1867:

Margaret E. Duke, an infant suing by
Richard T. Edwards, her guardian and next friend: Complainant

against Ex'n Chancery

Allen Edwards, J. W. Duck, James M.
McClenny and Nath'l P. Phillips . . . . Defendants:

On motion of the Defendant Edwards by his Attorney, leave is granted him to file his answer in this cause within sixty days, and this cause came on to be heard this day, on the Bill taken for confessed as to the defendants, on whom process had been duly served, and they still failing to appear and answer, and on the Exhibits filed with the Bill, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court take and settle an account of the transactions of said Allen Edwards as guardian of said Margaret E. Duke, since the date of his late account as set forth in the Bill, and make report to Court with any matters specially stated, deemed pertinent by himself, or that may be required by any one to be so stated.

A copy:
Teste:
Peter B. Prentis. Clerk

Xmd

Marquett E. Duke, ux.
infants &c

vs & Co. Decree

Allen Edwards & al

Copies

Wednesday
July 17th

Commissioner's Office:
Suffolk, Va. May 31st 1867

To

Margaret E. Duke, an infant suing
by Richard G. Edwards, her guardian
and next friend . . . . . Complainant.
and &c. &c.
Allen Edwards, I. W. Duck, James
M. M Cleuny and Nath.l P. Phillips. Defendants:

You are hereby notified that I have fixed upon Wednesday, the 17th day of July next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, required to be taken by the decree of Nansemond Circuit Court, rendered on the 16th day of April, 1867, in a suit in Chancery depending in said Court, and in which you are parties, Complainant and Defendants: to wit:

An Account of the transactions of said Allen Edwards as guardian of said Margaret E. Duke, since the date of his late account as set forth in the Bill.

At which above mentioned 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.

W. L. Riddick
Comm.r

7.

Executed June 25th 1847 and a true Copy
thereof delivered to James M. McSlenney and
Nath'l P. Phillips, Allen Edwards & J. W.
Duck are non residents of my County
Wm Rap Pfft

Mary E. Duke &c:
vs. Z. Com. Nixon &c.
Allen Edwards & al.

Recorded same day of the within date.
Chas. Kelly J.P.
3 June 1867.

Commissioner's Office
Suffolk, Va, May 31st 1867

To

Margaret E. Duke, an infant suing
by Richard T. Edwards. her guardian
and next friend. . . . . Complainant.

and } In Chancery
Allen Edwards, T. W. Duck, James
M. McElvany and Nath'l P. Phillips. Defendants

You are hereby notified that I have fixed upon Wednesday, the 17th day of July next, if fair. if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, required to be taken by the decree of Nansemond Circuit Court, rendered on the 16th day of April, 1867, in a suit in Chancery depending in said Court, and in which you are parties. Complainant and Defendants: to wit:

An Account of the transactions of said Allen Edwards as guardian of said Margaret E. Duke, since the date of his late account as set-forth in the Bill.

At which above mentioned 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.

W. L. Riddick
Com'r.

Executed by delivering a true copy of the
within to I W Dick on the 15th day
of June 1867 Dr McKinney Allen Edwards
& A D Phillips non residents

E L Eby Shff

Mayh. C. Clarke &c.
vs:
Allen Edwards et al.

Commissioner's Office
Suffolk, Va, May 31st 1867

To

Margaret E. Duke, an infant suing
by Richard G. Edwards, her guardian
and next friend . . . . . Complainant,
and } In Chancery
Allen Edwards, J. W. Duck, James
M. McClenny and Nath'l P. Phillips. Defendants:

You are hereby notified that I have fixed upon Wednesday the 17th day of July next if fair, if not, the next fair day thereafter (Sunday excepted) to take and state, at my office, the following accounts required to be taken by the decree of Nansemond Circuit Court rendered on the 16th day of April 1867, in a suit in Chancery depending in said Court and in which you are parties, complainant and Defendants: to wit:

An Account of the transactions of said Allen Edwards as guardian of said Margaret E. Duke, since the date of his late account as set forth in the Bill.

At which above mentioned 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.

W. L. Riddick
Com'r.

Mary E. Duke &
vs. Gen. Notice &
Allen Edwards & al.

Executed on Allen
Edwards June 15 - th
1867 by delivering him
a copy: E. L. Story Deft
for S. Hollo Shff

I, Irvin W. Duck being duly sworn
do declare that Allen Edwards, the
guardian of Mary E. Duke, placed
in my hands in the Spring of 1864,
twenty eight hundred dollars in
Confederate states Treasury notes, with
directions to invest the same in
Stock of said
Confederate Government, in his name
as guardian aforesaid — That I
deposited the same with a Mr Dodson
in Petersburg, who was a funding
agent of said Confederate States
Government, and took his receipt
for the same which I gave to said
Allen Edwards on my return
from Petersburg — That I understood
from said Allen Edwards that he
returned the said Certificate &
obtained the Bonds, by adding
$200. more to the amount —

I W Duck

affirmed & before me
Sep. 2d 1867
John R Kelly
Notary Public

Dr. Margaret E. Duke, o.s.p. of Josiah Duke, decd.
In Account with Allen Edwards, Guardian &c.

1860: Feby. 14	By Balance due Margt. E. Duke, on acct: and settlemnt made up to this day, by John R. Kilby, a Commr. of Nash. Co: Ct.				$	5855. 23
" Mar 1	To Cash paid ward	$	1.	00		
" Aug. 2	" do. do.		1.	00		
" Octo: 15	" do. do. to buy goods		5.	25		
" " 28	" do. do. do. bookstc		15.	00		
" Nov: 3	" paid I. C. Thomas, per bill & rect.		5.	00		
" " "	" " I. W. Duck do. do.		12.	65		
" " 17	" " A. W. Norfleet do. do.		6.	57		
1861: Jany. 1	" " M. D. Butler do. do.		27.	87		
" Feby. 1	" " Cash to ward do		1.	00		
" " 14	By Int: on $ 5855. 23 = Bal. due ward - 12 mos.					351. 31
" " "	To 5 Pr Ct. Comms. on $ 351. 31		17.	56		
" " "	" Balance due M. E. Duke		6113.	69		
		$	6206.	54	$	6206. 54
1861: Feby: 14	By Balance due Ward at ann. restbrot on				$	6113. 69
" Apl. 13	To paid J. J. Bister - 13 mos: board @ $ 7. per mo.	$	91.	00		
" July 6	" " M. Bister for clothes &c. for ward per rect		50.	00		
" Octo: 2	" " for shoes for ward		1.	50		
" " 4	" " for goods do.		2.	28		
" " 10	" " I. W. Duck & Co. per bill & rect.		5.	31		
" " "	" " W. P. Stewart, agt. do. do.		5.	69		
" Nov: 2	" " A. W. Norfleet do. do.			50		
	Amts: carried to next page	$	156.	28	$	6113. 69

1861: Nov: 2	Amts: brot: on from page (1)		156. 28	6113.	69
" " "	To paid Retlow & Vick per bill rect.		1. 78		
1862: Feby: 5	" " I. W. Duck & Co. do. do.		23. 04		
" " "	" " Cash toward		1. 00		
" " 14	By Int. on $6113.69: Bal. due ward - 12 mos.			366.	82
" " "	To average of Int. on Expenditures in this yr acct.		6. 00		
" " "	" 5 pr Ct. Comms. on $316.82		18. 34		
" " "	" Balance due M. E. Duke		6274. 07		
			6480. 51	6480.	51
1862: Feby: 14	By Bal. due M. E. Duke at ann. rest brt. on			6274.	07
" Mar. 1	To paid Cash for shoes for ward		1. 63		
" " 28	" " I. J. Bristen for Board: per rect.		40. 00		
" " "	" " F. Vick per bill & do.		5. 57		
" " "	" " Maria Bristen, Making Clothes &c. do.		2. 75		
" " "	" " Cash toward to buy goods		10. 00		
" Aug 4	" " I. L. Gwaltney, 4 mos. Board do.		32. 00		
" " "	" " Miss Mary Gwaltney, Tuition, do		20. 13		
" Sep: 13	" " I. W. Duck per bill rect.		169. 17		
" Octo: 1	" " Cash to ward		1. 00		
" " "	" " for mending shoes &c. for do.		3. 80		
1863: Jany. 3	" " Cash toward		5. 00		
" " "	" " Maria Bristen, for Clothes &c. do.		18. 00		
" Feby. 10	" " Henry Drewry, for shoes do.		5. 00		
" " 14	By Int: on $6274.07: bal. due ward at ann. rest - 12 mos.			376.	44
" " "	To average of Int. on Expenditures by Gdn. in this acct.		8. 00		
" " "	" 5 pr Ct. Comms. on $376.44		18. 82		
" " "	" Balance due M. E Duke		6312. 94		
			6650. 51	6650.	51

1813: Feby. 14	By Bal. due M.E. Duke at ann. rest brot on				$6312.	94
" May: 1	To paid for mending shoes for ward	$	.75			
" " 29	" " M. D. Butler per bill rect.		29.	00		
" " "	" " F. Vick do. do.		25.	12		
" " "	" " Henry Drewry, mending shoes do.		3.	75		
" Sep. 18	" " Thos. J. Brister, for Board &c. do.		84.	00		
" " "	" " Cash to ward to buy goods		100.	00		
" " 20	" " F. Vick per bill rect.		64.	24		
1814: Jany 14	" " Same do. do.		53.	00		
" " "	" " Board with guardian - 10 mos. 1813 -		350.	00		
" Feby: 14	By Int. on $6312: 94 last bal. due ward, 12 mos.				378.	78
" " "	To average of Int. on Expenditures in this year's acct.		10.	01		
" " "	" 5 pr Ct. Comms. on $378. 78 -		18.	94		
" " "	" Balance due M. E. Duke		5950.	92		
		$	6691.	72	$6691.	72
1814: Feby: 14:	By Bal. due M.E. Duke at ann. rest brot on				$5950.	92
" " 15	To paid for shoes for ward -	$	30.	00		
" " 21	" " do. do.		30.	00		
" " "	" " for writing paper do.		5.	00		
" Mar: 25	" " for $2800. C. S. Seven pr. Ct. bonds - pr. bonds		2800.	00		
" Dec: 31	" " for Cotton cloth		4.	50		
1815: Jany. 17	" " F. Vick per bill rect.		25.	50		
" Feby: 14	By Int. on $5950. 92 - last bal. due ward - 12 mos				357.	06
" " "	To average of Int. on Expend. in this year's acct.		4.	00		
" " "	" 5 pr. Ct. Comms. on $357. 06		17.	75		
" " "	" Balance due M. E. Duke		3391.	23		
		$	6307.	98	$6307.	98

1865: Feby: 14	By Balance due M. E. Duke - brot on					$3391.	23
" " 15	To paid C. S. Tax $300 - pr cut. worth when paid in U. S. Currency	$	12.	53			
" " "	" " Board with Gov. 1864 - U. S. Currency		900.	00			
" " "	" " Cash for Clothing $448.50 C. S. Cur. worth when paid in U. S. Currency		18.	74			
" " "	" " J. Vick, per bill rect $25.50 C. S. Cur. worth when paid in U. S. Cur.		1.	06			
" May 17	" " Cash to ward		1.	00			
" " 23	" " do. for Calico for do.		4.	20			
" June 1	" " for cotton cloth		12.	78			
" " "	" " pair of shoes		4.	00			
" Aug: 10	" " Wm. Eley, Shf. Nans^d Co. Tax accts 1860/61		7.	34			
" " "	" " Mrs. E. E. Lee, Tuition, per cut.		12.	00			
" Sep. 1	" " pair of shoes		3.	00			
" " 10	" " Cash to ward to buy goods		7.	00			
" Oct: 15	" " do. do. do.		6.	00			
" " "	" " Rawls & Dillard per bill rect		10.	90			
" Nov: 30	" " W. Brister, for weaving		2.	10			
1866: Jany 1	" " Vick & Co, per bill rect		40.	81			
" " "	" " Board with Guardian, 1865		120.	00			
" Feby: 14	By Int: on $3391.23 - last balance due ward for 12 mos.					203.	47
" " "	To average of Int. on Expend. in this year's acct		8.	00			
" " "	" 5 pr. Ct. Comms. on $203.47 -		10.	17			
" " "	" Balance due M. E. Duke		3213.	07			
		$	3594.	70	$	3594.	70

1 1

1866: Feby: 14.	By Bal. due M. E. Duke at ann. rest brot on			$3213.	07
" " 20	To paid cash to ward	$ 4.	25		
" " "	" " D. W. Duke, 2 accts: for nurs.	50.	21		
" Mar: 17	" " Dr. R. N. Burget, 2 med. accts. do.	29.	11		
" Apl. 30	" " Miss Finney, Board & Tuition per order on E. P. Phillips & Sister	150.	00		
" May 10	" " Cash to ward	10.	00		
" Nov: 10	" " do. do.	13.	00		
" Dec: 9	" " D. W. Duke	150.	00		
" " "	" " for shoe for ward -	2.	25		
1867: Feby: 14	By Int: on $3213. 07 for last bal. due ward - 12 mos.			192.	78
" " "	To average of Int. on Expenditures in this year's acct.	12.	00		
" " "	" 6 per Ct. Comms. on $192.78	9.	64		
" " "	" Bal. due M. E. Duke	2975.	39		
		$3405.	85	$3405.	85

1867: Feby: 14	By Bal. due M. E. Duke at ann. rest brot on			$2975.	39
" Octo: 12	" Int. on $2975: 39. from Feby 14th to Octo 12th 1867.			118.	02
" " "	To Balance due M. E. Duke to date -	$3093.	41		
		$3093.	41	$3093.	41

1867: Octo: 12 By Balance due Margaret E. Duke, the late ward, to date brot down, with interest thereon, until paid - $3093. 41

Commissioner's Office,
Suffolk, Va. Sep: 11th 1847

To the Circuit Court of Nansemond County:

Pursuant to a decree of the Circuit Court of Nansemond County, rendered on the 16th day of April, 1847, in a suit in Chancery depending in the said Court between Margaret E. Duke, an infant suing by Richard G. Edwards, her guardian and next friend, Complainant, and Allen Edwards and others, Defendants, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree, an account of the transactions of said Allen Edwards as guardian of said Margaret E. Duke, since the date of his late account as set forth in the Bill- Reports to the Court that on the 31st day of May, last, he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said account, before him, at his said office, on the 17th day of July, next thereafter, which were returned to your Commissioner duly executed. That the parties aforesaid appeared by attorney before your Commissioner in obedience to the said notices, and he thereupon began the examination of vouchers, which was afterwards continued from day to day until concluded, and has stated and settled the foregoing account of the transactions of Allen Edwards as guardian of the said Margaret E. Duke, up to the 12th day of October, 1847, and on that day finds a balance due by the said Allen Edwards as guardian aforesaid, to the said Margaret E. Duke, his late ward, of $3093.41, with interest

thereon until paid.

The Commissioner deeming it pertinent reports specially to the Court that he has allowed the said Allen Edwards, guardian as aforesaid, credit for $2800, invested in March 1864 in Confederate States seven per cent bonds. This investment was not made by order of any Court, or by a Judge in vacation, and though not thus authorised by the letter of the law (Sess. acts 1862 & 63 - ratified by Sess acts 1865 & 66), yet it seems to your Commissioner that this investment having been made in good faith, and in such securities as the above statute designated, the guardian should be credited on his account to that amount. The Estate of the Ward was almost entirely in money, loaned out to individuals on bond & security, and these debtors having paid a large part of this money into the guardian's hands it seems to your Commissioner that he acted as a prudent man would have done with his own money, in making this investment. The facts in this case all show an anxiety upon the part of the guardian to save his Ward from loss or injury, and your Commissioner does not doubt that Equity will afford him relief. Your Commissioner respectfully refers to his report in the Case of Hosier &c. vs. Flynn & als., made to the Court at its April term last, and in which the facts are nearly similar, and in which your Commissioner has refered to the several authorities touching the question at issue.

In the account as reported, your Commissioner deems it pertinent to state that in the transactions of the

guardian in the year 1865; after this investment of $2800 had been made by him, up to May of that year several items of payments made in Confederate money have been only allowed for their then value in U. States Currency; as your Commissioner concludes that the guardian had invested all Confederate money belonging to his ward in his lands in the C. S. Bonds mentioned, and that the money thus expended by him was his own and not his ward's; and also, the ward being in debt to the guardian, that it was the latter's duty to apply this money, if any he had belonging to the ward of this kind, to the extinguishment of the debt created in this money. The method adopted by your Commissioner will attain this end. Your Commissioner also reports that he has made and settled the foregoing account up to the 12th day of October, 1867, rather than up to July, 1866, the date of his removal as guardian aforesaid, because several payments had been made by him several months after the date of his said removal, and it was just and equitable that he should be credited to that extent.

The Commissioner reports that after the completion of said account he retained the same in his office ten days for the examination of parties, during which time no exceptions were filed thereto; and now, the said account, with the evidence, and the decree & notices relating thereto are herewith returned.

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

W. L. Riddick
Comm.

Costs: Commissioner's fee $30.00
Wm Eley Shf. Nans. Co. 1.00
E. L. Eley do. S. of W. Co. .50
Saml Kells. do. South. Co. .50
$32.00

Marg.t E Duke, an infantte.

vs: Z Commrs Rept. &c.

Allen Edwards Doltus.

Septr: 11th: 1867 Filed
AK

At a Circuit Court held for Nansemond County the 13th day of October 1868

Allen Edwards, I W Duck, James M McClenny and Nathaniel P. Phillips ..... Complainants

against &c In Chancery

Margaret E. Duke infant orphan of Josiah Duke ..... Defendant.

This day came the Complainants and files their Bill of revivor, by leave of the Court, and on their motion Peter B. Prentis is appointed Guardian ad litem to the infant defendant Margaret E Duke and by consent of parties, the said guardian ad litem files the answer of said infant defendant, and the cause came on this day to be heard by consent on said bill, answer, general replication thereto and exhibits filed, and was argued by Counsel, on Consideration whereof the Court doth adjudge order and decree, that the decree herein of October Term 1867, be reversed and set aside, and that the account of the transactions of Allen Edwards as Guardian of Margaret E. Duke, filed with the Complainants bill, be recommitted to a Commissioner of this Court, who shall take a further account of the transactions of said guardian, in which the said Guardian shall ~~only~~ be charged with interest on the balance of Five thousand nine hundred and fifty dollars and ninety two cents of February the 14th. 1864. from that date to the 25th. of March 1864. the date of the investment of Two thousand Eight hundred dollars, and from the latter date, to February the 14th 1865, on the uninvested portion of said balance, which account, he shall take, settle and report to Court, with any matters specially stated deemed per-

tinent by himself, or required by the parties to be so stated.

Copy,

Teste,

Peter B. Prentis. Clerk

Allen Edwards's Lock [illegible]

Ex. Co: Decree

Marquis E. Drake, Complt &c

Commissioner's Office.
Suffolk. Va. Nov. 30th 1868

To.

Allen Edwards, I. W. Duck James
M. McClenny and Nathaniel P. Phillips, Complainants
and Z. M. Chauncey
Margaret E. Duke, infant orphan of
Josiah Duke . . . . . Defendants.

You are hereby notified that I have fixed upon Tuesday, the 12th day of January, 1869. if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle at my office, a further account of the transactions of Allen Edwards as Guardian of the said Margaret E. Duke. as directed to be taken by the decree of Nansemond Circuit Court of the 13th day of October, 1868. in the above named Cause, in which you are parties Complainants and Defendants. at which time and place you are required to attend.

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

W. L. Riddick
Comm'r.

I acknowledge service for the Defendants
John R. Kelly p. d.
C. P. Hayden

The Deposition of Allen Edwards taken Dec 22 1868, on his own behalf before Robt M Doles a Justice of the Peace for the County of Southampton in the presence of C B Hayden Attorney of said Edwards & Thos R Kelly Atty for Margaret E Drake to be read as evidence in the suit in Chancery pending in the Circuit Court of Nansemond between said Allen Edwards as Plaintiff & said Margaret E Drake Defendant —

The said Deponent being first sworn on the Holy Evangelist — deposes as follows —

That during the year 1859 & prior thereto, he used as part of the funds of his ward the said Margaret E in getting timber, on his own account & sold during said years to R J & T H Rhealy, considering such a good investment for said ward, her funds being unemployed at the time & the said deponent believing that the said Rhealy's moved in paying for said timber reimburse said guardian said funds — That said Rhealy's paid him for said timber in 1862 in Confederate Money when it was at a discount at par, he receiving it at par — That out of the funds thus paid him he considered himself reimbursed the funds of his ward used as aforesaid & loaned out the same to persons for her benefit, with the exception of the sum of about $1200.00 which he retained to meet the expenses of his ward — chiefly to send her to School — That finding the amount insufficient for that

purpose, he appropriated it in meeting the board & other expenses charged in this account in Confederate Money which having been reduced to hard cash, he thinks he should be allowed in his a/c at par—

Signed— Alfred G Edwards

The foregoing Deposition was taken sworn to subscribed before me a justice of the peace for the County of Southampton at the time & place Mentioned in the caption

Robert McDowles J P

The foregoing deposition was taken by consent, to be read as evidence for the Plaintiff in the suit Mentioned in the caption

C B Hayden Atty for Plff—
John R. Kelly Defts Atto.

Allen Edwards Dec:

Defendants

N. E. Duke

filed 23rd Decr: 1848
CK

(A.)

Dr. Margaret E. Duke, an infant.
In Account with Allen Edwards. her guardian Cr.

1864: Feby. 14	By Balance due Margt. E. Duke. at annual rest of this date, in Acct. filed with Commissioners Report, of Sept. 11th. 1867. page (3) in Litt of M. E. Duke &c. vs: Allen Edwards & others			$5950.92
" 15	To paid for Shoes for ward.	$ 30.00		
" 21	" " do. do.	30.00		
" "	" " writing paper for do.	5.00		
" Mar. 25	" " for $2800 C. S. Seven pr. ct bonds, pr. bnds.	2800.00		
" Dec. 31	" " for cotton cloth for ward	4.50		
1865: Jany. 17	" " F. Vick, per bill and rect.	215.50		
1865: Feby. 14	By Int. on $5950.92. bal. due ward as above, on Feby. 14th 1864, from that date to March 25th 1864 - 40 days.			39.67
" "	" Int. on $3150.92, bal. cash in Guardian's hands, after investment in C. S. Bonds as above - from Mar. 25th 1864, to Feby. 14th 1865 -			168.05
" "	To average of Int. on Expenditures in this year's acct -	$ 4.00		
" "	" 5 pr. ct. Comms. on $207.72	10.40		
" "	" Balance due Margt. E. Duke	3249.24		
		$6158.64		$6158.64

1865: Feby: 14	By Balance due Margt. E. Duke. at last annual rest brot. on -		$3249.24
" " 15	To paid C. S. Tax. $300 - per rect. worth when reduced to U. S. Currency	$ 12.53	
" "	" " Board with Gdn. 1864 - U. S. Currency	100.00	
" "	" " for Clothing by do. do. do.	18.74	
" "	" " J. Vick. per bill rect. $25.50 - re- duced to U. S. Currency	1.116	
" May 17	" " Cash forward	1.00	
" " 23	" " do. for Calico for do.	4.20	
" June 1	" " do. for cotton Cloth	13.78	
" "	" " do. for Shoes	4.00	
" Aug. 10	" " Wm. Eley, Shff. Nans Co. Tax accts 1860+61.	7.34	
" "	" " Miss E. E. Lee, Tuition per rect.	12.00	
" Sep. 1.	" " for Shoes	3.00	
" " 10	" " Cash forward to buy goods	7.00	
" Octo. 15	" " do. do. do.	6.00	
" "	" " Rawls & Dillard per bill rect.	10.90	
" Nov: 30	" " M. Brister for weaving do.	2.10	
1866: Jany. 1	" " Vick & Co. per bill rect.	40.81	
" "	" " Board with Guardian 1865	120.00	
" Feby. 14	By Int. on $3249.24 - last bal. due forward. for 12 mos.		194.95
" "	To average of Int. on Expenditures in this years acct.	8.00	
" "	" 5 per. ct. Comms. on $194.95	9.75	
" "	" Balance due Margaret E. Duke.	3062.98	
		$3.444.19	3.444.19

1866: Feby. 14	By Bal. due Margt. E. Duke, at ann. rest brot. on		$3062.98
" " 20.	To paid Cash to ward	$ 4.25	
" "	" " D. W. Duke, 2 accts: per ret	50.21	
" Mar. 17	" " Dr. R. N. Burges. 2 med. accts. do	29.11	
" Apl. 30	" " Miss Feiney, Board & Tuition, per order on E. P. Phillips & other -	150.00	
" May 10	" " Cash to ward	10.00	
" Nov. 10	" " do. do.	13.00	
" Dec. 9	" " D. W. Duke	150.00	
" "	" " for shoes for ward -	2.25	
1867: Feby 14	By Int. on $3062.98. Last bal. due ward 12 mos.		183.78
" "	To average of Int. on Expenditures in this year's acct:	12.00	
" "	" 5 pr. ct. Comms. on $183.78	9.18	
" "	" Bal. due Margt. E. Duke -	2816.76	
		$3246.76	$3246.76

1867: Feby: 14	By Bal. due M. E. Duke at ann. rest brot. on		$2816.76
1869: Apl. 18	" Int. on $2816.76 from Feby. 14th 1867, to Apl. 18th 1869 -		368.06
" "	To Bal. due M. E. Duke to date	$3184.83	
		$3184.83	$3184.83

(B.)

Dr. Margaret E. Duke, an infant,
In Account with Allen Edwards, her guardian, Cr.

1865: Feby. 14	By Bal. due Margaret E. Duke at this date as per Account, A., accompanying this -				$3249.24
" " 15	To paid C. S. Tax per rect.	$	300.	00	
" " "	" " Board with Guardian, 1864 -		300.	00	
" " "	" " " for Clothing for ward do.		450.	00	
" " "	" " F. Vick per bill & rect.		25.	50	
" May 1	By Int. on $3249.24 - 2 1/2 mos.				40.61
" "	To average of Int. on Expenditures of Guardian since last annual Acct.		15.	00	
" "	" Bal. due Margt. E. Duke - to date -		2199.	35	
		$	3289.	85	$3289.85

1865 -
May 15 By Bal. due Margt. E. Duke as per above, Int. on $2199.35

" 17	To paid cash toward	$	1.	00	
" 23	" " " do. for calico		4.	20	
" June 1	" " " do. for cotton cloth		12.	78	
" "	" " " do. for shoes -		4.	00	
" Aug. 10	" " Wm. Eley, Shff. Maud. Co. Tax acct. 1860 & 61		7.	34	
" "	" " Miss E. E. Lee, for Tuition per rect		12.	00	
" Sep. 1	" " to ward for Shoes		3.	00	
" " 10	" " do. to buy goods		7.	00	
	Amts. Carr. over	$	51.	32	$2199.35

1865: Sep. 10	Amts. brot. over			₶2199.	35
" Octo: 15	To paid Cash to ward to buy goods	6.	00		
" "	" " Rawls & Dillard per bill rendt	10.	90		
" Nov: 30	" " Mr. Brister for weaving do.	2.	10		
1866: Jany. 1	" " Vick & Co. per bill rendt.	40.	81		
" "	" " Board with Guardian, 1865-	120.	00		
" Feby. 14	By Int. on ₶2199. 35. bal. due ward on May 1st 1865. 9 1/2 mos.			104.	47
" "	To average of Int. on Expenditures by the Guardian, since May 1st 1865-	3.	00		
" "	" 5 1/2 ct. Comms. on ₶104. 47-	5.	22		
" "	" Bal. due Margaret E. Duke	2064.	47		
		₶2303.	82	₶2303.	82
1866: Feby. 14	By Balance due Margaret E. Duke, at annual Rest. brot on			₶2064.	47
" 20	To paid Cash to ward -	₶ 4.	25		
" "	" " D. W. Duke. 2 accts. per rect.	50.	21		
" Mar. 17	" " Dr. R. N. Burges 2 med. do. do.	29.	11		
" Apl. 30	" " Misses Finney, Board & Tuition per order on E. P. Phillips & others -	150.	00		
" May 10	" " Cash to Ward	10.	00		
" Nov: 10	" " do. do.	13.	00		
" Dec. 9	" " D. W. Duke per statement.	150.	00		
" "	" " 5 shoes for ward	2.	25		
1867: Feby. 14	By Int. on ₶2064. 47. last bal. due ward, 12 mos.			123.	87
" "	To average of Int. on Expenditures in this year's acct.	12.	00		
" "	" 5 1/2 ct. Comms. on ₶123. 87-	6.	19		
" "	" Balance due Margaret E. Duke	1761.	33		
		₶2188.	34	₶2188.	34

1867 Febr. 14	By Bal. due Margt. E. Duke to date brot: on			£1761.33
1869: Apl. 18	" Int. on £1761.33 from Febr. 14th. 1867 to Apl. 18th 1869			230.14
" "	To Total Bal. due Margt. E. Duke to date	£1991.47		
		£1991.47		£1991.47

Commissioner's Office

Suffolk, Va. March 18th 1869.

To the Circuit Court of Nansemond County:

Pursuant to a decree of the Circuit Court of Nansemond County, rendered on the 13th day of October 1868, in a suit in Chancery depending in the said Court between Allen Edwards and others Complainants and Margaret E. Duke, an infant &c Defendant, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree, a further account of the transactions of Allen Edwards as guardian of the said Margaret E. Duke," in which the said guardian shall only be charged with interest on the balance of Five Thousand nine hundred & fifty dollars and ninety two cents of February the 14th 1864 from that date to the 25th of March 1864, the date of the investment of Two thousand Eight Hundred dollars, and from the latter date to February the 14th 1865, on the uninvested portion of said balance" - reports to the Court that on the 30th day of November, 1868, he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said account, before him, at his said office, on the 13th day of January, 1869, which were returned to your Commissioner duly acknowledged. That the parties aforesaid appeared by their attorneys before your Commissioner in obedience to the said notices, and the statement and settlement of the aforesaid account was begun, and was

continued from day to day till completed.

Your Commissioner by Account marked (A.) accompanying this report has stated the account of the transactions of Allen Edwards as guardian of Margaret E. Duke, an infant &c as directed by the aforesaid decree; allowing interest to the said infant on the balance due her on the 14th day of February, 1864, of $5950.92, to the 25th day of March next thereafter, and then on the balance, after deducting from said balance of $5950.92, the sum of $2800.— invested by said guardian in Confederate States bonds - to the 14th of February 1865. at which time there was an annual rest. Your Commissioner reports in this form of the account the sum of $3184.83, due by the said Allen Edwards as guardian of the said Margaret E. Duke on the 18th day of April, 1869. of which $368.96 is interest accumulated since the annual rest ensuing the removal of said Allen Edwards as said guardian.

Your Commissioner deems it pertinent and ~~proper~~ proper here to state, in reference to, and connection with, his report made on the 11th day of September, 1867, in the suit of Margaret E. Duke an infant &c. against Allen Edwards her late guardian, and others, and in which account reported, interest was charged to the said guardian on the balance of $5950.92, from the 14th day of February 1864 to the 14th day of February, 1865 regardless of the

investment of $2500 in Confederate State bonds, that the reason for so doing was that your Commissioner thought it the duty of the guardian to collect the interest as it became due on this investment as a portion of the income of his ward, and should be chargeable with said interest in the event of his neglecting to do so, which he did; and that as the guardian, he had no right to encroach upon the principal of his ward's Estate when in the investment he had made there was a source of income.

At the instance, and by consent, of the Counsel for the parties, your Commissioner reports herewith an account marked (B.), based upon depositions taken and filed with your Commissioner. In this account the guardian Allen Edwards is allowed credit for the expenditure of nearly $1200 - in Confederate money, which in the other account - that of September 11th 1867, and that of this date marked (A.), has been reduced to U. S. currency. Your Commissioner deems it relevant and proper to state that the depositions upon which this account (B.) is based are by no means clear to his mind, as indicating the correctness of this account in its conclusion, and that said account is only reported at the request of the Counsel for the Plaintiffs and by the consent of the Defendants' Counsel.

Your Commissioner does not deem it necessary to reiterate the reasons applicable to his crediting

the guardian with the investment of $2800. as per account marked (A.), as these are all fully stated in his report of the 11th of September, 1867. as also why the account of Allen Edwards transactions as guardian were continued until the 14th day of Febnay, 1867. while said guardian had been removed as such in July 1866.

Your Commissioner herewith respectfully returns the depositions used as evidence before him as well as Copies of decree and notices to parties.

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

W. L. Riddick
Commr.

Commissioner's fee for these accts. and Report $30—

Edwards Sals

n: 3/ Canons Repts. &c.

Duke, an infant &c.

1869. April: 21st Filed. M.K.

Dr: Margaret E. Duke, Exp. of Josiah Duke, decd.
In account with Allen Edwards, Guardian. Cr:

1860: Feby: 14	By Balance due Marg^{t}. E. Duke, on Acct. and Settlement made up to this day, by John R. Kelly, a Comm^{r} of Naus^{a} Co: Ct.				$3855 23
" Mar. 1	To Cash paid Ward	$	1 00		
" Aug: 2	" do do		1 00		
" Octo: 15	" do do to buy goods		5 25		
" " 25	" do do do books &c		15 00		
" Nov: 3	" paid J. C. Thomas, per bill & rect:		5 00		
" " "	" " J. W. Duck do do		12 65		
" " 17	" " A. W. Nafleet do do		6 51		
1861 Jany: 1	" " W. D. Butler do do		27 87		
" Feby: 1	" " Cash to ward do		1 00		
" " 14	By Int: on $3855: 23 Bal: due ward 12 Mos:				351 31
" " "	To 5 pr: Ct. Commis^{n}: on $351: 31		17 56		
" " "	" Balance due M. E. Duke		6113 69		
		$	6206 54	$	6206 54
1861 Feby: 14	By Balance due ward at ann: rest brd: on			$	6113 69
" Apl: 13	To paid J. J. Brister 13 Mos: board @ $7 per mo: for rect:	$	91 00		
" July 6	" " M. Brister for Clothes &c. for ward per rec:		50 00		
" Octo: 2	" " for shoes for ward		1 50		
" " 4	" " for goods do		2 28		
" " 10	" " J. W. Duck & Co: per bill & rect:		5 31		
" " "	" " W. P. Stewart, Agt do do		5 69		
" Nov: 2	" " A. W. Nafleet do do		50		
	Amts: carried to next page . . .	$	156 28	$	6113 69

1861. Nov: 2	Amts: brot: ov from page (1)			$ 156	28	$ 6113 69
" " "	To paid Pettlow & Vick, per bill & rect			1	78	
1862. Feby: 5	" " J.W. Duck do do			23	04	
" " "	" " Cash to ward			1	00	
" " 14	By Int: on $6113:69. Bal: due ward. 12 mos:					366 82
" " "	To Average of Int: on Expenditure in this yrs acct			6	00	
" " "	" 5 pr: Ct: Comms: on $366:82			18	34	
" " "	" Balance due M.E. Duke			6274	07	
				$ 6480	51	$ 6480 51
1862. Feby: 14	By Bal: due M.E. Duke, at ann: rest brot ov					$ 6274 07
" Mar 1	To paid Cash for shoes for ward			$ 1	63	
" " 28	" " J.J. Brisler for Board: per rect			40	00	
" " "	" " F. Vick per bill & do			5	57	
" " "	" " Maria Brisler, making Clothes &c do			2	75	
" " "	" " Cash to ward to buy goods			10	00	
" Aug: 4	" " J.L. Goodbuoy, 4 mos: board do			32	00	
" " "	" " Miss Mary Goodbuoy, Tuition, do			20	13	
" Sep: 13	" " J.W. Duck, per bill & rect			169	17	
" Octo: 1	" " Cash to Ward			1	00	
" " "	" " for mending shoes &c, for do			3	50	
1863: Jany: 3	" " Cash to ward . .			5	00	
" " "	" " Maria Brisler, for Clothes &c do			15	00	
" Feby: 10	" " Henry Drewry, for Shoes do			5	00	
" " 14	By Int: on $6274:07: bal: due ward at ann: rest - 12 mos:					376 44
" " "	To Average of Int: on Expenditures by Exr in this acct			8	00	
" " "	" 5 pr: Ct: Comms: on $376:44			18	82	
" " "	" Balance due M.E. Duke.			6312	94	
				$ 6650	51	$ 6650 51

1863. Feby: 14	By Bal: due M.E. Duke, at ann: rest brt: on				$6312 94
" May 1	To paid for mending shoes for ward	$	75		
" " 29	" " M. D. Butler, per bill & rect		29 00		
" " "	" " F. Vick do do		25 12		
" " "	" " Henry Drewry, mending shoes do		3 75		
" Sept 18	" " Thos: J. Brisler, for Board &c do		84 00		
" " "	" " Cash to ward to buy goods		100 00		
" " 20	" " F. Vick per bill & rect		64 24		
1864. Jany: 14	" " Same do do		55 00		
" " "	" " Board with guardian 10 mos: 1863		350 00		
" Feby: 14	By Int: on $6312:94 last bal: due ward 12 mos				378 78
" " "	To average of Int: on Expenditures in this years acct		10 00		
" " "	" 5 pr: Ct: Comm: on $378.78		18 94		
" " "	" Balance due M.E. Duke		5950 92		
		$	6691 72	$	6691 72

1864. Feby: 14	By Bal: due M.E. Duke, ab ann: rest brt on				$5950 92
" " 15	To paid for shoes for ward . . .	$	30 00		
" " 21	" " do do		30 00		
" " "	" " for writing paper do		5 00		
" Mar: 25	" " for $2800 C.S. Seven pr: Ct Bonds pr: bal		2800 00		
" Dec: 31	" " for Cotton Cloth		4 50		
1865. Jany: 17	" " F. Vick. per bill & rect		25 50		
" Feby: 14	By Int: on $5950:92 last bal: due ward 12 mos				357 06
" " "	To average of Int: on Expend: in this years acct:		4 00		
" " "	" 5 pr: Ct: Comm: on $357:06		17 75		
" " "	" Balance due M.E. Duke . . .		3391 23		
		$	6307 98	$	6307 98

1865 Feby: 14	By Balance due M. E. Dicke - brot on				$3391 23
" " 15	To paid C.S Tax $300 - pr: rect: with when paid in U.S. Currency	$	12	53	
" " " "	" Board with Gdn: 1864 - U.S. Currency		100	00	
" " " "	" Cash for Clothing $448:50 C.S.Cur: with when paid in U.S. Currency		18	74	
" " " "	" F. Dick, per bill & rect $25:50 C.S.Cur with when paid in U.S. Cur		1	06	
" May 17	" " Cash to ward		1	00	
" " 23	" " do for Calico for do		4	20	
" June 1	" " for cotton cloth		12	78	
" " "	" " pair of shoes		4	00	
" Aug: 10	" " Wm Eley. Shf: Haus[s] Co: Tax rects 1860 & 61		7	34	
" " "	" " Mrs E. E. Lee, Tuition per rect:		12	00	
" Sep 1	" " pair of shoes		3	00	
" " 10	" " Cash to ward to buy goods		7	00	
" Octo: 15	" " Do. Do. Do		6	00	
" " "	" " Rawls & Dillard. per bill rect:		10	90	
" Nov: 30	" " W. Brister, for weaving		2	10	
1866 Jany: 1	" " Dick & Co:, per bill & rect:		40	81	
" " "	" " Board with Guardian, 1865		120	00	
" Feby: 14	By Int: on $3391:23 - last balance due ward for 12 mos:				203 47
" " "	To Average of Int: on Exhib: in this year's acct		8	00	
" " "	" 5 pr: Ct: Commis: on $203:47		10	17	
" " "	" Balance due M. E. Dicke		3213	07	
		$	3594	70	$3594 70

1866: Feby: 14	By Bal: due M. E. Duke, at ann: rest brt: on:			$3213 07
" " 20	To paid Cash to ward	$	4 25	
" " "	" " D. W. Duke, 2 accts. per accts		30 21	
" Mar: 17	" " Dr. R. N. Burgess, 2 med. accts: do		29 11	
" Apl: 30	" " Miss Finney, Board & Tuition per order on E. P. Phillips & others		150 00	
" May 10	" " Cash to Ward		10 00	
" Nov: 10	" " do do		13 00	
" Dec: 9	" " D. W. Duke		150 00	
" " "	" " for shoes for ward		2 25	
1867: Feby: 14	By Int: on $3213:07 - last bal: due ward 12 mos:			192 78
" " "	To Average of Int: on Expenditures in this years acct		12 00	
" " "	" 5 pr: Ct: Commis: on $192:78		9 64	
" " "	" Bal: due M. E. Duke		2975 39	
		$	3405 85	$ 3405 85
1867. Feby: 14	By Bal: due M. E. Duke, at ann: rest brt: on			$2975 39
" Octo: 12	" Int: on $2975:39 from Feby: 14th: to Octo: 12th: 1867			118 02
" " "	To Balance due M. E. Duke to date	$	3093 41	
		$	3093 41	$ 3093 41
1867. Octo: 12	By Balance due Margaret E. Duke the late ward, to date, brt: down, with interest thereon, until paid -			$3093 41

I, Peter B. Prentis, Clerk of the Circuit Court of Nansemond County, do hereby certify, that the foregoing is a true copy of the guardian

account, made up by Washington L. Riddick, Commissioner, and filed in the Chancery cause pending in said Court, wherein Margaret E. Duke, an infant &c, is Complainant, and Allen Edwards & others are Defendants.

Given under my hand, at my Office, this 17th. day of March 1868.

Peter B. Prentis. Clerk.

For Allen Edwards

At a Monthly Court held for Nansemond County the 9th: day of July 1866.

Allen Edwards, guardian of Margaret E. Duke orphan of Josiah Duke deceased, who was summoned to appear here this day, at the instance of Nathaniel P. Phillips, to shew cause, if any he could, why he should not give a new bond or have his powers as such guardian revoked and annulled, was solemnly called, but came not: Therefore, on the motion of the said Phillips, it is ordered, that the powers of said guardian be revoked and annulled.

A. Copy,

Teste,

Peter B. Prentis. Clerk.

I. John R. Kilby, one of the Commissioners of Nansemond County Court, do certify that I made out an account for Allen Edwards as guardian of Margaret E. Burke, in 1860, which was duly returned to Nansemond County Court and confirmed and recorded, and that by the said account there was due by the said guardian to the said ward on the 14th day of February 1860, the sum of Five thousand eight hundred and fifty five dollars & twenty three cents.

Given under my hand this 14th day of December 1866.

John R. Kilby, Com.

(13)

In the Clerk's Office of Nansemond County Court, the 15th. day of December 1866.
I do hereby certify, that Allen Edwards, duly qualified as the guardian of Marquet E. Duke, orphan of Josiah Duke deceased, in the County Court of said County, on the 14th. day of February 1859; and that J. W. Duck, Jas. M. McClenny and Nathaniel P. Phillips were the securities to his guardian bond.

Teste,
Peter B. Prentis. Clerk.

(A).

3 Exhibits filed
with the Bill in
Drake for
vs
Edwards &c

Allen Edwards, T. N. Cruck James M. McClenny
& Nathl P. Phillips — ~~Plff~~ Complainants

Margaret E Cruke infant
& Orphans Said Cruke — ~~Defts~~ Defendants

This day came the Complainants & filed
their Bill of Review by leave of the Court, & on their
Motion P B Prentiss was appointed guardian
ad litem to the infant defendant Margaret
E Cruke, by consent of parties the said
guardian ad litem filed the answer of
said infant defendant & the cause
came on this day to be heard by consent on said bill
answer, general replication thereto & exhibits
filed & was argued by counsel, on consid-
eration whereof the court doth adjudge
& decree that ~~the decree of the last~~ decree herein of
October Term 1867, be reversed & set-
aside & that the account of the transac-
tions of Allen Edwards as guardian of the
Margaret E Cruke filed with the complainants bill be recommitted to
a commissioner of this Court who
shall take a further account of the
transactions of said guardian, ~~& that~~
~~he &~~, in which the said guardian
shall also be charged with interest on the
balance of $ 5951.92 of Feby 14/64, from
that date to the 25 of March 1864, the
date of the investment of $ 2800.00 &
from the latter date to Feby 14/65 on the
uninvested portion of said balance —
~~& that the said account &~~

respects as from a party ~~in case, subject to~~
~~be discharged if objected by either~~
~~party~~, which account he shall
take with the Report to Court with any
Matters specially stated deemed
pertinent by himself or required
by the parties to be so stated —

Allen Edwards
Letter —
to
Messrs Ewd & Burke

Newark Aug 29
1868
Ewd Lewis
To be retained
E. M. Beekman

Ans'd

Duke &c. vs. Edwards &c.

This cause came on this day to be again heard on the answer of Allen Edwards this day filed by leave of the Court, & with exhibits thereunto & on application to said Court on the papers formerly read. For the Report of Com. W. L. Riddick made pursuant to the decree of the 16th of April 1867; to which report there is no exception and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that the plaintiff recover of the said ~~Defendant~~ Allen Edwards, the sum of $3093.41 with Interest thereon from the 12th day of October 1867 till paid and the costs of this suit: and liberty is reserved to the plaintiff to apply for such further relief against the securities of said Allen Edwards as practicable as aforesaid, as may be proper.

Duke &
vs
Edwards

1867

Oct 9 Ct. Decree

To be entered
R. H. Baker

Entered

Duke &
vs
Edwards &c

This cause came on this day to be heard on the papers formerly read & on the Report of W L. Riddick Comr made pursuant to the Decree of Octo. Term 1868, & the examination of witness ~~and Deposition~~ argued by Counsel. And the Court adopting account A". of said Comr Riddick, ~~account~~ report of the 18th day of March ~~30th day of Jan~~ 1869, doth confirm the same & doth adjudge, order & decree that Margaret E. Duke the plaintiff in the original suit recover of said Allen Edwards the sum of $3154.83 with Interest on $2816.76 part thereof from the 11th day of Feb. 1867 till paid, & that each party pay their own costs — & liberty is reserved to the said Margaret E. Duke to apply for further relief against the sureties of said Allen Edwards in his undertaking Bond, obtained this Decree June marculip —

Duke
v
Edwards

1869
Amie Comm
decree
To be Entered
E. P. Pitts

Entered

Margaret E. Duke &c.

v

Edwards &c

On motion of the Defendants ~~by their attorney~~ Edwards by his attorney leave is given him to file his answer in this cause within sixty Days, and this cause came on to be heard this day on the Bill taken for confessed as to the defendants, on whom process had been duly served, and they still failing to appear and answer, & on the Exhibits filed with the Bill and was argued by Counsel. On Consideration whereof the Court doth adjudge, order & decree that a Com'r of this Court take & settle an account of the transactions of said Allen Edwards as guardian of said Margaret E. Duke since the date of his last account as set forth in the Bill, & make Report to Court with any matter specially stated, deemed pertinent by himself or that may be required by any one to be so stated.

Duke &c

vs

Edwards &c

1867

April Ct. Decree

To be entered

R. H. Baker

Entered

To the Honorable Richard A Baker Judge of the Circuit Court of Law & Chancery for the County of Nansemond in Chancery Sitting -

The Answer of Margaret E Burke Orphan of Sarah Burke by P B Prentis her guardian ad litem to the Bill of Complaint in said Court exhibited by Allen Edwards & others against her

This Defendant answering says that She knows nothing of the Matters in the complainants bill alleged, being an infant under twenty one years of age Submits her ~~Interests~~ in the premises to the protection of this Honorable Court - Having answered prays hence to be dismissed, with her costs in this behalf expended & She will ever pray &c -

Signed -

Peter B. Prentis
guar: ad litem

Edmunds
2 als -

Burke -

Ingants Answer

Filed Octo: 13th 1868. clk

To the Honorable Richard H Baker
Judge of the Circuit Court of Law &
Chancery for the County of Tammany
in Chancery sitting; Humbly complain-
ing Sheweth to the court, your com
plainants Allen Edwards, J W Buck
James M Mc Clenney & Nathl P
Philips, that on the 7th day of January 1857
Margaret E Burke suing by Richard S
Edwards her guardian as next friend (the
Defendant hereinafter named) exhibited
his bill of complaint in this court against
your complainants; & thereby set forth, that
the aforesaid Allen Edwards on the 14th day
of February 1859 qualified in the County
Court of the County aforesaid as Guardian
of the said Margaret E Burke & entered
into a guardian bond in a penalty of $ 8000.00
with the aforesaid complainants J. W Buck
Jas. M Mc Clenney & Nathl P Philips as his
Sureties, alleging an indebtedness from your
Complainants as such guardian to said
Margaret E Burke his Ward; to which bill
your complainants filed his Answer, admit-
ting said guardianship & consenting to
render an account of said guardian
transactions, that at the April Term 1859
a decree was rendered in said Court for a

further account of the transactions of said Guardian & an account was taken by a commissioner of said Court, shewing a balance due by your said Complainant Allen Edwards as such Guardian shewing a balance due from said as such Guardian to said Ward of $3093.41 with interest from October 12, 1867 - which account at the Oct. Term of said Court 1867 was confirmed & at the same term a decree was rendered against him for said amount, with leave to said to his Securities of said decree should prove unavailing against said Guardian - that your said Complainant Allen Edwards was during the pendency of said suit very infirm & almost entirely blind & unable to give his personal attention to said Matter & did not see said account before its Confirmation - that said account your Complainant insists is erroneous & ought to be reviewed, reversed set aside for many apparent errors & imperfections in said account, confirmed & said decree

1st. Because for the fiduciary year ending Feby 14/65 he is charged with interest for the whole year on the whole balance of the preceding year whereas as appears said account $2800.00

of said balance was on the 25th of March 1864 invested in Confederate State Bonds, filed as Exhibit the said Allen Exhibit A to the in which are still attached showing they were not collected & under the condition of the country they could not be collected.

2nd " Because ~~in connection with the~~ ~~guardian in said~~ account the payments made by the said guardian ~~in Confederate~~ Money are scaled, whereas they should have been allowed at par, having been made with Confederate funds received on Bonds due his Ward at par for the reasons stated in the answer of said guardian.

In consideration whereof & inasmuch as said errors & imperfections appear on the face of said Account confirmed & enforced by said decree as will appear from the record of said suit herewith filed marked (A), your complainant prays that said decree may be revered & set aside & that further proceedings had therein & that said account may be recommitted for the correction of the errors aforesaid & any other errors that may be found therein. To this end your complainant prays that the said Margaret E Duke infant as aforesaid & some person appointed her guardian ad litem may be made party defendant.

Exhibit A

to this Suit She required to answer the same - that said decree may be reversed such other & further relief granted as to the court may seem meet - may consist with the equity of the case - Complainants bill ever praying &c

Haydon Sr

Allan Edwards et als - vs Mc Kee et al

Haydon's Sr

Bill for Revision

Filed Octo: 13: 1818 clk

To the Hon. Richard H. Burke, Judge of the Circuit Court for the County of Chautauqua County.

The humble petition of Allen Edwards & Eliza his wife & complainants in this behalf against Lucius Chapin & others defendants in this Court by Thaxter T. Burke their next friend

This defendant craving & reserving to himself all benefit of just exception to said bill, answers and says, that it is true as therein complainants bill that he purchased of the complainants on the 14th day of February 1859, and that there was a balance due from him as in said bill aforesaid by the last account, amounting to $700.55 2/3 with interest from Feby 1st 1860 — This defendant says that in consequence of the recent war and the closing of the Courts in Chautauqua County no account has been rendered since 1860 — This defendant further says that sometime in May 1862 the County of Chautauqua was occupied by the Union Troops and no Courts were held in said County, so as he defendants said believes, until March the close of the war — That the whole of the said balance due as said bond remains in bonds due from persons residing in Chautauqua & the of Brought counties and leaving that the Troops aforesaid were many months to pass in said Counties, he collected a large proportion of said bonds and invested the funds in a Confederate note of twenty eight hundred dollars — That he obtained no order of the Court for this purpose inasmuch as no Courts were held in Chautauqua County from

the fee of $62 and the fee of $8 & 00 /100
for depositions in this Court the sum of
Two & Dollars and Seventy Cents
which appears from his home during the pen-
dency and for expenditure not been
taken to date in procuring the order
for commitment. And for expenditure of
Twenty seven Dollars which appears from his
affidavits not yet settled in Court.
That deponent is ready and prepared to
render a further account of his transactions
as petitioner & counsel, but insists that he
should be allowed credit for the sum of $62.
and do depositions, and having thereupon
prays to be hence dismissed with his costs.
Peter Dillard

Kentucky Set:

I, the undersigned Commissioner for the
State aforesaid do certify that the
foregoing affidavit was sworn to & subscribed
in Chancery for the County Court of Scott County
and made oath that the facts stated in the
foregoing answer are true to the best of his
knowledge and belief. Given under my
hand this the 15th day of August 1866
Geo. S. Downs, Commissioner
in Chancery for Scott County
Ky.

Filed Oct. Ct. 1867

To the Honorable Richard N. Baker, Judge of the Circuit Court of Nansemond County.

Complaining shew unto the Court your Complainant Margaret E. Duke, an Infant under twenty one years of age suing by Richard G. Edwards her guardian and next friend.

Your Complainant respectfully represents to the Court and says, That Allen Edwards qualified as her guardian in Nansemond County Court on the 14th day of February 1859, and entered into & duly executed a guardian's Bond in the penalty of $5000. with R. W. Duck, Jas. M. McClenny and Nath'l. P. Phillips as his sureties, as will appear by paper filed herewith as part of this Bill marked (A.) — That the said Allen Edwards as the guardian of your Complainant, had his accounts as such guardian duly made out by John R. Kirby, one of the Commissioners for Nansemond County Court, and which was returned to and confirmed by Nansemond County Court, and that on the 14th day of February 1860, the said Allen Edwards as her guardian was indebted to her, the sum of Five thousand eight hundred and fifty five dollars & twenty three cents, as will appear by Paper filed herewith as part of this Bill marked (B.).

Your Complainant further says, That the said Allen Edwards as guardian aforesaid has made no further return of his transactions

as such guardian –

Your Complainant has no doubt that the said Allen Edwards as guardian aforesaid has paid many bills for her expenses since the last return, and which she is ready & willing to allow, if legal and proper –

Your Complainant prays that the accounts of said Allen Edwards as such guardian, since his last return till he ceased to be the guardian of your Complainant, may be duly settled before a Commissioner of this Court, and that he may be required to pay any amount he may be indebted to your complainant, and that if he should be unable to do so, that, then his sureties as aforesaid may be required to pay the same.

Your Complainant further states that Nath[l] P. Phillips one of the sureties of said Allen Edwards, being unwilling longer to remain bound as his surety, did at the Term of November County Court, move the Court for a summons against him to give other security – which summons was duly executed and the said Allen Edwards failing to give such security was removed from his place of Guardian aforesaid, as will appear by paper filed herewith, as part of this Bill marked (C).

In consideration whereof, and as this Court

has power to grant all adequate relief — To the
End your Complainant prays, that Allen
Edwards, I. W. Duck, James M. McClenny
and Nathl. P. Phillips may be made defend-
ants hereto, and be compelled to answer
the several allegations herein; That all
proper accounts may be settled: That all
sums due by said Allen Edwards may be
decreed against him, and if not paid that the
said sureties may be required to pay the
same, and that all further and proper
relief necessary and proper may be granted,
and your Complainant will &c.

John R. Kilby P. Q.

Killy p. 9

Margaret E. Duke pr fd.

v. Ex Bill

Allen Edwards Sol.

Nans? Cir. Ct.

Drake, Jer: &d

vs Ch: Ch: Rules

Edwards Sol:

1866. Decr: 15th: Bill in Ch: filed & Jany: Rules 1867

1867. Jany: 7th: Bill & exhibits filed

" " " Conditional decree vs the defendants

" Feby: 4th: conditional decree confirmed, & cause set for hearing on mo: of pltffs: Solr:

" April 16th: Decree for Acct:

" Septr. 11th: Report filed

" Octo: 12th: Decree for money &c

1868. Octo: 13th: Bill of Review filed - answer of defts. & Supd: Letters genl: refd: &c & decree of Octo: Term 1867 reversed & set aside & accts: recommitted for & further accts:

1869. apl: 21st. Report filed - & decree confirming report in both causes & for money &c

Thy: Nobes