1923-011
Nansemond Co (Suffolk) Chancery Causes: Mamie E. Duke, gdn vs C. J. Duke et al

Harrell, Rawles, Brinkley, Pinner, Brewer, Hosier

Virginia: In the Circuit Court of Nansemond County, In Vacation, the 13th day of August, 1918,

Mamie E. Duke etc..... ... Complainant

Vs:

Mamie E. Duke et als..... Defendants

By consent in writing of the plaintiffs and defendants including guardian ad litem for the infant defendants, the Court doth adjudge, order and decree that this cause be submitted to the Judge of this Court for such orders and decrees therein in vacation as might be made in term, and by like consent, this cause came on this day to be again heard on the papers formerly read and on the report of Commissioner, Bradford Kilby, dated the 8th, day of August, 1918, and filed on said day, to which report there is no exception taken, the counsel for the adult parties and the Guardian ad litem, for the infant defendants by endorsement on said report having waived the 10 days for exception and on depositions of witnesses returned with said report and was argued by counsel.

On consideration whereof, it being clearly shown from said report and the evidence returned therewith independently of any admissions in the answers, that the interest of the infant defendants will be promoted by the sale of the real estate hereinafter mentioned and described for the sum of $3500.00, and the Court being of the opinion that the rights of no person will be violated thereby, the court doth approve and confirm said report and doth adjudge, order, and decree, that S. E. Everett, who is hereby appointed special Commissioner for the purpose, do execute a deed conveying said property to R. O. Chandler, described in the bill as follows:

All that certain tract, piece, or parcel of land situated in Holy Neck Magisterial District, in the County of Nansemond and State of Virginia, containing eight (8) acres, more or less, and bounded on the North by the Seaboard & Roanoke Railroad

on the South be the South Quay County Road; on the East by the Road running from the said South Quay County Road to Lake Savage, near the Town of Suffolk; and on the West by the land formerly owned by Thomas Speight and others. It being the same land conveyed to the said James T. Duke by deed dated the 25th day of September, 1905, and executed by Charles C. Duke and wife, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 58, page 599.

On delivery of said deed the said S. E. Everett, special Commissioner, is directed to collect from R. O. Chandler as a cash payment, $500.00, and enough to pay the said widow, Mamie E. Duke, her commuted dower interest on the $3500.00, at the age of 51 years, which is Seven hundred and twenty-nine dollars and fifty-four cents ($729.54) and the said R. O. Chandler is to execute a deed of trust (first lien) on said property securing the remainder of the purchase price, evidenced by two notes for the sum of $1135.23, each, and payable to the order of the Circuit Court of Nansemond County, to be held for the benifit of E. Kemp, and Rachael B. Duke infants, one payable the first day of January, 1920, with interest from the first day of January, 1919, and one payable on the first day of January,1921, with interest from the first day of January, 1919, with interest payable annually, all subject to such further orders of this Court as may from time to time be entered herein.

The said Commissioner, after deducting the usual Court costs in these proceedings and a fee of $50.00 for counsel for instituting and conducting this suit, is directed to deposit the remainder in one of the Banks of the City of Suffolk, to the credit of the Court in this cause, and to report his proceedings hereunder to the Court, returning therewith certificate of said deposit, voucher of the said widow, Mamie E. Duke, for her interest, said notes secured by said deed of trust as set out above, and certificate of Clerk, showing that said deed

of trust has been recorded.

That the said Commissioner shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of $2000.00 and conditioned for the faithful discharge of his duties hereunder, or of any further decree to be entered herein.

All of which is hereby certified to the Clerk of this Court to be recorded in the Chancery Order Book.

John L. McKemore

(Vacation)

Mamie E. Duke, etc.

Vs Confirming Report

Mamie E. Duke et als.

Enter this 13 of

August, 1918

We consent
all adult parties
by their Atty S. E. Everett
John K Duncan
Guardian ad litem for
infant defendants

Entered in Chancery

Order Book

Page

DEPOSITED IN

NATIONAL BANK OF SUFFOLK

By J. E. Everett Jr. Cour
Duke & Duke

Suffolk, Va., Aug. 23 1918

SEE THAT ALL CHECKS ARE ENDORSED

	Dollars	Cents
Currency		
Gold		
Silver		
Checks as follows		
PLEASE LIST EACH CHECK SEPARATELY	500	00
	500	00

E. C. Dillon

It is expressly understood and agreed between the National Bank of Suffolk and the depositor using this ticket that all items payable out of this city, whether entered as cash or not, are received merely to be transmitted for collection; that the said bank is authorized to select agents, who shall be the agents of the depositor, to collect the same; and that the said bank shall in no event be responsible to the depositor for the insolvency, or for any negligence, acts, or misconduct of such agents.

Mamie E. Duke, etc. Vs Mamie E. Duke et als. Aug. 23, 1918

$37 46/100 Received of S. E. Everett, Special Commissioner, in the above styled case.

Thirty Seven + 46/100 Dollars.

For Clerk's Cost.

C. E. Brooks, Clerk

Mamie E. Duke, etc. vs Mamie E. Duke et als. August 23, 1918

$ 15.00 Received of S. E. Everett, Special Commissioner,

in the above styled case.

Fifteen ---------- Dollars

For Com's fee

Bradford Kilby
Comr. in Chancery.

Mamie E. Duke, etc. vs Mamie F. Duke et als. August 23, 1918

$ Received of S. E. Everett, Special Commissioner,

in the above styled case.

Ten and no/100 Dollars

For Paul H.
Fidelity & Deposit
Co. of Maryland,

Matt H. Akers
H.O. Jones

Mamie E. Duke, etc. Vs Mamie E. Duke et als. August 23, 1918

$3 5.0 Received of S. E. Everett, Special Commissioner,

in the above styled case.

Three & 5.0/100 Dollars.

For Stenographer

S. E. Everett

Mamie E. Duke, etc. Vs Mamie E. Duke et als. Aug. 23, 1918

$10 20 Received of S. E. Everett, Special Commissioner, in the above styled case.

Ten ---------- Dollars.

For Deeds

H. Everett

Mamie E. Duke, etc. Vs Mamie E. Duke et als. August 23, 1918

$49.00 Received of S. E. Everett, Special Commissioner,

in the above styled case.

Forty Nine ---------- Dollars.

For Comm of Spl Comr ---------- H. O. Everett

Mamie E. Duke, etc. Vs Mamie E. Duke et als. Aug. 23, 1918

$50 00 Received of S. E. Everett, Special Commissioner,

in the above styled case.

Fifty ---------- Dollars.

For Fee allowed

S E Everett

MMamie E. Duke, etc. vs Mamie E. Duke et als. August 23, 1918

$15-50 Received of S. E. Everett, Special Commissioner,

in the above styled case.

Fifteen & 50/100 Dollars

For 1918 Jurisdiction
James T. Duke Cah.
of Holy Rock Dish

C. R. Fulgham

$ 1135.23 SUFFOLK, VA., August 28, 1918

First day of Jan. 1919 DAYS AFTER DATE I PROMISE TO PAY, WITHOUT OFFSET, UNTO

The Circuit Court of Nansemond County to be held for the benefit

of E. Kemp and Michael B. Duke, OR ORDER, NEGOTIABLE AND PAYABLE AT THE

RELEASED 191 Debt hereby paid in full and this deed and lien thereof released and cancelled.

FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

Eleven Hundred and Thirty-five and 23/100 ---------- DOLLARS

for value received; and it is agreed upon by the parties hereto that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt. From the first day of Jan. 1919

R. C. Goodwin

FORM 9

Mamie E. Duke, etc. Vs Mamie E. Duke et als. August 23, 1918

$729.54 Received of S. E. Everett, Soecial Commissioner,

in the above styled case.

Seven Hundred and Twenty Nine & 54/100 Dollars.

For Power Delivered

Mamie E. Duke.

H. E. Owens Atty

DEPOSITED IN

National Bank of Suffolk

SUFFOLK, VA.

By Mamie E. Duke Gdn., E. Kemp Duke

Sept. 7, 1920

PLEASE LIST EACH CHECK SEPARATELY.

	DOLLARS	CENTS
CURRENCY		
GOLD		
SILVER		
CHECKS: Name of Paying Bank		
Farmers Bk	11	82 07
1135.23 Int. from Jan. 1, to Sept. 7		
Hargrave		
Lucy		
Total	11	82 07

The Depositor using this ticket hereby agrees that all items payable outside of Suffolk Va., shall be forwarded by this bank as agent for the depositor at the depositor's risk; that this bank shall not be responsible for negligence, default or failure of sub-agents, nor for losses in the mails; that this bank shall have the right to charge back to the depositor's account any item for which actual payment is not received; that items may be sent direct to the bank on which drawn without waiving any of the above conditions, and that items on Suffolk, Va., are credited subject to actual payment through the next day's clearings; *that checks on this bank not good at close of business on day deposited may be charged back to the depositor's account.*

Always bring your Bank Book with you.

DEPOSITED IN

National Bank of Suffolk

SUFFOLK, VA.

By Mamie E. Duke Exr Richard B. Duke

Sept. 7 1920

PLEASE LIST EACH CHECK SEPARATELY.

	DOLLARS	CENTS
CURRENCY		
GOLD		
SILVER		
CHECKS: Name of Paying Bank		
Farmers Bk	11	82 07
$125.23 Int from Jan 1 to Sept. 7		
Margrave & Lee		
Total	11	82 07

The Depositor using this ticket hereby agrees that all items payable outside of Suffolk Va., shall be forwarded by this bank as agent for the depositor at the depositor's risk; that this bank shall not be responsible for negligence, default or failure of sub-agents, nor for losses in the mails; that this bank shall have the right to charge back to the depositor's account any item for which actual payment is not received; that items may be sent direct to the bank on which drawn without waiving any of the above conditions, and that items on Suffolk, Va., are credited subject to actual payment through the next day's clearings; *that checks on this bank not good at close of business on day deposited may be charged back to the depositor's account.*

Always bring your Bank Book with you.

$ 1135.23

SUFFOLK, VA. August 22, 1919

First day of Jan. 1920 DAYS AFTER DATE I PROMISE TO PAY, WITHOUT OFFSET, UNTO The Circuit Court of Nansemond County to be held for the benefit of E. Kemp and Rachael B. Duke, OR ORDER, NEGOTIABLE AND PAYABLE AT THE

FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

Eleven Hundred and Thirty-five and 23/100 DOLLARS

for value received; and it is agreed upon by the parties hereto that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt. from the first day of Jan. 1919.

FORM 9

To Mr. George E. Bunting, Esq, Clerk of the Circuit Court of Nansemond County, Virginia.

Mamie E. Duke, Guardian of E. Kemp Duke and Rachael B. Duke, ... Complaintant

Vs: In Chancery

Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, E. Kemp Duke, and Rachael B. Duke, the last two being infants under the age of twenty one years..Defendants.

Issue summons to First Rules(First Mohday) in August, 1918.

J. E. Burnett P. Q.

Memorandum

Mamie E. Duke etc.....Complainants

vs. VOUCHER

Mamie E. Duke et als.....Defendants

$1,337.63

In accordance with a decree entered in the above-styled suit, on the 25th day of January, 1921, there has been deposited in the National Bank of Suffolk, Suffolk, Virginia, the sum of $1,337.63 to the credit of "Mamie E. Duke, Guardian of Rachel B. Duke, subject to the control of the Court in this cause", bearing interest from the 4th day of February, 1921.

Cashier,
National Bank of Suffolk.

Mamie E. Duke etc.

vs. VOUCHER

Mamie E. Duke et als.

Mamie E. Duke etc.....Complainant

vs. RECEIPT

Mamie E. Duke et als.....Defendant

This is to certify that the National Bank of Suffolk, Suffolk, Virginia, has placed to my personal account the sum of Thirteen hundred thirty Seven & 63/100- my share in the above styled case. This is done in accordance with the Decree entered by the Judge on January 25th, 1921, and I am giving this receipt to S. E. Everett, Commissioner, showing that I have received the amount due me.

E Kemp Duke

The above amount named in the above receipt of E. Kemp Duke has been placed to the credit of E. Kemp Duke in the National Bank of Suffolk, Suffolk, Virginia, on the 4th day of February, 1921.

A Woodard

Cashier National Bank of Suffolk.

Mamie E. Duke etc.

vs. RECEIPT

Mamie E. Duke et als.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Mamie E. Duke etc.....Complainants

vs. REPORT

Mamie E. Duke et als.....Defendants

Your Commissioner, S. E. Everett, filed a report in this cause on the 25th day of January, 1921, and a decree was entered on the same day confirming the said report. In accordance with the said decree, your Commissioner gave a certified copy of the said decree to the National Bank of Suffolk, Suffolk, Virginia, and the said bank, in accordance with the said decree, consolidated the three (3) accounts to the credit of the Court in this cause, which amounted to.....$2,675.26

On the 4th day of February, 1921, the said bank placed to the credit of E. Kemp Duke.....$ 1,337.63

And to the credit of "Mamie E. Duke, Guardian of Rachel B. Duke, subject to the control of the Court in this cause".bearing.interest $ 1,337.63

Balanced..... $ 2,675.26 $2,675.26

Your Commissioner herewith files, with this report, the said vouchers of the said bank, and a voucher of E. Kemp Duke, showing the above deposits.

And your Commissioner asks that this report be confirmed, and there remaining nothing further to be done in this cause, your Commissioner asks that the same be stricken from the docket.

Respectfully submitted:

S. E. Everett

Special Commissioner.

Mamie E. Duke etc.

vs. REPORT

Mamie E. Duke et als.

1921. Feb. 17. filed
J.L.M.

Mamie E. Duke etc.....Complainant

vs. DECREE

Mamie E. Duke et als.....Defendants

This cause came on again this day to be heard on the papers formerly read, and on the report of S. E. Everett, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court that this cause was removed from docket by a decree entered the 14th day of October, 1918, the Court doth adjudge, order and decree that this cause be re-instated and again placed on the docket, and it further appearing to the Court from the report of the said Special Commissioner, S. E. Everett, that R. O. Chandler desires to pay the two notes for $1135.23 each, dated August 22nd, 1918, and payable to the Circuit Court of Nansemond County, to be held for the benefit of E. Kemp Duke and Rachel B. Duke, and Executed by the said R. O. Chandler and secured by a deed of trust on the property sold in these proceedings, it is adjudged, ordered and decreed that the said R. O. Chandler pay the said notes with interest by making a deposit aggregating the principal of the two notes and the interest from the first day of January, 1920, to date of deposit, in one of the banks of the City of Suffolk, taking voucher of Bank for the same, and pay the interest on said notes to January 1st, 1920, to Mamie E. Duke, guardian of E. Kemp Duke and Rachel B. Duke, for the maintenance, support and education of her wards, and file voucher of said Guardian with S. E. Everett, Special Commissioner. And the said S. E. Everett, Special Commissioner, on receiving said vouchers, is directed to cancel said notes and release said deed of trust, securing the same, and make a report of his transactions to the Court.

A true copy: Teste: G. E. Amtzing, Clerk

Mamie E. Duke etc.

vs. DECREE

Mamie E. Duke et als.

Enter Jan 25- 1920.

Entered Jan. 25th 1920.
Chancery Order Book
No. 5 , Page 322.

Mamie E. Duke etc.....Complainant

vs. DECREE

Mamie E. Duke et als.....Defendants

This cause came on again this day to be heard on the papers formerly read, and on the report of S. E. Everett, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court that there are to the credit of the Court in this cause, at the National Bank of Suffolk, Suffolk, Virginia, the following amounts: Two Hundred and Seventy-nine Dollars and Fifty-four Cents ($279.54), as of August 24th, 1918, ~~and on September 8th, 1920~~, two (2) deposits of Eleven Hundred and Eighty-two Dollars and Seven Cents ($1182.07), each, deposited on September 8, 1920, and it further appearing to the Court that E. Kemp Duke was Twenty-one (21) years old, on the 12th day of October, 1920, and desires that his one-half interest should be paid to him, the Court doth adjudge, order and decree that the said bank ~~put~~ consolidate these three (3) accounts ~~together~~, and deposit to the credit of E. Kemp Duke, in said bank, one-half of said fund, upon his delivering to said Everett a receipt for same ~~and file with S. E. Everett, Special Commissioner, the deposit slip for the same~~, which will be subject to the checks of E. Kemp Duke, and the other one-half to be put to the credit of "Mamie E. Duke, Guardian of Rachel B. Duke, subject to the control of the Court, in this cause", and it

is further adjudged, ordered and decreed that the said bank pay interest annually to the guardian on the said funds, of said deposit, to the said Mamie E. Duke, Guardian of Rachel B. Duke.

~~It further appearing from the said report, that the said certificates of deposit, at the said bank, have been misplaced, it is adjudged~~ It is ordered and decreed that a copy of this decree be certified by the Clerk of said Court, and delivered to the said bank, which will authorize said bank to make deposits as above set out, and the said S. E. Everett, Special Commissioner, is required to make his report to the said Court, filing certificate of deposit in the said bank, along with said report.

Mamie E. Duke etc.

vs. DECREE

Mamie E. Duke et als.

Enter January 25th 1921.

Jas. L. McLemore

Entered Jan. 25th, 1921

Chancery Order Book
No. 5, Page 322.

DEPOSITED IN

National Bank of Suffolk

SUFFOLK, VA.

By.....

..... *192*

PLEASE LIST EACH CHECK SEPARATELY.

	DOLLARS	CENTS
CURRENCY		
GOLD		
SILVER		
CHECKS: Name of Paying Bank		
Total		

The Depositor using this ticket hereby agrees that all items payable outside of Suffolk Va., shall be forwarded by this bank as agent for the depositor at the depositor's risk; that this bank shall not be responsible for negligence, default or failure of sub-agents, nor for losses in the mails; that this bank shall have the right to charge back to the depositor's account any item for which actual payment is not received; that items may be sent direct to the bank on which drawn without waiving any of the above conditions, and that items on Suffolk, Va., are credited subject to actual payment through the next day's clearings; *that checks on this bank not good at close of business on day deposited may be charged back to the depositor's account.*

Always bring your Bank Book with you.

Mrs Mamie E. Duke Gdn. E. Kemp Duke 1/1/21 1182.07
1/1/21 1182
1193.89
" " " " Gdn. Rachael B. Duke 1/1/21 1182.07
1/1/21 1182
1154 N. Stark St, City. 1193.89
Subject to Circuit Court of Nameoma County —

Opinion of
the Court
Special Court
Duke vs Duke
#27957

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County, Virginia.

Mamie E. Duke.etc.....Complainant.

vs. REPORT

Mamie E. Duke et als.....Defendant.

Your Commissioner, S. E. Everett, filed a Report in this cause on August 9th, 1920, and a decree was entered on the same day, confirming said report. A copy of said report, and a copy of said decree is herewith filed, and asked to be made a part of this report.

In accordance with said decree, the said R. O. Chandler deposited in the National Bank of Suffolk, Suffolk, Virginia, on September 8th, 1920, Eleven Hundred and Eighty-two Dollars and Seven Cents ($1182.07), to the account of "Mamie E. Duke, Guardian, controlled by order of the Court", and on the same day deposited Eleven Hundred and Eighty-two Dollars and Seven Cents ($1182.07) to the account of "Mamie E. Duke, Guardian, controlled by order of the Court". These amounts being amount of the notes secured by Deed of Trust on land mentioned in these proceedings, with interest to September 8th, 1920, except the interest on said notes, in accordance with the decree entered the 9th day of August, 1920, the said R. O. Chandler paid interest on said notes to Mamie E. Duke, Guardian of E. Kemp Duke and Rachel B. Duke, to January 1st, 1920.

The accounts in the National Bank of the City of Suffolk, to the credit of the Court in this cause, are as follows:

October 2nd, 1918, balance in bank after paying costs in said cause.....$ 279.54

September 8th, 1920, deposited by R. O. Chandler, in name of Mamie E. Duke, Guardian of E. Kemp Duke ~~and Rachel B. Duke,~~ controlled by order of the Court.... 1,182.07

September 8th, 1920, deposited by R. O. Chandler, in the name of Mamie E. Duke, Guardian of ~~E. Kemp Duke and~~ Rachel B. Duke, controlled by order of the Court.... 1,182.07

The said E. Kemp Duke was twenty-one (21) years old on the 12 day of October, 1920, and desires that his one-half of these funds be paid to him. I am herewith filing with this report, to be taken as a part of this report, a certificate from E. Kemp Duke's mother, Mamie E. Duke, certifying that E. Kemp Duke was twenty-one (21) years of age on the 12th day of October, 1920.

Your Commissioner asks that the bank be directed, by order of Court, to pay one-half of these funds, including the interest, and place to the credit of E. Kemp Duke, in the National Bank of Suffolk, Suffolk, Virginia, and that the other one-half remains in said bank on interest, credited to Mamie E. Duke, Guardian, of Rachael B. Duke, subject to the control of the Court.

Your said Commissioner further states that, after decree was entered on the 9th day of August, 1920, directing said R. O. Chandler to make deposits as above set out, the said deposits were made, by the said R. O. Chandler, and ~~certificates~~ receipts issued for the same at the said bank, but in some manner the original papers in this cause have been misplaced, and that your Commissioner has never had filed with him ~~certificates~~ receipts of the bank for said deposits, and has never seen papers since the day decree was entered, August 9th, 1920.

Your Commissioner was not in town at the time R. O. Chandler made these deposits, in said bank, through his attorney. The Commissioner is relating these facts as reasons for him being unable to file, with this report, the certificates of the bank.

Your Commissioner files also, with this report, the receipt of Mamie E. Duke, Guardian of E. Kemp Duke and Rachel B. Duke, for interest on the said notes to January 1st, 1920, paid by R. O. Chandler.

Respectfully submitted.

H. E. Crenshaw

Special Commissioner.

Mamie E. Duke etc.

vs. REPORT

Mamie E. Duke et als.

1921. Jany 25. Filed.
JLm

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Mamie E. Duke etc.....Complainant

vs. REPORT

Mamie E. Duke et als.....Defendants

Your Commissioner, S. E. Everett, filed a report in this cause on the 2nd day of October, 1918, which showed a balance in the National Bank of Suffolk to the credit of the Court in this cause, of $279.54, and in accordance with a decree entered in this cause the 13th day of August, 1918, the said Commissioner filed two notes of $1135.23 each, dated August 22nd, 1918, executed by R. O. Chandler and payable to the Circuit Court of Nansemond County to be held for the benefit of E. Kemp Duke and Rachel B. Duke. Said notes, which are secured by a deed of trust on the property sold in these proceedings are still unpaid, but the said R. O. Chandler, maker of the said notes, desires to pay the said notes in full, and have the deed of trust released against his property.

Your said Commissioner asks your Honor to re-instate said suit, and enter an order directing the said R. O. Chandler to pay said notes by making a deposit to cover the same in one of the banks of the City of Suffolk, Virginia, and deliver the deposit slip to S. E. Everett, Special Commissioner, and direct the said S. E. Everett, Special Commissioner, to cancel said notes and release said deed of trust securing said notes, and deliver the same to the said R. O. Chandler.

Mamie E. Duke, guardian of the said infants, E. Kemp Duke and Rachel B. Duke, desires that the interest for one year on said notes be directed to be paid to her as said guardian for the maintenance, support and education of the said infants, and your Commissioner asks that R. O. Chandler, the maker of said notes, be directed to pay the said interest to the said Mamie E. Duke, said guardian.

Respectfully submitted,

_____

Special Commissioner.

Mamie E. Duke etc.

vs REPORT

Mamie E. Duke et als.

Mamie E. Duke etc.....Complainant

vs.

Mamie E. Duke et als.....Defendant

Suffolk, Virginia,

January 24th, 1921.

Received of R. O. Chandler, interest on two (2) notes of $1,135.23 each, dated August 22nd, 1918, payable to the Circuit Court of Nansemond County, to January 1st, 1920. Same being directed to be paid to Mamie E. Duke, Guardian, by decree entered August 9th, 1920.

Mamie E. Duke

Guardian of E. Kemp Duke
and Rachel B. Duke.

Mamie E. Duke etc.

vs. RECEIPT

Mamie E. Duke et als.

Mamie E. Duke etc.....Complainant

vs.

Mamie E. Duke et als.....Defendant

STATE OF VIRGINIA,

COUNTY OF NANSEMOND.

This is to certify that E. Kemp Duke was twenty-one (21) years old on the 12th day of October, 1920.

Given under my hand this 1st day of February, 1921.

Mamie E. Duke

Mother of E. Kemp Duke.

Subscribed and sworn to before me, S. E. Everett, Notary Public for the County of Nansemond.

S. E. Everett

Notary Public.

Mamie E. Duke etc.

vs CERTIFICATE

Mamie E. Duke et als.

TO THE HONORABLE JAMES L.McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Mamie E.Duke, Etc., ...Complainant

vs. REPORT

Mamie E.Duke, et als.,. . . . . .Defendants

Your Commissioner, S.E.Everett, filed a report in this cause on the 2nd day of October, 1918, which showed a balance in the National Bank of Suffolk to the credit of the Court in this cause of $279.54, and in accordance with a decree entered in this cause the 13th day of August, 1918, the said Commissioner filed two notes of $1135.23 each, dated Au ust 22nd, 1918, executed by R.O.Chandler and payable to the Circuit Court of Nansemond County to be held for the benefit of E.K$_e$mp Duke and Rachael B.Duke. Said notes, which are secured by a deed of trust on the property sold in these proceedings are still unpaid, but the said R.O.Chandler, maker of the said notes, desires to pay the said notes in full, and have the deed of trust released against his property.

Your said Commissioner asks your Honor to re-instate said suit, and enter an order directing the said R.O.Chandler to pay said notes by making a deposit to cover the same in one of the banks of the City of Suffolk, Virginia, and deliver the deposit slip to S.E.Everett, Special Commissioner, and direct the said S.E.Everett, Special Commissioner, to cancel said notes and release said deed of trust securing said notes, and deliver the same to the said R.O.Chandler.

Mamie E.Duke, guardian of the said infants, E.Kemp Duke and Rachael B.Duke, desires that the interest for one year on said notes be directed to be paid to her as said guardian, for the maintenance, support and education of the said infants, and your Commissioner asks that R.O.Chandler, the maker of said notes, be directed to pay the said interest to the said Mamie E.Duke, said guardian.

Respectfully submitted,

S.E.Everett
Special Commissioner

Mamie E.Duke, etc.

vs REPORT

Mamie E.Duke, et als

1920. Aug. Filed.

Mamie E.Duke, etc.. . . . . Complainant

cs. DECREE

Mamie E.Duke, et als. . . . . Defendants

This cause came on again this day to be heard on the papers formerly read, and on the report of S.E.Everett, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court that this cause was removed from docket by a decree entered the 14th day of October, 1918, the Court doth adjudge, order and decree that this cause be re-instated and again placed on the docket, and it further appearing to the Court from the report of the said Special Commissioner, S.E.Everett, that R.O.Chandler desires to pay the two notes for $1135.23 each, dated August 22nd, 1918, and payable to the Circuit Court of Nansemond County to be held for the benefit of E.Kemp Duke and Rachael B.Duke, and executed by the said R.O.Chandler and secured by a deed of trust on the property sold in these proceedings, it is adjudged, ordered and decreed that the said R.O.Chandler pay the said notes with interest by making a deposit aggregating the principal of the two notes and the interest from the first day of January, 1920, to date of deposit, in one of the banks of the City of Suffolk, taking voucher of Bank for the same, and pay the interest on said notes to January the first, 1920, to Mamie E.Duke, guardian of E.Kemp Duke and Rachael B.Duke, for the maintenance, support and education of her wards, and file voucher of Bank and voucher of said Guardian with S.E.Everett, Special Commissioner. And the said S.E.Everett, Special Commissioner, on receiving said vouchers, is directed to cancell said notes and release said deed of trust, securing the same, and make a report of his transactions to the Court.

Mamie E.Duke, etc.

vs DECREE

Mamie E.Duke, et als.

Enter this 9th day of

August, 1920

Jas L McLemore

Entered in Chancery

Order Book, No. 81

Page No. 287

MAMIE E. DUKE ETC.....COMPLAINANT

vs.....DECREE.

MAMIE E. DUKE ET ALS.....DEFENDANTS.

This cause came on again this day to be heard on the papers formerly read and on the report of S. E. Everett, Special Commissioner, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof it appearing to the Court that this cause was removed from the docket by a decree entered the 14th day of October, 1918, the Court doth adjudge, order and decree that this cause be re-instated and again placed on the docket, and it further appearing to the Court from the report of the said Special Commissioner, S. E. Everett that R. O. Chandler desires to pay the said two notes for $1135.23 each, dated August 22nd, 1918, and payable to the Circuit Court of Nansemond County to be held for the benefit of E. Kemp Duke and Rachael B. Duke, and executed by the said R. O. Chandler and secured by a deed of trust on the property sold in these proceedings it is adjudged, ordered and decreed that the said R. O. Chandler pay the said notes with interest to this date by making a deposit aggregating the principal of the two said notes and the interest to this date in one of the banks of the City of Suffolk, Virginia, taking therefor a deposit slip and filing the same with the said S. E. Everett, Special Commissioner, and it is further adjudged, ordered and decreed that the said S. E. Everett, Special Commissioner is directed on the delivery of the said deposit slip above mentioned to cancel said notes and release the said deed of trust securing the same and make a report to the Court of his transaction in this cause.

Mamie E. Duke, etc. ..... Complainant,

Vs

Mamie E. Duke et als..... Defendants.

This cause came on again this day to be heard on the papers formerly read and on the report of S. E. Everett, Special Commissioner, filed the 2nd day of September, 1918, to which report there is no exception and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the said report be confirmed, which report is in part as follows:

"After executing the required bond, your Commissioner conveyed the said property to R. O. Chandler in accordance with said decree, August 22, 1918, for and collected $3500.00

August 22, Paid costs as follows:

Clerk of Court	$37.46	
Com. in Chancery	15.00	
West & Withers Bond	10.00	
Revenue Stamp on Deed	3.50	
Writing Deed	10.00	
Coms. of Special Commissioner	79.00	
Fee allowed by Court	50.00	
Taxes (1918)	15.50	$220.46
Balance on hand		$3279.54

Deposited in the National Bank of Suffolk $500.00, and withdrew cost as above, leaving in Bank to the credit of the Court $279.54

Paid Mamie E. Duke, her commuted dower interest $729.54

(She afterwards loaned it to R. O. Chandler taking second deed of trust on said property).

Your Commissioner herewith files two notes of R. O. Chandler under order of Court aggregating $2270.46

$3279.54 $3279.54

Balanced.

Your said Commissioner herewith files Insurance policy for the protection of the parties to this suit."

There remaining nothing further to be done in this cause by the said Commissioner, it is ordered that the said Commissioner be released from further bond, and that same be stricken from the docket.

Mamie E. Duke, etc.
Confirming
Vs Report of Commissioner

Mamie E. Duke et als.

Enter this 1st day of

October, 1918

Jas Lill Gilmore

Entered in Chancery

Order Book 5

Page 164

To the Hon. James L. McLemore, Judge of the Circuit Court of Nansemond County, Virginia..

Mamie E. Duke, etc..... Complainant,

Vs

Mamie E. Duke et als..... Defendants.

Your Commissioner, S. E. Everett, appointed by your honor in the above ~~and~~ entitled cause on the 13th day of August, 1918, to make sale of and convey the certain property mentioned in the bill and proceedings in said cause, respectfully submits the following report.

After executing the required bond, your Commissioner conveyed the said property to R. O. Chandler in accordance with said decree, August 22, 1918, for $3500.00

1918

August 22, Paid costs as follows:		
Clerk of Court	$37.46	
Com. in Chancery	15.00	
West & Withers Bond	10.00	
Revenue Stamp on Deed	3.50	
Writing Deed	10.00	
Coms. of Special Commissioner	79.00	
Fee allowed by Court	50.00	
Taxes (1918)	15.50	$220.46
Balance on hand		$3279.54
Deposited in the National Bank of Suffolk, $500.00, and withdrew cost of above, leaving in Bank to the credit of the Court	$279.54	
Paid Mamie E. Duke, her commuted dower interest	$729.54	
(She afterwards loaned it to R. O. Chandler, taking second deed of trust on said property), ~~herewith~~		

Files two notes under order of

Court aggregating $2270.46

Balanced $32 79.54

The said Commissioner herewith files Insurance policy for the protection of the parties to this suit.

Respectfully submitted

August 23, 1918

Special Commissioner

Mamie E. Duke, etc.

Vs Report of Commissioner

Mamie E. Duke et als.

Oct. 3, 1918

Filed 9-2-18

G. E. Bentley,

Clerk

Virginia: In the Circuit Court of Nansemond County, In Vacation, the 13 day of August, 1918.

Mamie E. Duke etc.....Complainant

Vs

Mamie E. Duke et als..... Defendants

By consent in writing of the plaintiffs and defendants including guardian ad litem for the infant defendants, the Court doth adjudge, order and decree that this cause be submitted to the Judge of this Court for such orders and decrees therein in vacation as might be made in term, and by like consent, this cause came on this day to be again heard on the papers formerly read and on the report of Commissioner, Bradford Kilby, dated the 6th, day of August, 1918, and filed on said day, to which report there is no exception taken, the counsel for the adult parties and the Guardian ad litem, for the infant defendants by endorsement on said report having waived the 10 days for exception and on depositions of witnesses returned with said report and was argued by counsel.

On consideration whereof, it being clearly shown from said report and the evidence returned therewith independently of any admissions in the answers, that the interest of the infant defendants will be promoted by the sale of the real estate hereinafter mentioned and described for the sum of $3500.00, and the Court being of the opinion that the rights of no person will be violated thereby, the court doth approve and confirm said report and doth adjudge, order and decree, that S.E.Everett, who is hereby appointed Special Commissioner for the purpose, do execute a deed conveying said property to R.O.Chandler, described in the bill as follows:

All that certain tract, piece or parcel of land situated in Holy Neck Magisterial District, in the County of Nansemond and State of Virginia, containing eight (8) acres, more or less, and bounded on the North by the Seaboard & Roanoke Railroad on the South by the South Quay County Road; on the East by the Road running from the said South Quay County Road to Lake Savage,

near the Town of Suffolk; and on the West by the land formerly owned by Thomas Speight and others. It being the same land conveyed to the said James T. Duke by deed dated the 25th day of September, 1905, and executed by Charles C. Duke and wife, an d recorded in the Clerk's office of the Circuit Court of Nansemond County, in Deed Book 58, page 599.

On delivery of said deed the said S. E. Everett, special Commissioner, is directed to collect from R. O. Chandler as a cash payment, $500.00, and enough to pay the said widow, Mamie E. Duke, her commuted dower interest on the $3500.00, at the age of 51 years, which is Seven hundred and twenty-nine dollars and fifty-four cents ($729.54) and the said R. O. Chandler is to execute a deed of trust (first lien) on said property securing the remainder of the purchase price, evidenced by two notes for the sum of $1135.23, each, and payable to the order of the Circuit Court of Nansemond County, to be held for the benefit of E. Kemp, and Rachel B. Duke infants, one payable the first day of January, 1920, with interest from the first day of January, 1919, and one payable on the first day of January, 1921, with interest from the first day of January, 1919, with interest payable annually, all subject to such further orders of this Court as may from time to time be entered herein.

The said Commissioner, after deducting the usual Court costs in these proceedings and a fee of $50.00 for counsel for instituting and conducting this suit, is directed to deposit the remainder in one of the Banks of the City of Suffolk, to the credit of the Court in this cause, and to report his proceedings hereunder to the Court, returning therewith certificate of said deposit, voucher of the said widow, Mamie E. Duke, for her interest, said notes secured by said deed of trust as set out above, and certificate of Clerk, showing that said deed of trust has been recorded.

That the said Commissioner shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of $2000.00 and conditioned for the faithful discharge of his duties hereunder, or of any further decree to be entered herein.

All of which is hereby certified to the Clerk of this Court and recorded in the Chancery Order Book.

Mamie E? Duke, etc.

Vs Confirming Report

Mamie E. Duke et als.

Enter this 13 of

August, 1918

We consent

1

Entered in Chancery

Order Book No. 5

Page 193

Mamie E. Duke, Guardian of E. Kemp Duke and
Rachael B. Duke ..... Complainant

Vs: In Chancery

Mamie E. Duke, C. J. Duke C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, E. Kemp Duke, and Rachael B. Duke, the last two being infants under the age of twenty one years... Defendants.

This day came Mamie E. Duke, Guardian, complainant, and by leave of Court filed her bill, verified by her oath thereto, and on her motion John K. Hutton, a discreet and competent Attorney at Law is as signed as Guardian ad litem of the infants, E. Kemp Duke and Rachael B. Duke, to defend their interest in this suit; and thereupon the said Guardian ad litem filed the answer of the said infant defendants and his own answer on oath and the said E. Kemp Duke, being over 14 years of age files his answer under oath to the bill of complaint; and Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, the adult defendants, filed their answers to said bill; to which several answers the complainant replied generally, and thereupon by consent of all parties, this cause is set for hearing and docketed, and by like consent came on this day to be heard on the bill of complaint, the several answers of the defendants to said bill as above set out and general replication of the complainant to said answers and was argued by counsel.

On consideration whereof, the court doth adjudge, order, and decree that this cause be referred to one of the commissioners of of this court, who is directed to enquire and report to the Court as follows:

(1) Of what estate, real and personal, the infantdefendants are possessed or entitled and what are their respective shares or interests therein, where such estate is situated, and what is its fee-simple and annual value:

(2) Whether the interests of the said infant defendants will

be promoted by a sale of the real estate in the bill mentioned or any part thereof, and an investment of the proceeds of sale in any other property:

(3) Whether the rights of any person will be violated by such sale and investment;

(4) Who would be the heirs at law or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the Court in this cause:

(5) What will be a fair compensation to be allowed to the counsel for the complainant out of the proceeds of sale of the infants' land for their services in instituting and conducting this suit.

Which said inquiries the said commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the Court, along with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

Mamie E. Duke, etc.

Vs Reference

Mamie E. Duke et als.

Enter the 6 day of

August, 1918

Jas. L. McLemore

We consent:

Mamie E Duke

C J Duke

R R Duke

Wesley Harrell

Mamie V. Rawles

by Sydney R. Bramlett

by S. E. Everett their atty.

James K Jamison for Guardian Ad Litem for infant defendants

Entered in Chancery

Order Book 5

Page 169

Mamie E. Duke etc.....Complainants

vs. DECREE

Mamie E. Duke et als.....Defendants

This cause came on again this day to be heard on the papers formerly read, and on the report of S. E. Everett, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court that the National Bank of Suffolk, Suffolk, Virginia, in accordance with a decree entered in this cause, on the 25th day of January, 1921, consolidated the three (3) accounts in this cause, which amounted to $2,675.26, and that the said bank, in accordance with the said decree, transferred, on the 4th day of February, 1921, one-half of the said account to the credit of E. Kemp Duke, and the other half of the said account to the credit of "Mamie E. Duke, Guardian of Rachel B. Duke, subject to the control of the Court in this cause", bearing interest from date, and that the said Commissioner, S. E. Everett, filed with the said report, vouchers of the said bank and also the voucher of E. Kemp Duke, the Court doth adjudge, order and decree that the said report be confirmed and there remaining nothing further to be done in this cause, the Court doth adjudge, order and decree that the same be stricken from the docket.

Mamie E. Duke etc.

vs. DECREE

Mamie E. Duke et als.

Final

Enter 17 day of

February, 1921.

Jas L McKinnon

Entered 17 February, 1921,

Chancery Order Book 5

No. 5 , Page 326.

To Mamie E. Duke, Guardian of E.Kemp Duke and Rachel B. Duke

and

Mamie E. Duke, C.J.Duke, C.B.Duke, Wortley Harrell, Mamie V.Rawles,

Sydney R.Brinkley, E.Kemp Duke, Rachel B.Duke, and John K.Hutton

Guardian Ad Litem of E.Kemp Duke and Rachel B.Duke.

You are hereby notified that on the 8th.day of August 1918, at the office of S.E.Everett, in the City of Suffolk, Va. between the hours of 10 A.M. and 5 P.M., at which time and place you are required to attend, I shall take, state and settle the following accounts, which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va. rendered the 6th.day of August 1918, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(1) Of what estate, real and personal, the infant defendants are possessed or entitled, and what are their respective shares or interests therein, where such estate is situated and what is its fee-simple and annual value.

(2) Whether the interests of the said infant defendants will be promoted by a sale of the real estate in the bill mentioned or any part thereof, and an investment of the proceeds of sale in any other property.

(3) Whether the rights of any person will be violated by such sale and investment.

(4) Who would be the heirs at law or distributees of the said infant defendants, if they were dead, and whether all such persons are properly before the Court in this cause.

(5) What will be a fair compensation to be allowed to the counsel for the complainant out of the proceeds of sale of the infants' land for his services in instituting and conducting this suit.

(6) Any matter specially stated deemed pertinent by himself or required by any party to be so stated.

Given under my hand as Commissioner in Chancery of said Court this 6th.day of August 1918.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted by us.

Virginia,

Circuit Court for the County of Nansemond,to-wit:

Mamie E.Duke,Guardian of E.Kemp Duke and Rachel B. Duke,

v.) In Chancery.

C. J. Duke et als.)

Commissioner's Office,

Suffolk, Va. August 8,1918.

To Honorable James L. McLemore, Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond,pronounced on the 6th.day of August 1918 in the suit in chancery pending in said court between Mamie E. Duke, Guardian of E.Kemp Duke and Rachel B. Duke,Complainant, and C.J. Duke et als,Defendants,the undersigned,Bradford Kilby,one of the Commissioners in Chancery of said Court,respectfully reports as follows:

That on the 6th.day of August 1918,your commissioner gave notice to the parties to the said suit that he would proceed on the 8th.day of August 1918,at the office of S.E.Everett,in the City of Suffolk,Va. between the hours of 10 A.M. and 5 P.M. to make the several inquires required by said decree to be made by one of the Commissioners in Chancery of said Court.

That sufficient and legal service of the said notice was duly accepted by the parties to said suit as will appear by the endorsations on said notice herewith returned.

That on the 8th.day of August 1918,at the office of S.E. Everett,in Suffolk,Va. between the hours of 10 A.M. and 5 P.M., your commissioner took the depositions of John B. Pinner, R.L. Brewer Jr., J. Walter Hosier, C. J. Duke and C.B.Duke touching said inquiries,which depositions are herewith returned as a part of this report.

That from the testimony of said witnesses and from information otherwise obtained,your commissioner reports as follows:

(1)

The infant defendants are possessed of no personal estate,but the are possessed of the following real estate in fee-simple subject to the dower right of Mamie E. Duke,their mother:

(1)" All that certain tract of land situated in Holy Neck Magisterial District in the County of Nansemond and State of Virginia, containing eight (8) acres,more or less,and bounded on the North by the Seaboard Air Line Railway;on the South by the South Quay County Road; on the East by the road running from the said South Quay County Road to Lake Savage,near the City of Suffolk,and on the West by the land formerly owned by Thomas Speight and others"

(2) A small tract of woodland situated in Nansemond County,Va. near Manning Station,containing thirty acres,more or less. The fee-simple value of this tract is about $300.and it has no annual value.

The fee-simple value of eight acre tract above described is between $3000. and $3500.,and its annual value from $100. to $150.

(2)

Your commissioner is of the opinion that the interest of the said infant defendants will be promoted by a sale of the real estate,first above described,containing eight acres,and the investment of the proceeds in some more productive property. The said real estate has not been rented for the past two years and the house thereon has been depreciating in value.

(3)

The rights of no person will be violated by such sale and investment.

(4)

The heirs at law and distributees of the said infant defendants,if they were dead,would be C.J.Duke and C.F.Duke,their uncles on the side of their father from whom they inherited,and Wortley Harrell and Mamie V.Rawles,Aunts on the side of their

father,and Sydney R.Brinkley,the only child of a deceased Aunt on the side of their father. All these people have been made parties to this suit and are properly before the Court,in this cause.

(5)

A fair compensation to be allowed to the counsel for the complainant out of the proceeds of the sale of the infants's land,for his services in instituting and conducting this suit would be ____ $_____.

(6)

Your commissioner deems it pertinent to say that he is of the opinion that it would be to the best interest of the infant defendants to sell the said eight acre tract privately,if as much as $3500. can be gotten for the property at such a sale. Your commissioner is advised that R.O.Chandler has offered that sum for said property.

John K.Hutton,Guardian ad Litem of the infant defendants was present during the taking of the depositions filed with this report.

Respectfully submitted this 8th.day of August 1918.

Bradford Kilby

Commissioner in Chancery.

Comr's fee:$15.

Col. John B. Pinner being duly sworn, deposes as follows:

1 Q. Give your name, age, residence and occupation?

2. John B. Pinner, fifty-seven, City, Pres. of Suffolk Peanut Co.,

Col. Pinner, the heirs of James T. Duke, have instituted suit to have sold a small tract of land west of Lake Kilby containing about eight (8) acres, more or less.

2. Do you know this property?

A. I know the general location as I have observed it in passing.

3. What do you think would be a fair price of this property?

A. I am not very familiar with ~~this~~ land in the Country, but my impression is that this tract of land is not very valuable. I consider it very poor. It is too far out for development as Suburban real estate. I think $60 or $75 per acre would be a fair price for the land. I know that there is a two story house on the property of moderate size, but I am not familiar enough with the house to testify very accurately. I think the house could be built: so far as I have observed it, under normal conditions for something like $2000 or $2500.

4. Col. Pinner, the heirs of James T. Duke have been offered $3500. Do you think their interest would be promoted by a sale of said property at this price and the funds reinvested?

A. I do.

And further this deponent saith not:

John B. Pinner

R. L. Brewer, Jr. being duly sworn, deposes as follows:

1 Q. Where do you live and what is your occupation?

A. I reside in the city of Suffolk, and have been in the Jewelry business here for 30 years or more. I have also done some real estate business.

2. Are you familiar with a small tract of land near Kilby's Lake, owned by the widow and heirs of James T. Duke. If you are state what you think would be a fair price of said property, and what ought it to rent for?

A. I know the property, and I have been told that there is between eight (8) and ten (10) acres. The house on it is worth $1500.00. I would say that this property would be worth near $3000.00. I have been told that they have been offered $3500.00. I suppose the purchaser is buying it for some special purpose, therefore, it is worth $3500.00 to him;but if there was no special person after it, I would say that it might bring $3000.00 at Public Auction. It would not rent for much in the condition that it is in, and there is not enough land for a farmer to rent; and it is too far out to rent to anyone that has a business in the City. I would say that its rental value would be from $100.00 to $150.00.

3. Would the interest of those interested be promoted by the sale of this property at $3500.00, and the funds re-invested or loaned out at 6%?

A. I certainly think that they would realize a great deal more out of it at 6%. This property must be cared for because it is going down, and will naturally decrease in value. If it were mine I would be glad to sell at $3500.00.

And further this deponent saith not,

R. L. Brewer Jr.

C. J. Duke being duly sworn, deposes as follows:

1 Q. Give your age, name, residence and occupation?

A. C. J. Duke, passed sixty,

2. Are you familiar with a small tract of land near Kilby's Lake that was owned by your brother?

A. I am. My father owned it and sold it to my brother for $800.00. My brother built the house on it, and he died in 1911: and they have been unable to do much with the property since. For the last two years they have been unable to rent it at all, this means that the property is getting in bad condition,

3. What do you think this property is worth. The heirs have been offered $3500.00 for it, therefore, I would say that it is worth that. They made it known to me as soon as this offer was made, and I have done what I could to get a sale of $3500.00. I think the heirs would be much better off with the money loaned out, or it would be much better for it to be put in Government Bonds: than to let the place remain there and get in a worse condition.

4. What would this property rent for?

A. They have been unable to rent it for two years. It would have to be improved in order to rent it at all, and then it ought to rent for $15.00 per month.

5. What other property do these children own?

A. They have no personal property. Their father owned another

another tract of land in this County, near the old Jackson Road, but he sold off most of it. I think there was about thirty (30) acres left, which might be worth $300 or $400. They are your brothers childrem and of course you are interested-- I certainly am.

6. Would it be wise in your judgement for them to have this property sold for $3500.00, and the funds re-invested?

A. Indeed I do, and give for my reasons (1) They have no means by which they can improve this property. (2) They have failed to realize anything out of it as rent. This being true it is a burden to them instead of bringing in revenue.

And further this deponent saith not:

C. J. Duke

1 Q. C. B. Duke, being duly sworn, deposes as follows:

1. Mr. Duke you are familiar with these proceedings, are you not?

A. I am.

2. State anything you wish in this case?

A. I am the Uncle of these children. I do not consider that I am interested, only, to see that they do sell. I think that they have been offered a good price for the property and would like to see the deal go through; because I know that they do not realize anyting out of it, and they need the interest that they could get on the money invested.

3. Is there anyting further that you wish to state? I suppose that they have authorized you (meaning S. E. Everett) to do what ever is necessary for me to do in order for them to make sale of this property, and if there is anything

further that I can do I am willing to do it.

4. Will you name the heirs at Law of these children if they were dead?

A. Their mother, Mamie E. Duke, is living and they have two Uncles, C. J. Duke and myself. Two Aunts living, Wortley Harrell and Mamie V. Rawles. Sydney R. Brinkley is the only child of the other Aunt that is dead. I have named the Aunts and Uncles, and child of the Aunt that is dead. And further this deponent saith not:

C. B. Duke

J. Walter Hosier, being duly sworn, deposes as follows:

1 Q. Where do you live and what is your occupation?

A. I reside in the City of Suffolk, and have been in the real estate business for over 25 years.

2. Are you familiar with a small tract of land containing about 10 acres, situated just across Like Kilby from the City, of which James T. Duke died seized and possessed?

A. I am.

3. What do you think would be a fair price for the said property?

A. There is a small tract of land about eight (8) acres of ~~wood land~~ cleared land, therefore, it is something like a city lot. It has on it a very good two story house (I mean by that, that it could be made a good house) It has a good frame but it would have to be painted and some other repairing done. I do not know anything about the inside of this house. Taking these things in consideration, the location, etc. I would think that $3500,00, would be a fair price for this property.

4. Did you know before you expressed your self what had been offered for this property?

A. I did not, I had no idea that they were thinking of selling same.

5. What is its annual value?

A. It would be hard to say, I understand that they have not been able to rent it for two years. If they could rent it all, it ought to rent for $150.00

J. Walter Hosier

Mamie E. Duke, Guardian,

v.

C. J. Duke et als.

Commissioner's Report.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of August 6th.
1918.

Filed August 8, 1918
G. B. Brooks, Jr. Clerk

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

We waive the ten days for exception
John K. Hudson,
Guardian ad litem
for infant defendants.
J. E. Everett
for all others

Mamie E. Duke, Guardian etc.....Complainant

vs.

Mamie E. Duke et als.....Defendants

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County, Virginia:

Your Petitioner, Mamie E. Duke, Guardian of Rachel B. Duke, respectfully represents unto your Honor the following facts:

That on the 17th day of February, 1921, there was deposited in the National Bank of the City of Suffolk, the sum of $1,337.63 to the credit of Mamie E. Duke, Guardian of Rachel B. Duke, subject to the control of the Court;

That your said Petitioner desires to draw Sixty ($60.00) Dollars of these funds to be used for the education, maintenance and support of the said Rachel B. Duke, and your Petitioner asks that your Honor enter an order directing the said National Bank of the City of Suffolk to pay the said sum of $60.00 to your Petitioner.

Respectfully submitted:

Mamie E. Duke
Guardian of Rachel B. Duke. by
S. E. Ervin her atty.

Mamie E. Duke, Guardian etc.

vs. PETITION

Mamie E. Duke et als

Filed 4 day of April, 1923.

J.L.M.

Mamie E. Duke, Guardian etc.....Complainant

vs.

Mamie E. Duke et als.....Defendants

This cause came on again this day to be heard on the papers formerly read and on the petition of Mamie E. Duke, Guardian of Rachel B. Duke, per this day by and with the consent of the guardian ad litem to which there is no exception and was argued by counsel.

Upon consideration whereof, it appearing to the Court from the said petition that there was deposited in the National Bank of the City of Suffolk, Virginia, on the 17th day of February, 1921, the sum of $1,337.63 to the credit of Mamie E. Duke, Guardian of Rachel B. Duke, subject to the control of the Court in this cause, and that the said Guardian desires to withdraw from the said bank the sum of Sixty ($60.00) Dollars of the said funds, for the education, maintenance and support of her ward, Rachel B. Duke, the Court doth adjudge, order and decree that the said National Bank of the City of Suffolk pay to Mamie E. Duke Sixty ($60.00) Dollars of the said funds and charge the same to the said account, and it is further adjudged, ordered and decreed that the said National Bank of the City of Suffolk is hereby authorized to pay the interest on said funds to the said Mamie E. Duke hereafter, as she desires it, without further order of the Court.

Mamie E. Duke, Guardian etc.

vs. DECREE

Mamie E. Duke et als

Enter 4 day of April, 1925.

J. L. McLendon

Entered 7 day of April, 1925

Chancery Order Book

No. 51, page 451

We consent:

Chuck Skelton, Sol.

Solicitor for Defendants

To the Circuit Court of the County of Nansemond.

Mamie E. Duke, etc. ..... Complainant

Vs: In Chancery

Mamie E. Duke et als..... Defendants.

The answer, of Mamie E. Duke, the widow of James A. Duke, the Mother and Guardian of E. Kemp Duke, and Rachael B. Duke, to a bill in equity exhibited against her and others in the Circuit Court of the County of Nansemond, by Mamie E. Duke Guardian. This respondent says she is thoroughly familiar with the allegations in this bill, and believes that it would be to the interest of the said infants to have the property sold.

Your respondent is 51 years old, and desires to have the property sold and her interest commuted, and further your respondent states that she is willing to have her interest secured by a deed of trust on said property by the purchaser thereof: and the said deed of trust is to be second, and subject to deed of trust securing the interest of the infants.

And now, having fully answered, She prays to be hence dismissed with her costs, etc.

.....Mamie E. Duke.

Answer of Mamie
E. Dutton

Filed Aug. 6, 1918
G. E. Brookings
Clerk

In the Circuit Court of the County of Nansemond.

Mamie E. Duke, etc ..... Complainant

Vs: In Chancery

Mamie E. Duke et als ..... Defendants.

The joint and separate answer of C. J. Duke, C. B. Duke Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, to a bill in equity exhibited against them and others in the Circuit Court of the County of Nansemond, by Mamie E. Duke, Guardian.

These respondents saving and reserving, etc, for answer to the said bill say that they believe the statements therein made are true. These respondents do not object to the sale of the land as prayed for in the said bill; they concur in the prayer of the said bill,

And now having fully answered, they pray to be hence dismissed with their costs, etc.

C. J. Duke

C B Duke

Wortley Harrell

Mamie V. Rawles

Sydney R. Brinkley

Answer of C. J.
Burke et. al.

Filed Dec. 6, 1918
S. E. Crosby,
Clerk

In the Circuit Court of the County of Nansemond.

Mamie E. Duke, etc..... ..... Complainant

Vs: In Chancery

Mamie E..Duke et als..... Defendants.

The answer under oath of E. Kemp Duke, infant under the age of twenty-one, but over the age of fourteen, to a bill of complaint exhibited against him and others by Mamie E. Duke, Guardian, in the Circuit Court of the County of Nansemond.

For answer to the said bill that this defendant says that he is 18 years of age and he believes the allegations in the said bill are true, and he sees no reason why the prayer of the bill should not be granted, and accordingly he concurs therein, but he relies upon the Court to protect his interest. And now, having fully answered, he prays to be hence dismissed, with his costs. And he will ever pray, etc.

E Kemp Duke

State of Virginia.

City of Suffolk.

Sworn to before me in my City aforesaid by E. Kemp Duke this 6th day of August 1918

S. E. Emmett

N. P.

Answer of E. Lunch
Decree, Defendant

Filed Aug. 6, 1918

G. E. Amsbury, Clerk

In the Circuit Court of the County of Nansemond,

Mamie E. Duke, etc..... Complainant

Vs: In Chancery

Mamie E. Duke et als ..... Defandants

The answer of E. Kemp Duke and Rachael B. Duke, infants under the age of twentyone years, by John K. Hutton, a discreet and competent attorney at Law, their Guardian ad litem assigned to defend them in this suit, and the answer of the said John K. Hutton, Guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Mamie E. Duke in the City Court of the County of Nansemond.

For answer to the said bill the said infants defendant by their said Guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the Court. And the said Guardian ad litem of the said infant defendants for answer to the said bill answers and says that they know nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infants defendant . And now, having fully answered, these defendants pray to be hance dismissed, with their costs, etc.

John K Hutton

Guardian ad litem.

E Kemp Duke

Rachael B. Duke

John K Hutton. Guardian ad Litem of the Said Infants

State of Virginia

City of Suffolk.

Sworn to before me in my City aforesaid by John K. Hutton Guardian ad litem as aforesaid, this the 6th day of August 1918

J E Bowers

N. P.

Answer of
John R. Hutton
Guardian ad
litem

Filed Aug. 6, 1918

W. E. Ammons
Clerk

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County, Virginia.

Mamie E. Duke, Guardian of E. Kemp Duke and Rachael B. Duke ..... Complainant

vs: In Chancery

Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, E. Kemp Duke and Rachael B. Duke, the last two being infants under the age of twenty-one years..... Defendants

Your Complainant, Mamie E. Duke, Guardian of E. Kemp Duke and Rachael B. Duke, respectfully represents to your honor the following case:

(1) That she is the Guardian of E. Kemp Duke and Rachael B. Duke, infant children of your Complaintant and James E. Duke, her husband, who died 1911. Your complaintant was appointed and qualified as Guardian of the said infants in the Circuit Court of the City of Suffolk, on the 16th day of November, 1911:

(2) That the said E. Kemp Duke is 18 years old and Rachael B. Duke is 11 years old.

(3) That the said infants are the owners in fee-simple, subject to the dower right of Mamie E. Duke, their mother, all the following real estate: All that certain tract, piece, or parcel of land situated in Holy Neck Magisterial District, in the County of Nansemond and State of Virginia, comtaining eight (8) acres, more or less, and bounded on the North by the Seaboard & Roanoke Railroad; on the South by the South Quay County Road; on the East by the road running from the said South Quay County Road to Lake Savage, near the Town of Suffolk; and on the West by the land formerly owned by Thomas Speight and others. It being the same land conveyed to the said James T. Duke by deed dated the 25th day of September, 1905, and executed by Charles C. Duke and wife, and recorded in the Clerk's Office of the Circuit Court

of Nansemond County, in Deed Book 58, page 599. This is all the real estate owned by said infants, except a small tract of woodland land situated in Nansemond County, Virginia, near Manning Station, containing Thirty (30) acres, more or less, and worth $300. The said infants have no personal property, and the said E..Kemp Duke, is now working and assisting in the support of his mother and sister.

(4) That the following facts are calculated to show the propriety of said sale. This property is situated on the North side of the County Road leading over Kilby's Lake, and situated just South of said Lake. This small tract of land seems to have no rental value on account of its being out of the City, It has always been pratically an expense to the estate, and for the last two years it has not been rented at all and is now growing in bad condition.

(5) R. O. Chandler has agreed to purchase this property at a price of Thirty-five hundred ($3500.00) Dollars, $500 to be paid cash on delivery of the deed, and the said R. O. Chandler is to execute deed of trust on said property securing the remainder of the purchase money (Three thousand (3000.00) $1000 payable on the first day of January 1920, $1000 payable on the first day of January, 1921, $1000 payable on the first day or January, 1922, interest payable annually on the entire amount, except all notes to bear interest until the first day of January, 1919.

(6) Mamie E. Duke is a widow of James T. Duke, and mother of E. Kemp Duke and Rachael B. Duke, and is 51 years old. If her dower was commuted it would be about $800.00. The said Mamie E. Duke is willing to take her security for the said amount due her, second to that of her infants and wards, so as to make their interest absolutely safe,

(7) That the heirs and distributees of the said infants, if they were dead, would be Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley,

E. Kemp Duke and Rachael B. Duke, and that the said Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney B. Brinkley, E. Kemp Duke, and Rachael B. Duke, are all the persons who are or can be in any way interested in this suit.

(8) In consideration whereof, and for as much as your complainant is remediless in the premises, save in a court of equity, your complainant prays that the said Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, E. Kemp Duke, and Rachael B. Duke, may be make parties defendant to this bill: that a Guardian ad litem be appointed to defend the rights of the said infants, E. Kemp Duke and Rachael B. Duke, that Mamie E. Duke, C. J. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, E. Kemp Duke and Rachael B. Duke and the said Guardian ad litem, be required to answer the allegations herein contained: that the said infants may answer by their said Guardian ad litem to be assigned to them, who shall answer the said bill on oath in proper person: and the said E. Kemp Duke being over fourteen answer on oath, that the said Mamie E. Duke, J. C. Duke, C. B. Duke, Wortley Harrell, Mamie V. Rawles, Sydney R. Brinkley, ~~E. Kemp Duke~~, and ~~Rachael B. Duke~~, be required to answer in proper person but not on oath, that oath being hereby waived as to them; that the aforesaid real property may be decreed to be sold and the proceeds invested as the Court shall direct: that all proper allowances and counsel fees may be made in this suit: that all proper accounts may be taken, inquires directed and orders entered; and that your complainant may have all such further and other and general relief in the premises as the nature of this case may require, or to equity shall seem meet.

Mamie E. Duke.

Guardian of E. Kemp Duke and Rachael B. Duke

Complainants

a H. Everett

Counsel

State of Virginia

City of Suffolk, to-wit:

Mamie E. Duke, Guardian of E. Kemp Duke and Rachael B. Duke the complainant named in the foregoing bill, being duly sworn says that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information and that so far as theyare therein stated to be upon information she believes them tobe true.

Mamie E. Duke,

Guardian of E. Kemp Duke and Rachael Duke
Complainant

Taken, sworn to and subscribed before me S. E. Everett, a Notary public of and for the City and State aforesaid, in my City aforesaid, this 6th day of Aug 1918

S. E. Everett

. . . . Notary Public

Mamie E. Duke
Guardian etc
Vs Bill
Mamie E. Duke
et als

Filed
Aug. 5, 1916
J. O. Dorsey,
Clerk

Mamie E. Duke, etc.

Vs Bill

Mamie E. Duke, et als.