

1892-008 Chancery Causes: William H. Darden, trustee vs Martha F. Barclay, John Sykes' admr
Isle of Wight County

+ al
Petition of George T. Whitley

Petition of Samuel Branch

Petition of George J. Whitley, Susan Powell + William Andrew Crocker, by v c
other surnames: Pinner,
Stagg, Stephenson, Hart
Hollenan, Nelms, Stagg,
TURNER

Know all men by these presents, that
Mr, W. E. Boykin & Henry R. Parker
are lawfully and firmly bound unto the
Commonwealth of Virginia, in the
just and full sum of One Thousand
Dollars, to the payment whereof well
and truly to be made to the said
Commonwealth, we their over-
seers and each of us, our heirs and each
of our heirs, executors and administra-
tors, jointly and severally firmly by these
presents, Sealed with our seals, and
dated this 20th day of May, in the
year One thousand Eight Hundred and
Eighty-Five, and in the 109th of the Com-
monwealth. The condition of the
above obligation is such, that if
the above bound W. E. Boykin, who
by decree of the Circuit Court of
Isle of Wight County, rendered at the
April term, 1883, is appointed a Com-
missioner to receive from the Marine
Fund of Norfolk Va. the sum of
\$800. & the amt. deposited by Wm. H.
Darden, trusted as shown by his
report & certificate of deposit, and
disposal of same, & to perform other
services in the above mentioned

shall faithfully discharge the duties
of Commissioner said Office or
Trust, then the above obligation to be void
or else to remain in full force and virtue.
We hereby waive the Homestead Exemption as
to this debt.

R. E. Boykin Secy

H. R. Parker 

In See of High County Circuit Court,
Clerk's Office, May 20th 1883. This Bond
was Executed and acknowledged by the Obligor
to the same, and admitted to record.

Teste, N. P. Young Sec. Co.

Acety.

Truly Yrs. H. P. Young

Laricum Inadun
Copy C. in B. M.
MS: *Inadun* Dr. April 1883.
Syrtis adun. et al.

Commissioner's Office.

Isle of Wight Co. Va., Octo 8th 1884

To W. H. Darden Trustee

Plaintiffs,

and to Geo. T. Whitten admr. of Jas. Sykes and Martha
T. Turner, who was Sykes, J. M. Turner and Wm
J. Stagg, C. C. Stephenson & wife & Wm Sykes

Defendants:

You are hereby notified that I have fixed upon the 10th day of October 1884

to take and settle, at my office aforesaid, the following accounts, to-wit: An account
of the transactions of W. H. Darden as
trustee under the deed of trust of
John Sykes wife bearing date Dec. 1. 1874
in the proceedings mentioned.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, rendered on
the 20th day of October 1884, in a suit in Chancery depending in the
said Court, in which you are parties, plaintiffs and defendants; at which time and place you are re-
quired to attend.

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

A. D. Young

Commissioner.

to acknowledge service of this notice, and
consent that the accounts may be received
under this notice.

Wm H. Plarson Esq

13
Dandridge Street

3 Cornhill

no. 3 Boston

By Res' admr. of chs.

To 10. Oct. 1884.

Commissioner's Office.

Isle of Wight Co. Va., July 13th 1882

To William H. Harden, Trustee for John Sykes,

Plaintiffs,

and to Geo. T. Whitley admor, with the will annexed of John Sykes deed; Nora M. Holliman admr of R. A. Pinner deed; Martha Barclay late Sykes and T. B. Edwards admr, d. b. or. of said R. A. Pinner deed Defendants:

You are hereby notified that I have fixed upon the 10th day of August 1882

to take and settle, at my office aforesaid, the following accounts, to-wit: to ascertain

the facts and circumstances in connection with the execution of the instrument of writing signed by John Sykes and Martha T. his wife, bearing date December 1st 1871, described in the plaintiffs bill - a copy of which is filed with said bill, marked "Exhibit-A."

Required to be taken by a decree of the Circuit Court of Isle of Wight County, rendered on the 21st day of April 1882, in a suit in Chancery depending in the said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

N. P. Young Commissioner.

14.00
3.50
10.50

(4)
Darden Trust

2 Comp.
1. 3 notes

Sykes Adv. 100.

10th Aug. 1882

Received on the 10th
from W. H. Darden
Trust Genl. Whitley
Exor. Nora. W.

Holloman Recd.
Marta Poplar &
L. B. Cairns & Son
Aug. 1st 1882.

L. B. Cairns & Son

Aug. 10. 1882. Recd.
to 18th Aug.
Aug. 18. Pld. all a/c &
Aug. 19. Pld. 100. & 100.
Aug. 1. 1882. Pld. 100.

In the County Court of Isle of Wight
day of Decr. 1881.

William Samuel Sykes, orphan
John Sykes decd: who is about the age of
years, made choice of Samuel Branch as his
guardian, which is approved by the court.
And thereupon, the said Samuel Branch,
as such guardian, together with James A.
Branch and Charles H. Hart his securities
entered into and acknowledged a
bond in the penalty of twelve hundred
dollars, with condition according to law.
Which bond is ordered to be recorded.

a copy

Teste, *W. S. Youngell*.

Samuel Brauch god. of
Wm. Saul. Lykes, orphan
of Mrs. Lykes decd.

Cof. ord. of his qualif.

Dr		Estate of John Forbes dec.	
		In account with George I. Whitley his	
1881		adm: with will annexed	
Mar.	To paid on bond due J. H. Morris	10 00	
	" " Henry Pope acct.	19 50	
	" " L. B. Edwards crico to.	6 00	
Decr. 12	" " J. E. Wilms bal. note	5 00	
1880	Jan. 5	" " B. R. Johnson burial expenses	30 00
	Feb. 2	" " W. E. Munford bal. note	9 43
	" " J. C. Andrews acct.	34 18	
	" " J. H. Southall "	6 75	
	" " Mrs. H. J. Drummond "	4 25	
Mar. 2	" " bond due the adm: G. I. Whitley	55 00	
	" " Acct. due Same	52 81	
	" Comm: on \$616.98 receipts	37 02	
	" Balance per contra	147 04	
1881	Sept. 12	Pyamt. of sales of chattel estate	616 98
		\$316 98	\$616 98
1880			
June 6	To paid taxes for 1878 & 1879 & for bills	33 69	
	" " Butler & Bradshaw note	100 00	
	" " Dr. E. D. Phillips acct.	15 50	
Nov.	" " Noble & Chapman "	7 43	
Decr.	" " Hancock Barrett bond	10 92	
1881	Feb. 14	" " H. J. Phillips acct.	44 50
	" " A. H. Ashburn a/c for fish "	25 00	
	" " Hancock Barrett - a/c bond	33 92	
Mar. 2	" " James F. Powell acct.	27 60	
	" " A. H. Ashburn	15 00	
	" " Same transfer of L. Perkins		
	on bond given to W. Munford	2 19	
		\$396 75	

1881

Mar. 2-	To amt. brought forward	996 75
	" this sum retained to pay comm. of accts. for registering fiduciaries, duty on register his invty: act. of sales & settlement and for making & supporting same & examining evidence & vouchers &c.	8 75
	" Do. to pay clerk for filing & confing. & ready settlement.	1 50

1880

March 2-	By balance per contra	347 04
Mar. 2-	" interest on same one year brought in to meet disbursements.	20 82
" "	" Balance per debit	39 14
		\$407 00 \$407 00

1881

Mar. 2	Balance due the admr:	\$39 14
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Commissioner's Office, Isle of Wight Co. Va.
May 4th. 1881.

To the County Court of said County.

Your Commissioner reports to the Court that on the 1st day of August, 1880, George T. Whitley admr: &c. of John Forbes died: exhibited before him a statement of all the moneys he had received, become chargeable with, or had disbursed during the year ending on the 2^d day March, 1880, together with the vouchers for the disbursements. That your Commissioner included the said admr: in the list of fiduciaries

whose accounts were before him for settlement which was posted at the Court house door on the first day of the next term thereafter. That the said admor: desiring to complete his settlement & have it all reported at once, & not being able to do so at that time in consequence of matters that were in litigation, desired your Commission to continue said account, which was done. And on the 1st day of March, 1881, the said admor: exhibited to your comm. a further statement of all the moneys he had received, become chargeable with, or had disbursed during the period from the 27. March 1880, to that time, together with the vouchers for the disbursements. That your Commission again included the said admor. in the list of fiduciaries, whose accounts were before him for settlement, which was posted at the Court house door on the first day of March term last, and on the date of this report, from the vouchers and other evidence before him, made up and completed the foregoing account. And on the 2^d day of March 1881 finds a balance of \$98.89 due from the estate to the said admor. The Admor. has given such a bond as the law requires, in a penalty & with security sufficient. Given under my hand as Commissioner of accounts of said County, the day and year first aforesaid.

N. P. Young, Comm.

In the County Court of Sale of Wright County, the
 5th day of June, 1884, This account and report
 of the transactions of Geo. T. Whittier as the
 admr. of John Sykes deed, having been filed
 in the Clerk's Office for one month, and no
 exceptions being filed thereto, was confirmed
 by the Court & ordered to be recorded -
 Teste

W. F. Edwards D. C.
 for N. P. Young, Clerk.

a copy

Teste, N. P. Young Clerk.

Witness of Geo. Sykes
 in acc to with

Geo. T. Whittier admr.

James
 M. Clark

Subst. of Geo. Sykes
 the Bill

In Account Sales of the chattel property of John Lykes decd: made on the 12th day of March 1849, by George F. Whitley, admr: with bill annexed, on a credit of six months with interest from date, for all sums over \$10 with bond & good security - all sums under \$10 - cash -

No	Kind of articles	Purchasers	amt.
1	Box & contents - No. 1	Co. Butler col.	05
1	" " " 2	A. J. Pierce	20
1	Set plow gear	Henry Pope "	1 20
1	Skillet	Wesley Hall	50
1	Small grind stone	Leahurt Edwards "	60
1	Broad axe	Helem H. Pundun	13
1	Spade (double) jointer	Do	50
1	Atlas plow	Henry Pope	2 50
1	Old plow	Wm. E. Vellins	35
1	gamb hoe	Geo. F. Whitley	1 05
1	Old do & weed hoe	L. C. Vaughan	25
1	Heil hoe	Geo. A. Hall	25
2	Old axes	H. H. Pundun	35
1	Red Cow	Do.	5 65
1	Small spotted calf	"	2 20
1	"white tail bull yearling	"	3 95
1	"dark red " "	"	3 75
1	"spotted cow "	"	4 00
1	Gumfat of pen no. 1	Parker Thomas col.	12 30
1	Cow " " 2	Geo. F. Newby "	9 50
1	Do " " 3	L. E. White "	8 25

1 Cow -	pen no. 4	Henry Pope -	col.	10 80
1 Sow -		Jno. J. Newby	"	4 80
1 Do -		Do.		5 10
8 Shoats @ \$1.85		Geo. J. Whitley		14 80
3				92 93
33 bags peanuts (good)				
Bus. @ .78¢ pr. bus.		Alexr. M. Eley		108 43
13 Peanut bags @ .12¢		Do.		3 96
27 bags cap peanuts - bus. @ .49¢		Jas. E. Helms		38 91
27 " (peanut) - @ .11¢		Do		2 97
5 Hls. longcom @ \$3.30 pr. hl.		Wm. E. Tillins		16 50
5 Do " @ \$3.65 " "		Do		18 25
1 Horse		Jno. C. Thomas		59 50
1 Buggy & harness		Martha F. Sykes (widow)		80 00
1 Old pig		Co. Butler cl.		15
1 Keg		Jno. C. Griffin		38
1 Pitcher		Geo. W. Vizzell		10
1 Set cups & saucers		Washington Love		30
1 Set knives & forks		R. H. Ponder		84
200 lbs. middling bacon @ .13¢		Henry Pope col.		27 50
200 " " @ .11¢ " "		L. E. White	"	22 00
193 " " remain @ .11¢		Henry W. Pope	"	22 20
56 " fowls @ 6¢		Engene E. Edwards		3 78
				498 83

The following articles were taken by the widow at their appraised value -

1 Grind stone	Widow - Martha F. Sykes	2 25
1 Cart & wheels & gear	Do	5 00

100 lbs. Blade fodder @ \$1. per. cwt.	Widow - Martha F. Sykes	10 00
15 Hls. long corn @ \$5. a Hl.	Do	45 00
5 Shoats @ \$2. each	"	10 00
1 Pea-mit cleaner	"	1 25
1 Cow & 2 Shoats	"	6 00
410 lbs. shoulder bacon @ 6 1/2 ct. per. lb.	"	26 68
1 Double barrel gun	"	12 00
Total amt. acct. sales		\$616 98
C. H. Hart, Clerk.		

George T. Whitley, admr.

Commissioner's Office, Isle of Wight Co. Va.
April 15th 1879.

This Account of sales of the estate of John Sykes decd: was received & examined and approved by me as commissioner of accounts.

Teste

N. P. Young, Comr.

In the Clerk's office of Isle of Wight County Court, the 16th day of April 1879. This account of sales of the estate of John Sykes decd: was received from the Commissioner of accounts & admitted to record.

Teste

N. P. Young, Clk.

a copy

Teste, N. P. Young Clk.

Sykes John's Est-
Acct. Sales-

Darden Trust
to $\frac{1}{3}$ Incly.

Sykes' adv. to

Estt E. filed with
the Bill

Jan 75

Dr. John L. Stokes

1879

Decr. 9

In account with William H. Darden his trustee
under deed of trust of the 1st day of Decr. 1874.

To amt. paid for drawing and recording trust deed	4 75
" paid printing notices of sale	1 75
" " crier at sale	5 00
" Comms. on \$2000 @ 5%	15 00
" " " \$802.50 @ 2%	16 05
" retained to pay for recording acct. of sales & making & recording this acct.	4 90
" paid Co. A. Tinner the bal. of the debt secured by deed	296 55
" Balance in hands of trustee in money & bonds	758 50

By amt. of sales of land under the trust deed	1081 00
" Do Do of chattels	21 50
	\$1102 50 \$1102 50

Commissioner's Office, Isle of Wight Court House.
Lanc. Land. 1880.

To the Court Court of said County.

Your commission reports to the Court that on
the 10th day of Decr. last, William H. Darden
trustee for John L. Stokes, exhibited before your
commissioner a statement of all the moneys
he had received, become chargeable with, or been
disbursed during the period mentioned in the
foregoing account, together with the vouchers

for the disbursements. That your commissioner included the said trustee in the list of fiduciaries whose accounts were before him for settlement which was posted at the Court house door on the first day of January, 1880, and on the date of this report made up & completed the said account, and on the 9th day of December, 1879, finds a balance of \$758.50 in the hands of the trustee due to the Estate of the said John Sykes, who is now dead.

Given under my hand as Commissioner of accounts of said County, the day and year first aforesaid -

H. P. Young, Comr -

John Sykes
in acc. with

Wm. H. Darden, trustee

Darden, Trustee
vs. 3 in acc.
Sykes' account balance

Exhibit D. filed
with the Clerk
=

7-11-80

In the County Court of Isle of Wight County, the 1st day of March, 1880, the foregoing account of the transactions of Wm. H. Darden as Trustee for John Sykes, having been filed in the Clerk's Office for one month & no exceptions being filed thereto was confirmed by the Court and ordered to be recorded -

Teste - W. B. Edwards, D. C.

for H. P. Young clerk

a copy

Teste, H. P. Young clerk

An account of sales of the property of John Sykes decd: sold by Wm H. Darden, his trustee, under the deed of trust made by the said Sykes on the 1st day of Decr, 1878, and recorded on the 1st day of February 1879, in the Clerk's office of Isl of Wight county. Sale made 9th of Decr. 1879. To wit:

One cow & calf	To W. S. Barclay	\$ 8. 00
Two Heifers	" Do.	13. 00
1 Table	" Do.	. 25
1 Do.	" Do.	. 25
110 acres of land	" William J. Staggs	1005. 00
		<u>\$ 1102. 50</u>

Wm H. Darden, Trustee.

In the Clerk's office of Isl of Wight county Court the 10th day of Decr. 1879. This account of sales of John Sykes' property was received and admitted to record.

Test, N. P. Young *clerk*

A copy

Test, N. P. Young *clerk*

Acct. of sales of Jm.
Sykes property by
W. H. Dardner his
Trustee.

Dardner Trustee
vs. Jm. Sykes
Sykes' adm. et or

Exh. C filed with
Bill
=

Feb. 25 -

I John Sykes of the County of Lee
of the State of Virginia, do make
and ordain this instrument of writing
to be my last will and testament hereby
revoking all former wills made by me
as follows to wit:

Item 1st After the payment of my just debts
and funeral expenses, I give and bequeath
to my beloved wife, Martha F. all of
my real and personal estate during
her single life, but should she marry,
then I give her only what the laws of
the State of Virginia give her.

Item 2nd After the death of my said wife, I give
and bequeath unto my son Wm. S.
all of my real estate, to him and his
lawful heirs forever, and also $\frac{1}{2}$ of my
personal estate. The real estate to be
valued by 3 disinterested men, and
should it be worth more than $\frac{1}{2}$
of my estate, then my said son is
to pay to my daughter Nancy A. E.
an amount sufficient to make her
receive one half of my estate in value.
And a lien is hereby created on the
whole of my land for whatever amt.
may be due by my said son to my
daughter

Item 3^d

I give and bequeath unto my daughter Nancy A. E. 1/2 of my real estate as mentioned in the 2nd Item to her and her heirs forever. But on this express condition, that she is never to marry Christopher L. Stephenson, and if she should marry him, then the whole of my estate after the death of my said wife both real and personal to go to my son Wm S. to him and his lawful heirs forever.

Item 4th

Should either my son or my daughter die without lawful heirs of the body then the survivor to heir the part of the died one. but should both die without lawful heirs of this body. then I give and bequeath the whole of my property both real and personal as follows. one third thereof to Susan Powell daughter of James Powell, to her and her heirs forever. One third to Wm Andrew Crocker the son of Joel Crocker, and the other one third to Geo. J. Whitley the son of Geo. T. Whitley, to them and their heirs forever.

Item 5th

I hereby constitute and appoint Geo T. Whitley whole and sole executor of this my last will and testament, and

should he fail to qualify, or should he die before he completes the said administration, then I constitute and appoint my friend Leonard H. Whitley executor of this my last will and testament

Item 6th

I hereby direct that my son W. S. is to have five years in which to pay whatever amt. he may have to pay my daughter on account of the valuation of my land, said amt. to carry six per cent interest from the time my son take possession of said land untill the said amt. is paid in full. if it should have to be paid at all.

Given under my hand and seal
this 20th day of Dec. A.D. ~~1877~~ 1878.
John Sykes *Seal*

Witness

C. H. Hart

James B. Porter

In the County Court of Isle of Wight County the 3^d day of Feby. 1879. the last will and testament of John Sykes decd. was approved by the oaths of C. H. Hart & James B. Porter the subscribing witnesses thereto & ordered to be recorded. Geo. F. Whitley the executor therein named refused to qualify. Test N. P. Young clk.

John Sykes
Will.

Acorn

Eggs To feed with
Milk in

Darden Tubs

m. $\frac{2}{3}$ inch

Sykes' adw. et al
=

Jan 50 2

Acorn

Feet

Chas. Henry

This Deed made this 1st. day of Decr.
1871. Between John Sykes & his wife Martha
E. Sykes of the first part, Robert A.
Primer of the second part, and Wm
H. Darden trustee for said Primer of
the third part. Witnesseth, that whereas
the said John Sykes is justly indebted to
the said Robert A. Primer in the sum
of four hundred and seventy five
dollars, and the said John Sykes being
desirous to secure the said Robert A.
Primer the payment of the same
does hereby convey to the said Wm. H.
Darden trustee for the said Robert
A. Primer, all of his interest in a
certain tract of parcel of land lying
and being in the county of Ish of
Wright, and bounded on the north
by the land of Geo. Whithy, & by the
land of Nicholas Edwards estate; S.
by Britton Edwards, and on the W.
by the land now owned by Fish
and Fowler, containing one hundred
and ten acres, more or less, together
with twenty five barrels of corn,
seventeen hogs, six head of cattle,
three thousand pounds of fodder,
all said Sykes forming implements,

of every kind, household & kitchen
furniture &c. to have and to hold
the same in trust for the benefit
of said Robert A. Quincy. The con-
dition of this obligation is that
one half of said debt of four
hundred and seventy five
dollars is to be paid with nine per
cent interest on the 25th day of
December, 1842, and the remaining
half of four hundred & seventy five
dollars to be paid with nine per
cent interest on the 25th day of
December, 1843, the amounts due
being given in two equal bonds of
two hundred and thirty seven ⁵⁰/₁₀₀
dollars each and to draw nine
per cent interest from their re-
spective dates, - - - - -

John Sykes, *Dea*
Martha Sykes, *Dea*
Anne Sykes, *Dea*

State of Virginia, Isle of Wight county, 10th Dec^r.
We J. M. Murry and Benjamin C.
Roberts justices of the peace in and for
the said county, do certify that John
Sykes, whose name is signed to the

unexecuted writing, bearing date the 1st
day of Dec. 18th 81, has acknowledged
the same before us in our said County.
And we do further certify that Martha
T. Sykes, the wife of the aforesaid John
Sykes, also a party to the above writing,
personally came before us in our said County,
and being examined by us severally and
apart from her husband, and having the
said writing fully explained to her, she
the said Martha T. Sykes acknowledged
the same to be her act and declared
that she had willingly executed the same
and does not wish to retract it.
Given under our hands this 9th day of
December 18th 81.

F. M. Murray Jp.
T. C. Roberts Jp.

In the clerk's office of Isle of Wight County
Court the 1st day of February 1882.
This deed of trust from John Sykes wife to
Wm. H. Darden, trustee, for Ro. A. Primer,
was admitted to record upon the unexecuted
certificate of its acknowledgment by
John Sykes, and of the prior examina-
tion and acknowledgment of Martha T.
Sykes wife of said John Sykes, and on

the annihilation of the requisite United States
Revenue Stamp of fifty cents, which was
cancelled.

Teste, C. H. Nash D.C. for
N.P. Young clk.

A copy.

Teste,

N.P. Young clk.

Geo. Syles wife
to 3000 of
3000

Wm. H. L. Anderson, Clerk

A copy

Anderson Clerk

to 3000

Syles' asw, at 3000

=
Exp. A. S. Siles
with bill.

7/10/20

Darden Trust v. Sykes

Nothing to show that Branch
is guardian of W. S. Sykes. Have
written out for copy of order of qual-
ification. I will file Branch's
Petition showing qualification
~~in the decree~~

If the decree does not direct
payment in fee to W. S. S. (?) let it
direct payment to Branch guardian
or his atty who after paying ~~all~~ costs of
qualification &c deposit balance
with the clerk to check annually for
interest until W. S. becomes of age

Darden

✓

Sy/Rio

Memo:

At a Special term of the Circuit Court for the County of +sle of
Wight, held at the County Court House thereof November 1, 1892.

Darden Trustee Plaintiff

vs

Sykes et als Defendants

 This cause came on this day to be again heard on the
papers formerly read and upon the report of collection and invest-
ment of Comr. Boykin this day filed by leave of Court and was argu-
ed by counsel, on consideration whereof the Court doth confirm said
report to which no exceptions have been filed and nothing further
remaining to be done herein, it is ordered that this suit be
stricken from the docket.

Chancery Order Book 5

Page 489.

A copy. Teste: n. A. Edwards, Clerk

R. C. Holland *see*

Darden Trustee

vs

Sykes et als.

Decree of Nov 1 1892.

Chancery Order Book 5

Page 489

Warden Luster

is } on the Circuit Court of Dec of Nijhs County
Lykis

This cause came on this day to be
again heard on the papers formerly read and
on the report of collection and investment of
Comr Baykin. This day being by leave of Court,
and was argued by counsel. on consideration
whereof the Court doth confirm said report
to which no exceptions have been filed; and
nothing further remaining to be done herein,
it is ordered that this suit be stricken
from the docket.

Ward^{18th} Luntus
p } Du Chey
Lynes & a/s

Rough Memo
for 1892
~~Oct Term~~ 1892
Lo Ge Luntus
C.M.

Entered #6

At a Circuit Court for the County of Isle of Wight, held at the Court House of said County on the 25th day of April, 1888,

Darden Trustee

vs

In Chancery

Sykes Admr c.t.a. et als.

This cause came on this day to be again heard on the papers formerly read, and on the report of W. P. Young, one of the commissioners of this Court, filed herein on the 20th day of April, 1888, and was argued by counsel, on consideration whereof, the Court doth adjudge, order and decree that the said report, to which no exception has been filed, be confirmed, and that R. E. Boykin attorney for William S. Sykes, the former infant defendant, in this cause, withdraw from the papers in this cause the certificate of deposit filed with the report of commissioners, R. S. Thomas and J. H. Nelms herein on the 20th Oct 1887, for the sum of \$556.30, in the Farmers & Merchants Savings Bank, to the credit of this court, and dated the 6th day of May 1887, upon leaving his receipt for the same, and that the said R. E. Boykin collect of the said Bank the amount of principal and interest due on said certificate, and that after paying thereon the unpaid costs of this suit, that he invest the remainder of said fund in the purchase of a certain tract of land, lying in Isle of Wight County, owned by R. H. Pretlow, and purchased by him of the estate of John Edwards dec'd taking a deed for the same with general warranty to said William S. Sykes to be held by the said Wm. S. Sykes upon the conditions and trusts declared and provided by the will of John Sykes, deceased, and the deed for the said land when so purchased shall be delivered by said Boykin to the said Wm. S. Sykes. And the said R. E. Boykin is directed to make a report of his proceedings under this decree to the court.

Copy..

Teste: R. E. Edwards, Clerk

R. E. Edwards

#21

Darden Trustee

vs

Sykes Admr

Decree of April 25 1888

Chancery Order Book 5

Page 240

Dorden Trustee vs Sykes or

In the Circuit Court of Salisbury
County.

This cause came on this day
to be again heard on the papers for-
merly read and on the report of R.S.
Thomas of J.H. Nelson atty for W.S. Sykes,
and was argued by counsel; on considera-
tion whereof the court confirming
said report to which no exceptions are
filed, doth adjudge order and decree
that a comr. of this court take
state and report to court, whether it
would be to the interest of the parties
& especially to the infants
to make the investment recommended
in the said report. And this cause
is made a vacation cause

Dorsey Fr. ¹⁷

^W
Ag. 1887

Rough Deane

Oct. 1887

Enter this

notice

9 03 5-⁹⁷₁204

Entered

no. 15

Dorden Trustee
vs. In Chancery
Sykes Father

This cause came on this day to be again heard on the papers formerly read and on report of R. E. Boykin Special Commissioner herein to which no exceptions are filed; and was argued by counsel; on consideration whereof the Court doth adjudge order and decree that said report be confirmed and that the restriction of marriage placed on Nancy A. E. Sykes, (now Stephenson) by her father were reasonable and in consequence of her marriage with the Christopher C. Stephenson she has forfeited her rights under the 3rd Item of the said John Sykes' will - but all further construction of said will is reserved. And the Court doth further adjudge order and decree that R. S. Thomas & J. B. Nelson attys for W. S. Sykes check on the sum of money deposited in ~~this~~ cause the

+ ~~7~~ ⁷ ~~per~~ ^{per} ~~cen~~ ^{cen} from said date of
deposit to the 20th day of April
1887 at such rate as the Court
has allowed thereon.

Farmers & Merchants Savings Bank
of Smithfield V^e to the credit of
this cause (withdrawing the certificates
of deposit herein & taking new ones
from said bank for balance left
on deposit, returning same to this
court.) for the sum of money
equal to the interest at 6 per cent
per annum on \$505.⁶⁶ from the
9th day of December 1879 to the
date of ~~the~~ ^{1st} deposit herein by R. E. Boykin Court, herein & +
~~20th day of April 1887~~ (\$505.⁶⁶)
being $\frac{2}{3}$ of the amt shown by Court.
Goring's report herein to be the balance
in hands of trustee on that day, from
the sale of real estate of John Sykes
after payment in full of debts re-
quired by the deed under which it
was sold).

London ¹⁹ Fr.
111 } Chora
Sykes & Co

Deere
April June 1887
Entered this
C. M. Lee

A. B. 5-19175

Entered
No. 324

Harden Trust

7

In Chancery

Lynes administrators } This cause came on this
day to be again heard on the papers common-
ly read and on the report of collection
and payments of Comr. Roghien, this day
said by leave of court and was argued
by counsel, on consideration whereof
the court confirmed said report and made
no objection have been given, do hereby
make order and decree that Wm the Harder
pay, de bonis propriis, to R. Roghien Comr.
who has been heretofore directed to collect
the amount, within 30 days from the date
of this decree, the sum \$135.⁰⁰ In pursuance to
which, by the report of Comr. Roghien
given Oct. 1874, by the said Wm the Harder
Trust for John Lynes, and that in default
of payment at the expiration of the said
30 days, execution issue against him de
bonis propriis, in the name of R. Roghien
Comr. after collecting said amt, the said
Comr. shall pay thereout the unpaid
costs of this suit and deposit the balance
in the Farmers and Merchants Savings
Bank at Milwaukee the moneys of this cause,
taking the receipt of the Cashier of said
Bank for said deposit, and within the
same time a return to court of the Green-
ding under this decree.

¹⁵
Nardin Eustis
p } in case
Types admirable

Rough Notes
April Term 1886
Geo. B. Low
—

Co. 8B 5-10 101

Entered No. 27

Darden Trustee vs. Lykes et al

This cause came on
this day to be again heard on
the papers formerly read and was
argued by counsel; on consideration
whereof the court hath adjudged
order and decree R.E. Boykin
who has heretofore been appointed
special commr. in this cause
proceed to execute the decree
herein of April Term 1885 -
and that the said R.E. Boykin
commr. as aforesaid shall also
proceed to collect of W.H. Dar-
den the balance shown to be
due by him as trustee under
Commr. Boykin's report filed
herein Oct- 13th 1884 - and the
said R.E. Boykin special commr. shall
after paying out of the sums of money
in this cause decreed to be collected
by him, the unpaid costs of this
suit & the sum of \$39.14 to
Geo. J. Whitley administrator of John
Lykes deceased, with interest thereon
from March 2nd 1881 shown by
Commr. Boykin's report to be due
said administrator, he shall

then pay to Geo. T. Whitley assignee
of Martha J. Barclay a sum of ²⁵²⁸³~~25283~~
money equal to the int. at 6 per
cent per annum on \$252⁸³/₁₀₀ from
the 9th day of December ^{until paid} 1879ⁿ
($\$252\frac{83}{100}$ being $\frac{1}{3}$ of the amt. shown by
Comm. Govee's report to be the balance
in hands of trustee on that day, from
sale of real estate of Grody, & after
payment in full of debts secured by
the deed under which it was sold &
therefore being the amt. ~~out~~ of which
the said M. J. Barclay should have
been endowed.) ; and the balance
of said money which the said
R. E. Bryson shall have in his hands
as special comm. in this cause
he shall deposit in the Farmers
& Merchants Savings Bank of Smithfield Va.
~~Atorac Bank of Norfolk~~ subject
to the further order of this court
& return the certificate of such
deposit to this court with the
report of its proceedings under this
decree.

13 ³/₄
Dorden Rustie
W.

Stiles et al.

Rough. Deane

Oct Term 1885

To be entered.

Geo. Blow

9 DB 5 p. 64

Entered ch. 10.

Barclay Trustees
vs. Mrs. J. D. Dyer

This cause came on this day I do heard
on the papers formerly read, on the petition
of Geo. Whibley assignee of Martha F.
Barclay, on the petition of Geo. Whibley Dr.
Susan Powell and Mrs. Andrew Crocker
infants under the age of 21 years by
J. H. Adams their next friends, the
answer of Geo. Whibley and the answer
of Geo. Whibley Dr., Susan Powell and
Mrs. Andrew Crocker by guardian ad
litem, with general replication thereto,
and on the report of a Deputy Commissioner
under the direct review of April term
1882 and was argued by counsel on a
consideration thereof the Court, con-
firming said report to which no ex-
ceptions have been filed, decided
that the instruments of writing filed
with the complainants bills, marked
Exhibit A, dated Decr 1st 1871, executed
by the said John Dyer and Martha
F. his wife, was and is the good valid
and sufficient and utmost of the said
John Dyer and Martha F. his wife,
both confirm the sale of the real estate
in said and utmost mentioned made
by the said W. H. Barclay trustee in
the and utmost aforesaid to W. J. Dyer

the payment of the purchase price of
said land, the report of ^{the said trustee} the said trustee,
the report of the said trustee filed as
8th 1884, showing the deposit by the said
trustee of the sum of \$800⁰⁰ in the Marine
Bank at Norfolk Va, and the court
doth further adopt to order and decree
that R E Boykin who is hereby appointed
comr for this purpose, withdraw from
the papers in this cause the certificate
of deposit of the cashier of the Marine
Bank of Norfolk Va, returned with
the Wardens report heretofore men-
tioned, leaving Geo S Field his receipt
therefor, and please to collect the same,
out of the proceeds of such collection
the said court shall first pay the un-
paid costs of this suit, including an
attorney fee of 75⁰⁰ to J H Thomas
R E Boykin atty for the said trustee
for this service in this cause and
~~J R Thomas atty for the undersigned~~
~~deuts W J Lyles Esq for this service~~
~~in this cause, he shall then pay to the~~
said Geo S Field administrator of John
Lyles the sum of \$9¹⁴, with
int from March 2^d 1881, shown by court
group report to be due to the said admin.

the residue of said sum shall be
deposited in ~~some bank~~ ^{The Marine Bank of Norfolk Va} to the credit
of this cause, subject to the future
order of the court herein.

But so much of said decree as relates
to the collection of the said certificate of
deposit shall be suspended until
the said court shall be satisfied that
before the clerk of this court, with
sufficient security in the sum of
one thousand dollars, conditioned
for the faithful performance of this
or any future decree herein.

Darden Trustee 13 1/2
of J DuChay
Sykes was

Rough Warden
April Term 1885
Go to the interest.
Geo. Brown.

Q 015 5-19 39

Entered #10

Darius Trustee

v.

Sykes ad ux et al

This cause came
on this day to be again heard on the papers
formerly read and by consent of all
parties given in open court & here entered
of record it is adjudged, ordered and de-
creed that this cause be heard in va-
cation for any decision that the court
may render

Darden's ¹⁰ Funder
v. Darden

By Res. adms et al.
October ~~1884~~ ¹⁸⁸⁵
~~December~~ ^{January} 1885

20 he entered

Geo. B. Darden.

cy DB 5/9.22

Entered No. 23

Varden Trust
v } Duchey
Rykes et al

It appearing to
the court that since the last
decree herein ^{admr Robt A Pinner} L A W Pinner has
deposited this life & R A Edward
sheriff of this county has qual-
ified as ~~the~~ admr & he on of
the said Robt A Pinner, it is
ordered that this suit be
revived against him as such
admr and he proceed with
against him as a party defen-
dant, and by consent of
parties it is ordered that
this suit be made a vaca-
tion cause.

Warden Smith
Dr { Du che
Sykes & Co

Conch Union
Oct 1884
To be entered
Genl. B. L.

Cy O.B. 5- pg 28

Enter 1. 37

In the Circuit Court of Isle of Wight
County, October 30th, 1882.

H. H. Darden Trustee for Mrs. Stokes. ~~Plff.~~

^{vs.} G. T. Whitley ^{3/4} In ch. ~~advs.~~ and
others ~~vs.~~ Def.

This Cause came on this day to be again heard on the papers formerly read, on the petition of Geo. T. Whitley this day filed by consent of the Court, praying that the said petitioner might be made a party defendant to this suit, and the said Geo. T. Whitley being made a party defendant filed his answer by leave of the Court, and was argued by counsel; on consideration whereof and by consent of parties, the Court doth adjudge, order & decree that a Commissioner of this Court execute the decree herein of April term, 1882, and the Court doth ~~adjudge~~, order & decree that a Commissioner of this Court take an asc of the transactions of H. H. Darden, as trustee under deed of trust of John Stokes & wife, bearing date Decr. 1st / 71, in the proceedings of this suit mentioned; taking the ex parte asc of the trustee, filed in the papers of this cause

as prima facie correct, subject to be sur-
charged & falsified by any party, and the
Court doth further adjudge, order and
decree that the said Wm H. Darden
deposit the sum of \$758.50 shown by the
said ac of his transactions as trustee
aforesaid filed by his Bill to be in his
hands, or so much thereof as may be in
cash, in the Marine Bank of Norfolk,
Va, to the credit of this Cause, subject
to the future order of the Court herein,
taking the Certificate of the Cashier
of said Bank therefor, & return the
said certificate with any uncollected
purchase bonds with a report to Court
of his proceedings under this decree -

A copy. Date. N.B. Young clk.

Copy

Apr.

Accts. 1887.

ac. for accts. p.

Wm H. Darden

vs. M. H. Darden

15

Garden Trustee

17. 3 In Chancery
John Dyer v. Gorden et al.

This cause this day came on
this day to be again heard on the pa-
pers formerly read, on the petition of
Geo. T. Whitley this day filed by consent of
the court praying that the said petition
might be made a party defendant to
this suit, and the said Geo. T. Whitley being
made a party defendant filed his answer
by leave of the court, and was signed by
counsel; on consideration ^{and by consent of parties} whereof the court
doth adjudge order and decree that a com-
missioner of this court, execute the de-
crees herein of April Term 1882, and
the court doth adjudge order and decree
that a commissioner of this court take an asc
of the transactions of Mr. Gorden as
Trustee under and of Trust of John
Dyer wife bearing date Decr 1st / 71 in the
proceedings of this suit mentioned, tak-
ing the report of the trustee filed in
the papers of this cause as prima facie
correct, subject to the surcharge & facie-
fied by any party, and the court doth
further adjudge order and decree that the
said Mr. Gorden deposit the sum of
\$758.⁵⁰ shown by the asc of his trans-
actions as Trustee aforesaid filed by his
Bill to be in his hands, or so much
thereof as may be in cash, in the Marine
Bank of Norfolk Va. to the credit of
this cause, subject to the future order

Warden Austin

15. 3. 82 Monday

John Sykes' account for

Wm. Sykes' account for

Oct. Term 1882

170 12 entered

Geo. Bess.

Q. 03 4- 69-3641

we consent to the within

decrees

C. 134404

104410 account

Attorney of the

Attorney for Geo. B. Bess.

R. E. Borkin atty for

W. J. Haff.

Columbus 14

of the Court hereto. Taking the certificate of
the cashier of said Bank therefor, & return
the said certificate with any uncalled
purchase bonds, forming a part of said
bonds, with a report to Court of his
proceedings under this decree

In the Circuit Court of Isle of Wight County,
April Term, 1882.

J. H. Gardner, Clerk.

Plff.

vs.

Geo. J. Whitley, admr: with the will annexed
of Jno. Sykes decd; Nora M. Holliman, admr:
of Robert A. Pinner decd; William Barclay
& Martha J. his wife, who was Martha J.
Sykes; William J. Stagg, Christopher C.
Stephenson and Nancy A. E. his wife,
formerly Nancy A. E. Sykes & William S.
Sykes, the last two being infants. Dfts.

This cause came on this day
to be heard on the bill taken for confessed,
as to the defendants Martha J. Barclay,
Geo. J. Whitley, admr: with the will annexed
of John Sykes decd; Nora M. Holliman
admr: d. t. n. of Robert A. Pinner decd;,
Christopher C. Stephenson, on whom process
has been duly served, they still failing to
appear, plead answer or demur, the answer
of W. J. Stagg this day filed by leave of
the Court, & the answer of the infant
defendants by N. P. Spring their guardian
ad litem, with general replication
thereto, & was argued by Counsel.
On consideration whereof, the Court

Dandan

vs.

Sykes' admr:

Apr: Term 1882.
De. for exp. by cont.

July 13th - 1882. Motion
for 10th Aug. 1882.

[Signature]

doth adjudge, order and decree that a Commr.
of this Court ascertain and report to Court, the
facts & circumstances in connection with the
execution of the instrument of writing
signed by John Sykes and Martha H. his
wife, bearing date December 1st, 1871, described
in the plaintiff's bill, a copy of which is
filed with said bill, marked Exhibit A,
with any matters specially stated, deemed
pertinent by the Commr.; or required by
the parties to be so stated —

A copy.

Teste, *A. D. Dimmock*

Gardens Trustee,
Sykes & Co
J. M. S. J. M. S.

This cause came on this day to be heard on the Bill taken for confessed as to the defendants Martha & Barclay, Geo Whittey adms ~~with the bill~~ annexed of John Sykes decd. Nora M Keello-
man adms & G. M. of Robt A Pinner ^{or whom papers has been duly served} decd. Christopher & Stephenson, they still failing to appear since answer or demur, the answer of M & G. Staff this day filed by leave of Court & the answer of the infant defendants by A. P. Young this guardian ad litem, with general replication thereto and was argued by counsel, on consideration whereof the Court doth adjudge order and decree that a commissioner of this Court, ascertain and report to Court the facts and circumstances connected with the execution of the instruments of writing signed by John Sykes and Martha & his wife, bearing date Decr 10/1871, described in the Plaintiffs Bill, a copy of which is filed with said Bill, marked Exhibit A. with

(3)
Wardens House
W. J. Ingham
Cyprus Island

Rough sketch
April Term 1882
Globe entered

Geo. Brown.

ay OB 4 - pg. 357

Entered 65.

any matter of civilly state census
participate by the same or by means
by the parties to be so stated.

Darius Tucker
Lykes & Son Chgo

Statement of collection and investment made by Comrs
Boykin under The above business of June 1888.

By amt of Certificate of deposit of the
Farmers Merchants Savings Bank.

556 20

" int on said deposit from May 6/87 to
July 26th 1889 @ 4 1/2 %

49 44

To Comrs on \$300⁰⁰ at 5 % Pd R.E. Boykin

15 00

" " 305²⁴ @ 2 % Pd R.E. Boykin

6 11

" paid costs

Pd. N.P. Young

8 68

" amt to bal

576 01

\$605 74

\$605 74

By bal in hands of Comrs for investment

576 01

To amt of purchase price of the Edwards Bros
offices belonging to R H Miller paid

R H Miller (Repts in acct)

580 00

" paid same interest thereon from Jan 1st

1888 to July 26th 1889 @ 4 1/2 % (Repts in acct)

42 81

" amt paid by N H Lykes to pay deficiency

46 20

\$622 21

\$622 21

Warden Lustin

W } DuChay
Lykes et al

The Report of R. E. Boykin Special Comr under the annexed decree herein of April Term 1888. Your Comr Reports to Court, that in pursuance of said decree he collected the Certificate of deposit of the Farmers & Merchants Savings Bank at Smithfield for \$556²⁰, returned with Comr Thomas & Nelson's Report herein filed Oct 20th 1887, together with all interest due thereon, and with the further sum of \$46²⁰ advance and contribution by W & H Lykes, after paying the unpaid costs of this suit thereon, he invested the same in the tract of land in the Report of Comr Young mentioned, filed herein April 20th 1888, belonging to R. A. Pritchard, purchased by him of John Edwards, to be held by the said W. & H. Lykes upon the trusts of the will of John Lykes deceased. A statement of said collection and investment, with the receipts of the parties for said payments is herewith returned. All of which is respectfully submitted.

R E Boykin
Special Comr

Garden Guitars
is } Du chey
Lykes & ac.

Coms Boykins Refon
- of instruments -

Boyskins Refon
- of instruments -

1884.

Accts.

(12)

Leit of Wm H. Darden, Trustee, v. Lykes et al.

To N. P. Young Comr. of Cir Ct. del of Wight. D.

Making and reporting accts. under sum \$5.00

N. P. Young Comr.

Leit. Varden
v. Lykes

Boyle's Court

1000

Suit of Carden vs. Lykes - R. E. Boykin ans. to pay.

1884. To the clerk of Isle of Wight Cir. Ct. . . . Dr.

Octo. 1885 Two orders and copies 1.12

Apr. Filing rept. from 15. Deem & copy 1.25 Com. bond, recording
same & copy to file 1.50 filing original & copy 30. taxing costs
& copy 60. abstract from deem & cty. & execution of bond. 50. 4.30

R. E. Young clk. \$ 5.42

Dardene C. H.
vs. Lykes et als:

Boyle R. B. Court

5.42

PLEASE EXAMINE AND REPORT IMMEDIATELY.

Dr.

W. Q. Adams Trustee John S. Lee Secy W. H. Wing Adm Cr
In account current with the **MARINE BANK**, of Norfolk, Va.

Balance

860

1884

Jan 24

By

Dep

800

800

Jan 1

By

Dep

20

20

Jan 1

By

Dep

20

20

Jan 1

By

Dep

20

20

Jan 1

By

Dep

860

860

860

Jan 1

By

Balance

860

860

Jan 1

By

Balance

860

860

Statement of the present
value of ~~the~~ Es. T. Whitty as-
signed of Martha F. Barclay (now
Turner) in the sum of \$758⁵⁰
which come into the hands of
Wm. H. Darden Trustee, now dec.
from such of Darden Trustee ^{Es.} ^{Es.}
Tykes' Admr. et al. in the ci-
cuit court of Schaefwyck Co.

Statement "A" reckoning widow's age
at 36 years

$$\frac{1}{3} \text{ of } 75-8.50 = 25-28.3 +$$

$$252.83 \times .06 = 15-16.98$$

$$15.1698 \times 12.465 \text{ (bank rounded in table)} = 189.09 +$$

which is the present value,

Statement "B" reckoning widows age
at 40 years

$$2^5 2.83 \times .06 = 15.7698$$

$$15.1698 \times 12.002 (\text{optical rot of } \frac{1}{100}) = 182.06$$

Darden H.

vs

Sykes

Statement of
Whitely ap. 15 ~~instant~~
present into in
the funds in this
suit.

Commissary office, Isle of Wight County.
October 20th 1888.

To the Circuit Court of Isle of Wight County.
Pursuant to the decree of the said
Circuit Court rendered at the October term
1887, in a cause therein pending, in
which William H. Darden Trustee &c is
Plaintiffs, against George T. Whitley
admr. with the will annexed of John
Sykes decd: and other defendants, directing
a commissioner of the court take, state
and report to the court, whether it would
be to the interest of the parties, and especially
to the infant, to make investment of the
sum of \$556.³⁰ reported to have been deposited
in the Farmers & Merchants Savings Bank
at Smithfield to the credit of the Cir. Court
of Isle of Wight County, as shown by the re-
port of R. S. Thomas & J. N. Nelson filed in
the cause, and confirmed at Octo. term 1887,
in the purchase of a certain tract of land
lying in the County of Isle of Wight, owned
by W. H. Pettow & purchased by him of
the estate of John Edwards deceased.

Your commissioner reports to the court that
after giving notice of the time and place of
making said inquiry & report as required, & took
the evidence of witnesses, herewith filed, and
from that, and other evidence before him

19
Dandee Trustee
vs.
Jm Chas.

Sykes' adv. cl. et al.

Refrost of Bond & Co.
under name of O. et al.
term, 1888.

Filed Apr 20th. 1888.

" April term 1888.
Confirmed by Court

your commission is satisfied, and so reports,
that it would be to the interest of the parties
interested, and especially to infant W. S. Sykes,
who has attained the age of twenty one years
and desires the said investment to be made, that the
investment herein before mentioned, shall be
made in the trust of land aforesaid.

Given under my hand as a commissioner of
said court, the day & year first herein written.

A. P. Young, *clerk*

Arms, for \$3.50

Darden Trustee vs. Sykes &
Is the Or. court Court of Salisbury
County:

R. S. Hanna & J. H. Nelson attys for
W. S. Sykes in this cause respectfully report
to this court that in pursuance of the
last decree herein they withdrew the certificate
of deposit made by R. B. Boykin Comm. herein
checked on the Farmers & Merchants Savings
Bank of Smithfield Va for the sum due
W. S. Sykes as directed by the last decree
herein took from said bank a new
certificate for the balance left on
deposit there to the credit of this
cause said sum being \$556²⁵ which
certificate of deposit is herewith returned
to court.

And said attorneys being informed
that said W. S. Sykes desired this sum
invested in a certain tract of
land lying in this county
owned by R. B. Putlew, purchased
by him of the estate of J. E. Ed-
wards deceased, valued at \$580⁰⁰
& as the said W. S. Sykes will furnish
the deficiency we recommend
that the investment is expedient
& that the deed therefore be taken
to W. S. Sykes to be held by him
upon the conditions trusts
declared by the will of J. E. Edwards

16
Dorden Jr.

is

Agree to

Report of
R.B. Thomas
of the same day

Filed to. Oct. 1887

Dec. term 1887

Confirmed by the
court.

—

Received -
Respectfully Submitted

J. H. Wilson
R. S. Thomas
" "

11 and is the

72870

867 45. 867 45'

72870

39/4

1189

Living in on 225' 2⁸³ from dec 9/73
to Feb 25/86

95.47

5'8220

\$728 70 \$728 70

Nathan Smith

2 } In the
Lynes et al v

The undersigned R. E. Boykin
specifies come under the decree herein of
April and October terms 1885, which fully
upons to court, that in pursuance of the
said decree, on the 25th day of March 1886,
he collected from the Marine Bank of New-
York 1st the sum of \$674⁵¹, from the said
depositors of the said bank and with
interest thereon, and after paying thereon the
unpaid costs of this suit including the
attor. fee allowed by court, he paid to
Geo. Emery ^{assignor of Lynes} the sum assigned by the decree
of Oct 1885, and to Geo. Emery assignee
of Maria F. Barclay formerly Lynes the
sum directed by said decree leaving a bal-
ance in his hands of \$382²⁰, which sum
he has deposited in the Farmers and Mer-
chants Savings Bank at Philadelphia to the
credit of this cause, taking the Certificate
of the Cashier of said Bank therefor, the
said Certificate and the receipts of the Gar-
ties for said payment with a statement
thereof is herewith returned.

All of which is respectfully submitted.

R. E. Boykin } Court

582.24
133.41

By authority of Decree in this cause at the
 upl. term 1887, of the Cir. Ct. I have received
 the Certificate of Deposit for \$382.²⁰ mentioned
 in this upm and find them with -

Apr. 29. 1887

J. H. Nelson atty for
 W. S. Jones ex parte in
 said decree

Warrant issued 1st }
 p. du day }
 Synodical also

Wm Rogers Report of
 collections and payment -

==
 Aprie term 1834.
 Paid by name of Court
 and payment -
 ==

London Jm &
Trotter -

25-8

1883

Augt.

Paid March 17/84

From H. Darden Trustee in suit vs.
Lykes and others. in Cir. Ct. . . . Dr.
To H. D. Young Comm. in chg. of said Court.
For time employed in issuing notices,
and ocs. taking depositions and
making report under decree of Cpl.
Term, 1882.

\$ 13.36

H. D. Young Comm.

Larden Jm H.
Trustee.

\$19.36

50
13.86

Mr. Wm. Darden Jr. for Jas. Sikes decd. Magisterial District,

1884.

To I. N. JONES, Treasurer of Isle of Wight County, Va., Dr.

LAND.				
No. Acres.	Value.			
		To State Capitation Tax.....	~~1 00~~	
		To State Tax on.....acres Land, value \$....., at 30c. on \$100...		
		To State Tax on Personal Property, value \$..... <u>758</u> , at 30c. on \$100.....	2 27	
		To State School Tax on Real & Pers'l Prop'y, value \$..... <u>11</u>, at 10c. on \$100..	76	
		Total amount of State Taxes.....		3 03
		To County Capitation Tax.....	~~50~~	
		To County Levy on.....acres Land, value \$....., at 33 $\frac{1}{2}$ c. on \$100..		
		To County Levy on Personal Property, value \$..... <u>758</u> , at 33 $\frac{1}{2}$ c. on \$100..	2 53	
		To Co. School Tax on Real & Pers'l Prop'y, value \$..... <u>11</u>, at 10c. on \$100..	76	
		To Dist. " " " " " value \$..... <u>11</u>, at 5c. on \$100..	38	
		Total amount of County Taxes.....		3 67
		Total amount of State and County Taxes.		6 70
		December 1st—5 per cent. added.....		34
		TOTAL AMOUNT.....		7 04
		RECEIVED PAYMENT. <u>\$117</u>		TREASURER.
		<u>1886</u>		DEPUTY TR.
		<u>L. R. Hitchcock</u>		

Darden Wm " Jr "
for Geo " Lykes decr "

7.04
13.86 feed
20 90

Warden Trustee

vs } on chcy

Sykes vs

To the circuit court of Isle of Wight county

The undersigned R E Boykin
special commr under the decree herin of
April Term 1886. Reports to court; That in fur-
suance of said decree he collected from Wm
Mc Warden the sum of \$135.41, with all interest
due thereon, shown by commr's group report
herin filed Oct 10th 1884. To be due by the
said Wm Mc Warden Trustee for John Sykes,
together with \$2.28 cents, costs.

That after paying thereon the unpaid costs
of this suit there remained in his hands
the sum of \$, which in obedience to
said decree he deposited in the Farmers and
merchants saving Bank at Smithfield to the
credit of this cause.

By amt paid prior to Apr 2/87

157.72

" costs

2.28

To comm on \$157.52

7.87

" pd costs for

2.28

The certificate of the cashier of said Bank for
paid deposit is herewith returned, all of which
is respectfully submitted.

R E Boykin
commr

¹⁴
Warden Tractis
p } on clay

Hayes

Report of Court Baykin
under name of Hayes
Trans 1886

By authority of a decree of the circuit court
rendered in this cause at April term 1887,
I have received from the clerk of said court
the certificate of deposit in the Farmers
& Merchants Savings Bank, dated the 19,
April 1887,

J. H. Nelson atty
for W. B. L. H. K.
April 29/87

John Sykes decd.

In account with Wm. Darden his Trustee.

1884

Jan. 24	To amt. deposited in Marine Bank	3	8 00 00
	under decree of court.	3	
"	paid taxes & fees in suit in 1882	11	29
"	" " clks. fees in 1883	1	16
"	retained to pay taxes for 1883	6	37
"	comm. on \$206.55 int. collected	10	32
"	" Balance per contra	135	41

1889

Dec. 9	By balance on acct. exports filed	3	7 58 00
	with the Bill	3	

1884	Jan. 24	" interest on same to date	206 55
------	---------	----------------------------	--------

\$ 964 55 / 964 55

Commissioner's return, Isle of Wight Co. N.
Oct. 10th. 1884.

Pursuant to a decree of the Circuit Court of Isle of Wight County rendered at the October term 1882, directing a commissioner of the court to take and report an account of the transactions of Wm. Darden as trustee of John Sykes under his decd. of the 1st of Dec. 1884, which decree was rendered in the suit pending in said court in favor said Darden, Trustee, v. Geo. P. Whetter administrator of said John Sykes & others. Your commission reports to the court that after giving notice to the parties interested, as will be seen by the notice herewith filed & the acknowledgment.

12
Dandew, Foster,

3 In clay

3

Sykes' admn. chals.

Report of Com. Gen.
under deen of Acts.

1882, of W. H. Dandew
acbt. as Tru.

Filed Acts 1882

1884.

Appl. ct. 1883, Corrup.

and connect them under, from the ending
and vouchers laid before him, he made up
the foregoing account, showing that on the 24th
of Jan 1884, there was a balance in the hands
of said Trustee due said John Sykes' estate of
\$135.41.

Given under my hand as a Commissioner
of said Court, the day & year first aforesaid
A. D. Young Com.

Comm. 1884

To the Hon. George Blount, Judge of the
Circuit Court of Isle of Wight County.

The undersigned, trustee for John Sykes
under his deed of 1st of Decr. 1878, reports
to the Court in pursuance of a decree of the
Court rendered at the October term 1882, in
the suit said Warden trustee against said
John Sykes' admr. et al. that by said decree
he was directed to deposit in the Marine
Bank of Norfolk the sum of \$758.00
to the credit of said cause subject to the
future order of the Court. That he did not
make said deposit until the 24th day of
June 1884, because he was not aware
until a short time previous thereto, of
the order directing same to be done.
That having collected a further sum
on the bond in his hands, instead of
depositing the said sum of \$758.00, he
deposited in said Bank the sum of \$800.00
and herewith returns the certificate of
W. H. Taylor, President of said Bank as
ordained thereof.

All which is respectfully submitted, this
5th day of October, 1884.

Wm. H. Taylor Trustee

Recd of the clerk of the cir ct of Jus of
Jus of High county to Certificate of deposit
of the marine Bank of Norfolk &c for
\$800⁰⁰ returned with the within report
R^o Boykin comr

Daniel Green
3 In clud
Lyles adm. cl. ab.

Report of H. H. Hansen
Certificate of deposit

Filed 5th of Decr 1884

Commissioner's office, Isle of Wight C.S.

August 16th 1883.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said circuit court rendered ~~rendered~~ on the 21st. day of April, 1882, in a suit in chancery then pending between ~~between~~ William H. Darden trustee for John Sykes plaintiff, and George T. Whitley administrator with the will annexed of John Sykes decd; Nora M. Hollenman admrx. de bonis non of Ro. A. Pinner decd; Martha T. Barclay, late Sykes, and L. B. Edwards adm. de bonis non of Ro. A. Pinner decd. defendants, directing a commissioner of the said court to ascertain the facts and circumstances in connection with the execution of the instrument of writing signed by John Sykes and Martha T. his wife, bearing date December 1st. 1871, described in the plaintiff's Bill, a copy of which is filed with said Bill, marked Exhibit "A." Your commissioner reports to the court that, on the 13th. day of July, 1882, he issued notices to the parties, plaintiffs and defendants, that he had fixed upon the 10th day of August, 1882, to make said inquiring and ascertain such facts, and requiring them to attend. That said notices were duly executed and returned to your commissioner. That on the day so fixed upon the parties failed

to appear and the case was continued to the 18th August ensuing, on which day in consequence of the sickness of J. P. Counsel, the case was again continued to 13th Sept. and on that day for same reason was again continued and remained so until the date of this report, to which day witnesses were summoned, and the parties appeared by counsel; whereupon your commission, from the evidence adduced has ascertained, and so reports, that the instrument of writing aforesaid, signed by John Sykes and Martha J. his wife, bearing date on the 1st day of December 18th, was executed by the said Sykes & wife and by them duly acknowledged as and for a deed of Trust made by them to William H. Darden to secure the balance due for the purchase money of the tract of land in the said and or instrument of writing mentioned. That said Land was purchased by said John Sykes of Joseph T. H. Johnson, that there was a lien on said land to Johnson and he was about to have it sold to pay the balance due him; that the said Robert A. Pinner advanced the money to pay said balance and the said deed or instrument of writing dated 1. Dec. 18th, was executed to secure the said Pinner the payment of the sum

so advanced by him.

Given under my hands as a Commissioner
of said court, the day and year first above said.

A. D. Young Comr.

Comp. fee for time engaged
in the matter of report &

audium $\$12.00$

Do. for exp. $\underline{1.30}$
13.30

Diff. for notes $\frac{1}{2}$

exp. $\frac{3}{4}$ 4.10

Master's Fee $\underline{1.00}$

Cts. before com. $\underline{\$18.40}$

(6)
Darden Trustee
to. $\frac{2}{3}$ In clq.
Lukis adm. etala

Report of Com. Gouge
under deern of
apl. term 1882.

Filed Augt. 1st of the
1883.

On this 20th day of April 1888, before
me N.P. Young a commissioner in charge
for the Circuit Court of Isle of Wight
county, personally appeared John Godwin
and made oath that they are well acquainted
with the tract of land in the county of
Isle of Wight, known as the "Dan Conoll
tract," owned by W. H. Patton and which
he acquired by purchase from N.P.
Young Exor. of John Edwards decd. - That
they consider the said land worth
at least the sum of \$600.⁰⁰ and
that an investment of \$600.⁰⁰ therein
would be a good and safe investment
That they both reside in the immediate
vicinity of the said land, and have
known it well for many years.

John Godwin
William Whilly

affirmed to and subscribed
before me, the day & year aforesaid,
N.P. Young com.

Bardeen ~~For~~. at,
m. $\frac{2}{3}$ Inch,
Sykes & Co.

Affidavit.

The deposition of Martin T. Turner late
widow of Jno. Sikes decd: taken before M. P.
Young a Commissioner in Charge of Esch &
Wright Circuit Court, to be read as evidence
in behalf of the plaintiff in a suit
in chancery pending in said court
wherein W. H. Jordan Trustee for Jno.
Sikes is plaintiff and Geo. T.
Whittemore & others with the will annexed
of Jno. Sikes decd: and other defendants
on the 15th day of August, 1853.

Present J. H. Nelson Counsel for
G. T. Whittemore & said Defendants H. E. D.
Borpin Counsel for plff. & A. J. Stoggs
Martin T. Turner the Sikes, deposes and says.

Quest. 1. by
Plff. atty

Please state your name, your residence & whether
or not you are the widow of Jno. Sikes decd.

Ans.

My name is Martin T. Turner, late widow of
John Sikes decd: & reside in County of Esch of Wight.

Qs. 2

State whether or not said Jno. Sikes personally
signed an instrument of writing purporting
to be a deed of trust, bearing date Dec. 1.
1871 by which you conveyed to W. H. Jordan
Trustee for the benefit of R. A. Perin, a tract
of land in County of Esch of Wight bounded on
the north by the land of Geo. Whittemore, east
by the land of Nichols Edwards' estate
south by Britten Edwards & on the west

by the land owned by John & Fowler and
certain personal property in said
instrument contained, in trust to secure
to the said R. A. Peimer the payment of
the sum of \$475.⁰⁰. If you, state
all the facts & circumstances connected
with the signing & execution of said
instrument?

Ans.

I did sign the said instrument in presence
of R. C. Roberts & Thos. M. Manning partners
of the firm. I did not see my husband
sign it, as I was not in the room when
he signed it, but I am certain he did
sign it as his name was to it when
I signed it or well as I recollect. My
husband bought the land referred to from
J. H. Johnson & owed a balance for it, and
Mr. Johnson ^{had added on it &} was about to have the land
sold to pay the balance, it had been
advertised for sale. and Mr. Peimer agreed
to advance the said balance if we
would give a deed of trust to secure
him and I understood when I signed
the paper that I was signing such
a deed of trust. And the object in making
the deed was to secure Mr. Peimer the
amount he advanced, and we conveyed
the property to the trust for that purpose.

And further this deponent saith not.

Martha F. ^{the} Turner
mark

J. N. P. Spragg, a commissioner in chancery
for the Circuit Court of Isle of Wight County,
certify that the foregoing deposition of
Martha F. Turner was taken, and sub-
scribed & sworn to on the day mentioned
in the caption before me in my office
at Isle of Wight Court House.

Given under my hand this 15th
day of August, 1883.

J. N. P. Spragg comm.

Barclay Trust
vs. 3rd Chas^r
Sylvia adm. et al

Deponent
of
M. J. Turner
Taken before the
16th of Aug. 1883
//

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING.

WE COMMAND YOU TO SUMMON *Benjamin C. Roberts, William*
H. Darden and Martha T. James, late B. & M.
etc. & others a co-defendant in the above

to appear before ~~the Judge~~ of the *Circuit* Court of the County of Isle of Wight, at
the Court House, on the *15th* day of *August* 188*3*, to testify and the truth

to say in behalf of *Wm. H. Darden Trustee for Geo. S. Lee*
in a certain matter of controversy in said Court pending and undetermined, between *said*

Darden Trustee

Plaintiff

and *Geo. S. Lee et al. adm. of Geo. S. Lee et al.*

Defendant

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

Witness, N. P. YOUNG, Clerk of our said Court, this *1st* day of *August* A. D.
188*3* in the *22^{8th}* year of the Commonwealth.

N. P. Young

NOTE.—Witnesses who desire their attendance entered, will inform the Clerk before leaving the Court.

London Trust
for Sykes

or Zepka.

Written accord. of
Sykes et al.

//

To 15th Decr. 1883.
before Com. General.

//

Executed by delivering
to the within named
a true Copy Aug 15th
1883.

L. R. Edwards
shff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY--GREETING;

You are hereby commanded to summon *George T. Whittle* admor. writ. the will assigns of *John Sykes* decd; *Nora M. Holliman* admor. de bonis non of *Robert A. Pinner* decd; *William Barclay* and *Martha* his wife, who was *Martha T. Sykes*; *William J. Stagg*, *Christopher C. Stephenson* & *Nancy* his wife formerly *Nancy A. E. Sykes* and *William S. Sykes*, the last two being infants under twenty one year of age

if *then* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court, for our said County of Isle of Wight, at the Rules to be holden for the said Court, on the first Monday in *March* next, to answer *the Bill in Chancery of William S. Darden* trustee under the deed of trust of *John Sykes* for the benefit of *Robert A. Pinner*.

And have then and there this writ. Witness, **NATHANIEL P. YOUNG**, Clerk of our said Court, at the office aforesaid, this *8th* day of *February* 18*87*, in the *106th* year of our foundation.

N. P. Young Clerk.

(2)
W. H. Darden, Trustee,
of Jno. Sykes.

vs.  Sumo. to
an. Bill

Geo. T. Whittier admr.
with will and of
Jno. Sykes et. al.

==
To March Rule, 1882.

Handed for

Represented by delivering
to the court the name of S. J. Whittier
admr of John Sykes decd. & W.
M. Harlow admr. of W.
A. Sumner decd. Martha F
Rouday, W. J. Stagg C. C.
Superior Court & Nancy W
his wife each a true
copy of the within Sumon
Feb. 28th 1882.

A. G. Edwards Depy
Jm. R. Edwards Shff

Darden Tr.

vs. J. du Chong
John Lykes adms.

To The Hon. Gustavus Judge of
the Circuit Court of Allegheny County
in chancery sitting.

The answer of Geo. T. Whitley in his own
right ~~as~~ assignee of Martha T. Barclay
to the bill of complaint in said court
exhibited by Wm. Darden Trustee against
The said Martha T. Barclay and others,

This defendant, saving & reserving
all right of exception to the many errors
& imperfections in said bill contained, for
answer thereto, & to remark thereon as he
is advised it is material & necessary for
him to answer, answering says; That by
virtue of the deed of the said Martha T. Bar-
clay filed with this defendants petition in
this suit, this defendant has become
the absolute owner of all the interest
of the said Martha T. Barclay as widow
of John Lykes in the land - the proceeds of
sale thereof in the plaintiffs bill mention-
ed. This defendant admits to be true the
allegations of said bill, that the deed
of trust mentioned therein was in-
tended in the premises in said deed to be
their deed & they intended thereby to convey
all their interest of premises in the land
premises therein mentioned to the trustee
therein named with full power and
authority to sell the same to satisfy

the trusts of said deed; that the omission to recite the seals of the grantors in the body of the said deed was the mistake by inadvertence of the draughtsman of said deed; that the said omission was cured by the subsequent acknowledgment of the grantors as their deed and its recordation as such. That the defendant admits that the said deed of trust was intended by the grantors to authorize the said trustee, and did authorize the said trustee to sell the land & the other property conveyed by said deed to satisfy the trust created thereby, and that the sale of the land & other property made by the said trustee in the complaints well mentioned was a legal & valid sale binding all the parties in interest under said deed. The defendant having answered, prayer to be dismissed with his costs in this behalf next unreasonably expended and he will ever pray &c

Signed George J. Whitley

Shelby County to wit:

J. H. Herring Notary Public for the County of Shelby & State of Virginia do certify that Geo. J. Whitley whose name is signed to the answer above, personally appeared before me in my said county and made oath to the truth of his statements in his foregoing answer. Given under my hand this day of October 1882 A.D.

J. H. Herring

Notary Public

Darden Trust
W. J. du Chene
John Lykes admr. et als

Answer of Geo. T. Whiting

Filed Oct. 27. 1882 by
Clerk of Court. W. J. du Chene
"

Warden Trustee
of John Lykes
Lykes administratrix

In the Circuit Court of
the County of Decatur, Miss.

The answer of Wm J
Staff to the Bill of complaint
in said court exhibited by Wm
The Warden Trustee against him
et als.

This defendant saving and
reserving all rights of exception
to the many errors and imper-
fections in said bill contained
for answer thereto or to so much
thereof, as he is advised it is
material or necessary for him
to answer, answering says,
that he admits to be true the
allegations of said bill as to
the reception of said land of
trust from John Lykes & Martha
& his wife to Wm The Warden To
secure the debt therein mentioned
to Robt A Penner.

The death of the said John A
Lykes, the qualification of Geo
Whitley as administrator with the
will annexed of the said John Lykes.
The sale by the said Wm The Warden
of the real estate conveyed in

said deed of trust, the purchase thereof by this defendant; and the payment of the purchase price for said land, by this defendant and the execution of a deed to him by the said W. H. Warden trustee as aforesaid, as to the other allegations in said bill, except as to the nature and effect of said deed of trust, this defendant has no knowledge and hence is not called upon to answer the same.

And further answering this defendant says that he purchased the said land and paid the purchase money therefor under the belief, that the said W. H. Warden as trustee aforesaid had a legal right to sell the same, that the said deed of trust conformed in all respects to the requirements of the law and that this defendant was acquiring a perfect and indefeasible title to said land, under this belief, this defendant has improved the said land

and erected thereupon valuable
outbuildings.

This defendant is informed
and so charges that for the
reasons stated in the Bill, the
sale made by the said Wm H
Barden under the deed of trust
aforesaid by your defendant
should be confirmed, and
for the further reason, that al-
though the said deed of trust does
not conclude with the words "witness
our hands and seals" or words of
like effect, yet the said instru-
ment, being intended to convey
a fee simple estate, ^{as appears only by a deed} and being
acknowledged by the grantors before
two justices of the Peace, being
described in the body of the
instrument as a deed, and ad-
mitted to record, the recognition
of the sale sufficiently appears
on the face of the instrument,
and the said instrument is a
good and sufficient deed for
the conveyance of real estate
under the laws of Virginia.
And this defendant further says

that should the court refuse to
confirm said sale, ^{wh. he insists should not be done} the interests
of said defendant should be protected
and the purchase money paid by
him with the costs of the improve-
ments upon the premises made
by him, should be refunded.
And having answered this de-
fendant prays hence to be dis-
missed with his costs in this be-
half most unreasonably expended.
Signed W. J. Stagg

Jess of Wjho County Jris.

C. R. E. Borkin a
counselor in chary of the Circuit Court
for the County aforesaid, in the
State of Virginia do certify that
Mr. Stagg, whose name is signed
to the foregoing answer personally
appeared before me in my
said County and made oath
that the statements contained
in said answer, so far as made
of his own knowledge are true,
and so far as made from knowl-
edge or information derived from
others, he believes to be true.

Given under my hand the 20th day
of April 1882.

R. E. Boykui Governor

Warden Trustees
of } In choy
Cyphes admr et al

Answer of
W & Vaff.

To the Honorable Geo. Blom, Judge of the
Circuit Court of Law & Chancery for the
County of Isle of Wight.

The joint & several
Answers of W S Sykes, Nancy A E Stephen-
son wife of Christopher C Stephenson infant
children of John Sykes deceased, by A P
Young, their guardian ad litem to
the bill of complaint in said court exhibi-
ted by W H Garden Trustee against them
& others -

These defendants jointly & severally
answering say that they are infants and
under twenty one years of age, & submit
their interests in the premises to the
protection of this Honorable court, & hav-
ing answered pray hence to be dismis-
sed with their costs in this behalf expend-
ed & they will ever pray.

A P Young gov. ad
litem

Garden }
 Trustee }
 John }
 Adams }
 Chanay }

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Infants Museum
 Eliza Moore R.
 1887.
 =

To the Circuit Court of the County
of Allegheny.

The joint and
several answer of Geo D Whitley
Susan Powell and Wm Andrew
Crocker by Atty Nelson their guar-
dians as items other Bill of Com-
plaint in said Court exhibited
against them reads.

These defendants saving
and reserving all rights of ex-
ception to the manner on and im-
perfections in said Bill contained
for answer thereto or to so much
thereof as they are advised it is
material or necessary for them to
answer, answering say that they
are infants under the age of twenty
one years and commit their
interests in the premises to the
protection of this Honorable Court.

And having answered they pray
thence to be dismissed with their
costs in this behalf most unrea-
sonably expended.

Teste Nelson gdn ad litem

Nardus stricta
} Or they
Lysichiton

Orfau's answer

Naram

n } Dukey

Sykes

Petition of Geo D Whibbey
et al

Daniel Trustee

Sykes.

20 the Hon George Benson
Judge of the Cir: Ct. of Wash-Co.

The undersigned Lemuel Branch, re-
spectfully represents to the Court-
that on the 7th day of December 1881
he qualified in the County Court
of Wash County as the guar-
dian of William Samuel Sykes
orphan of John Sykes deceased and
entered into bond with James O.
Branch & Charles H. Hunt as his
sureties as will appear by a copy
of the order of qualification here-
with filed as Exhibit "A", prayed
to be taken as a part of this petition.
He therefore prays that the
amount due his said ward in
these proceedings may be paid to
him or to his attorney.

Respectfully submitted

Lemuel Branch

by

R. S. Thomas

His atty

Darden, Foster

✓

Sy Res.

Petition of

Lemuel Branch

guardian

James H. or John Lykes 'admirer' et al.

To the Hon. Learned Judges of the Circuit
Court Court of Chancery for the
County of Wight, in Chancery sitting.
Your petitioner Geo. T. Whitley humbly
represents to the court that on the
day of Feb 1852 Martha J.
Barclay formerly Lykes, widow of
John Lykes deceased & a party defendant
in the above suit by her deed of that
date last aforesaid, for a full valuable
consideration now in conveyance
to your petitioner Geo. T. Whitley all
her estate of lands & other interests in the
land conveyed by the deed of last in
the plaintiffs bill mentioned & in the
proceeds of the sale thereof now in the
hands of the plaintiff in the suit; which
deed is duly recorded & recorded in the
Clerks Office of the County Court of the
County of Wight, a certified copy of which
deed, with certificate of its recording
marked "A" is herewith filed & prayed
to be taken as a part of this petition.
That the nature of said deed your petitioner
has succeeded to the interests in the said Martha
J. Barclay in the support of, and having
thereby become interested therein should be per-
mitted to make a defendant in said suit
in his own right as assignee of the
said Martha J. Barclay. Your petitioner
therefore prays that he may be made a party
defendant in said suit.

Desire to see
vs. John Chouet
John Sykes' adms. & co's

Petition of Genl. Whitley

Filed Oct. 27. 1852.

that your petition will be
for Whitley
no action

To the Hon. George Blow Judge of the Circuit Court of
Isle of Wight County in Chancery sitting.

Hum'ly complaining sheweth
unto the Court your complainant William H. Darden
Trustee under a deed bearing date on the 1st day of December
A.D. 1871 from John Sykes & Martha F. his wife conveying to
your complainant a certain tract of land lying in
the County of Isle of Wight & therein particularly
described & certain personal property enumerated
therein in trust to secure the payment of a certain
debt therein mentioned due to Robert A. Pinner by the
said John Sykes; which deed on the 9th day of December
A.D. 1871 was acknowledged by said grantors & the privy
examination of the wife taken & certified by two magistrates
of the said County, & on their certificate admitted to record
in the Clerk's office of the county court of said county.
A certified copy of the said deed with certificates of
said acknowledgment & privy examination & recorda-
tion annexed, is herewith filed marked A & prayed to
be taken as a part of this bill.

That on the day of 187 the said John
Sykes departed this life testate in the said county
of Isle of Wight & on the 31st day of February 1879 the
will of the said John Sykes, bearing date on the 9th
day of December 1878 was probated in the county
court of said county & George T. Whitley nominated
therein as executor then declined to qualify as
such that the said George T. Whitley afterwards,
to wit on the day of 1879 qualified in said
court as administrator with the will annexed of
said John Sykes. A certified copy of said will, of
said probat & of the qualification of said George T.

Exhibit A

Exhibit B

Whitley administrator aforesaid marked B is
herewith filed, & prayed to be taken as a part of
this bill.

That after the death of said John Lykes, at the request
of said creditor Robert A Pinner your complainant as
trustee aforesaid, after having advertised the time, place
& terms of sale according to law, offered for sale at public
auction the land & so much of the personal property
conveyed by said deed as came to your trustees possession
on the 9th day of December. A.D. 1879, as appears by the
certified copy of his account of sales & the recordation
thereof marked C, herewith filed & prayed to be taken as
a part of this bill.

Exhibit C

That as appears by the account of the transactions of your
complainant as trustee aforesaid regularly made up by a
Commissioner in Chancery of said Court, duly certified,

Exhibit D

marked D, herewith filed & prayed to be taken as a part
of this bill, your complainant has paid off in full the
trust debts to said Robert A Pinner, leaving a balance in
your complainants hands in money & bonds of \$758.50.

That one William I Stag became purchaser of said land
& paid for the same & your complainant has executed
to said purchaser a deed for said land according to law.

That as appears by said account D chattel trust property
only to the amount of \$21.50, came to the hands of your
complainant, the other chattel property having been
sold by said administrator of John Lykes previously,
to wit on the 12th day of March. A.D. 1879, as shown by the account
of sales of said administrator duly certified marked E

Exhibit E

herewith filed & prayed to be taken as a part of this bill.
That the personal estate in the hands of the administrator
was insufficient for the payment of the other debts of

Exhibit A 3

the estate, & there is a balance due the said
1 administrator of John Sykes of \$39.14, as appears by
2 a certified copy of the transactions of George T. Whitley
3 as administrator of John Sykes marked A. Herewith
4 filed & prayed to be taken as a part of the bill.
5 That the said John Sykes left him surviving his
6 widow Martha H. Sykes, & two children W^m S. Sykes and
7 Nancy J. E. Sykes, both of whom are infants under twenty one
8 years of age. The said Martha H. Sykes after the death of
9 her husband the said John Sykes, intermarried with one
10 Barclay who departed this life on _____ day of February 1882 leaving
11 the said Martha H. Barclay surviving. That the said Nancy J. E.
12 Sykes has intermarried with one Christopher C. Stephenson.
13 The said W^m S. Sykes & Nancy J. E. & the said Martha H. are
14 beneficiaries under the will of said John Sykes, to whom
15 the said testator gives after the payment of his debts all his
16 real & personal estate subject to many limitations and
17 conditions; among the latter is one forfeiting the life
18 estate given the wife on her marriage & substituting therefor
19 the rights of the said widow at law, & by another the said
20 Nancy J. E. is to forfeit the legacy given her by her
21 marriage with the said Christopher C. Stephenson which
22 as before stated has taken place. That your complainant
23 is informed that the aforesaid balance of trust funds in
24 his hands is real estate, & he felt great embarrassment
25 in disposing of said balance as it was demanded by the
26 said John Sykes' administrator, as equitable assets for
27 the payment of debts & on account of the complication of
28 the conditions & limitations of the said will & the
29 modification of the same caused by the marriage of
30 said widow & of said Nancy J. E. Sykes it was utterly imprac-
31 ticable to ascertain the rights of the parties under said

will & your complainant was about to resort to this court
1 to aid him in the execution of his trust when he for the
2 first time had his attention called to the fact that the
3 deed of trust aforesaid did not recite in the body of
4 the deed that the parties had thereunto attached their
5 seals or otherwise mentioned the seals of the grantors,
6 although they attached their seals to their signatures.
7 Your complainant is informed & so charges that the
8 failure to recite the seals in the body of the instrument
9 was entirely ~~owing~~ to the mistake of the draughtsman,
10 who drew the deed; he was authorized by the grantors to
11 draw a deed, supposed he had done so, the parties signed
12 it, the trustee sold under it, collected the money and
13 executed a deed to the purchaser before the mistake was
14 discovered as aforesaid. Your complainant is further
15 informed & so charges,
16 1st that the execution of the instrument without
17 any intention of making it the deed of the parties, but
18 only a written agreement under their hands, would
19 have entitled the beneficiaries under it to enforce
20 in a court of Chancery the execution of a deed creating
21 a loan with a power of sale on the terms & conditions of the
22 agreement;
23 2^{ndly} the mere mistake of the draughtsman to recite
24 the seals of the grantors in the body of the instrument
25 under the circumstances aforesaid was a mistake
26 which the beneficiaries could have rectified, and
27 the deed in that respect reformed in a court of Chancery,
28 & the execution of a deed carrying out the intention of the
29 parties by the execution of a deed securing the debt by a
30 loan on the land, & authorizing the sale on default of
31 payment. Your complainant therefore charges that

it is competent to this court to confirm what it would
1 have authorized to have done, for the reasons mentioned
2 in the 1st + 2nd allegations last aforesaid, & to confirm
3 the sale aforesaid by your trustee & all his transactions as
4 the said sale having been for the full value of the land, & in all respects a
5 trustee under said deed, That since the said sale &
6 the payment in full of the trust debt to the said
7 Robert. A. Pinner, the latter has departed this life in
8 the County last aforesaid, intestate & his widow
9 Pinner qualified in the county court of said County as
10 the administratrix of his personal estate; the said
11 administratrix has also departed this life in the county
12 aforesaid & Nora McHolliman has qualified in said
13 court as administratrix de bonis men of said Robert. A.
14 Pinner. I tender consideration whereof, & for as
15 much as your complainant is without remedy at
16 law, & can only be relieved by the aid of this Honorable
17 Court of Chancery where matters of this sort are
18 cognizable, your complainants pray that the said
19 sale may be confirmed, that all necessary enquiries
20 may be made & accounts taken & that the court will
21 ascertain the rights of the parties in the balance of the
22 trust fund in your complainants hands & that your
23 complainant may be directed how to pay the same; &
24 to this end your complainant prays that the aforesaid
25 Messrs H Barclay, George T Whitley administrators with
26 the will annexed of John Sykes deceased, W^m J. Hay
27 Nora McHolliman administratrix de bonis men of
28 Robert. A. Pinner deceased, W. L. Sykes, Christopher C. Stephenson
29 & Nancy L. E. his wife, the said Nancy L. E. Stephenson &
30 W. L. Sykes infants under Twenty one years of age, by
31 some person appointed their guardian ad litem to
defend their interest in this suit, may be made parties

Oct. term 1883, Decree
to collect fund, pay out
re. &c.

April term 1886. De. confg.
rept. of Sept by R. L. B. & M. & M.
and v. H. H. B. and

April term 1887
De. to pay w. s. B. & M. & M.

Oct. term 1887. De. confg.
rept. and for a c. c.

April term 1888.
De. confg. rept. & for
collect & v. B. & M. & M.

Oct. term 1892

Final

Standard Trustee
10
Chancery

Re. of R. L. B. & M. & M.
et al.

Complainant's Bill -

March Rules, 1887.
Bill & v. B. & M. & M.
adult dep. & de. v. B. & M. & M.
N. P. Young assn. & de. v. B. & M. & M.
the info. dep. & de. v. B. & M. & M.

April. Rls. "Bill taken
for confg. v. B. & M. & M.
de. & de. v. B. & M. & M.

Octo. R. 1882, Peton. & de.
of B. & M. & M. & de. for
de. & de. v. B. & M. & M.

Oct. 1884, de. v. B. & M. & M.
order. the heard in vacating
"

April. 1885: de. to collect
fund from Bauer, dis-
tributed re. &c.

deposited to the bill, & he required to answer the
same, that the Chancellor's Court will grant the prayer
of the complainant as aforesaid.
That this fact may be carried on at the expense of
the trust fund, in the name of a reasonable fee to
B. & M. & M. for his services in the bill, &
that such other & further relief may be granted in
the premises as to the court may deem meet & may best
the equity of the case, & the complainant will save
any &c.

B. & M. & M.