1909-016 Chancery Causes . Joseph A. White et al, for use vs R. E. Boykin, trustee
Dist of Wright County

other SURNames: Sauer, Barrett [C. F. Sauer Company], Bosman [G. & R. Barrett, Lohman, [Virginia Candy Company], Holoway, Clarke Dilworth, [W. J. Dilworth Company] Younger, [A. B. Clarke & Son], Wrenn, Underwood, Holloway

The Commonwealth of Virginia.

To the Sheriff of Isle of Wight County:

We command you to summons R.E.Boykin, trustee for Jos. A. White located in the town of Smithfield, Virginia, to appear before N. F. Young, a commissioner in Chancery for the Circuit Court of Isle of Wight County, on the 7th. day of September, 1904, with a book of accounts and other writings, consisting of books, day books, ledgers, store books, invoices and bills, lately the property of and in the possessione of Jos. A. White, bein g the same that was placed in the possession of said R.E. Boykin, trustee at the time of or since the making of the deed of assignment refered to in the bill in the ~~above~~ case of Jos. White etals vs. R E. Boykin trustee then and there to testify the and the truth to say im behalf of the plaintiff in the taking and stating of an account by the said Commissioner in Chancery: And have then and there this writ:

Witness, N. F. Young, Commissioner in Chancery of our said court, at the court-house of said county, the 16th. day of August 1904, and in the 129 year of the Commonwealth.

N. F. Young Comr.

J. A. White et als

vs.

R. E. Baskin Trustee

Original

Excepted by delivering a copy of the within Notice to R. E. Baskin Trustee and a copy to Office of Clerk of U. S. District Court Sept. 26th 1904.

Jo A Eaves

Deputy

Sept 26th 1904

Case continued by consent of parties to Sept 19th 1904 J. H. Harris Com.

Commissioner's Office, Aug. 15th. 1904,

To Jos A. White, C. F. Sauer Co. Inc. G. H. Barrett xx and R. H. Barrett, trading under the firm, name and style of G.&R. Barrett, Robert I Basman and Julius G. Lohman, trading under the firm, name and stlye of "The Virginia Candy Company, J.W.Holloway, W. J. Dilworth & Co., L. C. Younger, A. B. Clark & Son Inc. J. L. Underwood, and all other creditors who may desire to become parties to this suit, and contribute to its costs; plaintiffs, and R. E. Boykin, defendant.

You are hereby notified that I have fixed upon the 7th day of Sept, 1904, at 2 o'clock P.M. if fair, if not, on the next fair day (Sunday excepted) to take and settle, at my office, the account of;

1-The actions and doings of said defendant, R.E.Boykin, trustee, concerning the trust stated in said bill since the 30th. day of Nov. 1895, including an account of all property that came into his hands under this trust deed mentioned in said bill, or which should have properly come into his hands under said Deed;

2-What monies have been paid out and expended by the said defendant, R. E. Boykin, trustee, in the execution of said trust;

3-All other actions of the said defendant, R. E. Boykin, xx trustee, in the execution of said trust.

4)A list xxf of all creditors secured by the said trust deed and the amounts due each creditors respectively;

5-And such other matters as any party in interest may require, the same being pertinent, or such other matters as said Commissioner himself may deem pertinent, whether so requested or not.

Required to be taken be a decree of the Circuit Court of County of Isle of Wight rendered on the 6th. day of June, 1904, in suit in Chancery depending in said Court between Jos. A. White et als. vs. R.E.Boykin, Trustee, at which time and place you are required to attend.

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

N. D. Young
Commissioner.

J. A. White et als
vs. } Comm. Notice
R. E. Boykin Trustee

Executed by delivering a copy of this Notice to R. E. Boykin Trustee Aug. 25th 1904

R. A. Eaves

Deft

Judge Altman says look up those papers in Sentley Dayton &c.

Commissioner's Office , August, 15th. 1904.

To Joseph A. White, C. F. Sauer Co. Inc. G. H. Barrett and R. H. Barrett, trading under the firm, name and style of G. &. R Barrett, Robert I. Basman and Julius G. Lohman, trading under the firm, name and style of"The Virginia Candy Company, J. W. Hollaway, W. J. Dilworth & Co. L. C. Younger, A. B. Clark & Son Inc. J. L. Underwood, and all other credi tors who may desire to become parties to this suit, and contribute to its costs; plaintiffs, and R. E. Boykin, trustee, defendant.

You are hereby notified that I have fixed upon the 7th day of September ...,1904, at 2 o'clock P. M. if fair, if not, on the next fair day thereafter (Sunday excepted) to take and settle, at my office, the account of;

1-The actions and doings of said defendant, R. E. Boykin, trustee, concerning the Trust stated in said bill since the 30th day of Nov., 1895, including an account of all property that came into his hands under the trust deed mentioned in said bill, or which should have properly come into his hands under said deed.

2-What monies have been paid out and expended by the said defendant, R. E. Boykin, trustee, in the execution of said trust;

3-All other actions of the said defendant, R.E.Boykin, trustee, in the execution of said trust.

4-A list of all creditors secured by the said trust deed and the amounts due each creditor respectively;

5-And such other matters as any party in interest may require, the same being pertinent, or such other matters as said Commissioner himself may deem pertinent, whether so requested or not.

Required to be taken be a decree of the Circuit Court of the County of Isle of Wight rendered on the 6th. day of June, 1904, in suit in Chancery depending in said Court between Jos. A. White et als. vs. R.E.Boykin, Trustee, at which time and place you are required to attend.

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

A. F. Young
Commissioner.

J. A White etals.
vs } Comm Mutual
R. E. Boykin trustee

Service of within
notice accepted for
Plaintiffs
Jno. Hall Jr.
Atty for Plaintiffs

S. S. Phone 18.

J. D. Hank, Jr.
Attorney at Law,
52 Virginia-Carolina Building.

Norfolk, Va. July 29, 1904.

N.F.Young, Esq.,

Isle of Wight, Va.

Dear Sir,

Please summon the following witnesses to appear before you next Wednesday,August 3rd,1904, in the case of Jos.A.White et al. v. Boykin,Tr. :- Enoch Briggs (Col.); Merritt Goodrich (Col.);Patrick Coffer (Col.); Robert Jones (Col.);Jacob Coffer(Col.);J.A.Wilson; and require Boykin to bring with him all the books, day-books; Ledgers; store books; invoices;etc. of the plaintiff, Jos. A.White that were placed in his hands at the time of the assignment.

I trust that we can complete the testimony in this case on Wednesday afternoon.

Yours truly,

J. D. Hank Jr.

H/R.

Commissioner's Offcie , June ~~15th~~ 28th., 1904 .

To Jos A. White, C. F. Sauer Co. Inc. G. H. Barrett and R. H. Barrett trading under the firm name and style of G. &. R. Barrett, Robert I. Basman and Julius G. Lohman, trading under the firm name and style of "The Virginia Candy Company, J. W. Hollowway, W.J.Dilwoth and John J.Berk, trading under the firm name and style of W.J.Dilworth & Co., L. C. Younger, A. B. Clark and Son, Inc. J. L. Underwood, and all other creditors who may desire to be come parties to this suit, and contribute to its costs; plaintiffs, and R. E. Boykin, Trustee, Defendant.

You are hereby notified that I have fixed upon the 3rd. day of Aug. 1904, at 2 o'clock P. M. if fair, if not,on the next fair day thereafter(Sunday Excepted), to take and settle, at my office the account of;

1-The actions and doings of said Defendant, R. E. Boykin, Trustee, concerning the Trust stated in said Bill since the 30th. day of Nov., 1895, including an account of all property that came into his hands under the Trust Deed mentioned in said Bill, or which should have properly come into his hands under said Deed;

2-What monies have been paid out and expended by the said Defendant, R. E. Boykin, trustee, in the execution of said Trust;

3-All other actions of the said defendant, R. E. Boykin, trustee, in the execution of said Trust;

4-A list of all creditors secured by the said trust deed and the amounts due each creditor respectively;

5-And such other matters as any party in interest may require, the same being pertinent, or such other matters as said commissioner himself may deem pertinent, whether so requested or not.

Required to be taken by a decree of the Circuit Court of the County of Isle of Wight rendered on the 6th. day of June 1904, in a suit in Chancery depending in said Court between Jos. A. White et als. vs. R. E. Boykin, Trustee,at which time and place you are required to attend.

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

N. F. Young Comr.

Service of within notice accepted for Plaintiffs
L. D. Haub Jr.
Atty for Plaintiffs

Continuing to Sept 7th 1904

Commissioner's Office, June 28th. 1904.

To Jos. A. White, C.F.Sauer Co. Inc. G.H.Barrett and R. H. Barrett, trading under the firm, name and style of G.&.R.Barrett Robert I. Basman and Julius H Lohman, trading under the firm, name and style of "The Virginia Candy Company, J.W.Holloway, W.J.Dilworth and Co., L.C.Younger, A.B.Clark and Son Inc. J.L.Underwood, and all other creditors who may desire to become parties to this suit, and contribute to its costs; plaintiffs, and R.E.Boykin trustee, Defendant.

You are hereby notified that I have fixed upon the 3rd. day of August, 1904, at 2 o'clock P.M. if fair, if not, on the next fair day thereafter(Sunday excepted) to take and settle, at my office , the account of;

1-The actions and doings of said defendant, R.E.Boykin, Trustee, concerning the Trust stated in said Bill since the 30th. day of Nov., 1895, including an account of all property that came into his hands under the trust deed mentioned in said Bill, or which should have properly come into his hands under sais Deed;

2-What monies have been paid out and expended by the saidv defendant, R.E.Boykin, trustee, in the execution of said Trust;

3- All other actions of the said defendant, R.E.Boykin, trustee, in the execution of said Trust.

4- A list of all creditors secured by the said trust deed and the amounts due each creditor respectively;

5- And such other matters as any party in interest may require, the same being pertinent, or such other matters as said Commissioner himself may deem pertinent, whether so requested or not.

Required to be taken be a decree of the Circuit Court of the County of Isle of Wight rendered on the 6th. day of June, 1904, in suit in Chancery depending in said Court between Jos. A. White et als. vs. R.E.Boykin, Trustee, at which time and place you are required to attend.

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

S. F. Young
Commissioner.

J. A. White et als

vs. Jasper Notice

R. E. Boykin Trustee

Continued to Sept 7th 1904

V

Executed by delivering
a true copy of the
within Notice
July 2nd 1904
Jno A. Edwards
Sheff.

COMMISSIONER'S OFFICE ,
JUNE 15th, 1904.

To Jos.A.White, C.F.Sauer CO.Inc.?G.H.Barrett and R.H.Barrett trading under the firm name and style of G.H.R. Barrett. Robt S. Basman & Julius B. Lehman ~~rett~~, trading under the firm name and style of "The Virginia Candy Company, J.W.Holloway, W.J.Dilworth and John J.Berk, trading under the firm name and style of W.J.Dilworth and CO., L.C.Younger , A. B.Clark and Son, Inc J.L.Underwood, and all other creditors who may desire to be come parties to this suit, and contribute to its costs; plaintiffs and R.E.Boykin, Trustee, Defendant.

You are hereby notified that I have fixed upon the 30th, day of June 1904, at 2 o'clock P.M. if fair; if not, on the next fair day thereafter (Sunday Excepted), to take and settle, at my office, the account of;

1-The actions and doings of said defendant, R.E.Boykin, Trustee, concerning the trust stated in said bill since the 30th, day of November, 1895, including an account of all property that came into his hands under the trust deed mentioned in said bill, or which should have properly come into his hands under said deed;

2-What monies have been paid out and expended by the said defendant, R.E.Boykin, trustee, in the execution of said trust.

3- All other actions of the said defendant, R.E.Boykin, trustee, in the execution of said trust;

4-A list of all creditors secured by the said trust deed and the amounts due each creditor respectively;

5- And such other matters as any party in interest may require, the same being pertinent, or such other matters as said commissioner himself may deem pertinent, whether so requested or not.

Required to be taken by a decree of the Circuit Court of the County of Isle Of Wight rendered on the 6th, day of June 190 in a suit in Chancery depending in said Court between Jos.A.White etals Vs. R.E.Boykin, Trustee, at which time and place you are required to attend.

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

N. F. Yarma
Commissioner.

Executed by delivering to the within
named R. E. Bogdin a true Copy
of the within Notice
Dated 18th/04

R. A. Edwards
Bailiff

Jas. A. White Esq
vs } Amm. notice
R. E. Bogdin Limited

Entered 15 Aug 8th/904

COMMISSIONER'S OFFICE ,

JUNE 15th, 1904.

To Jos.A.White, C.F.Sauer CO.Inc.?G.H.Barrett and R.H.Barrett, trading under the firm name and style of"The Virginia Candy Company, J.W.Holloway, W.J.Dilworth and John J.Berk, trading under the firm name and style of W.J.Dilworth and CO., L.C.Younger , A. B.Clark and Son, Inc. J.L.Underwood, and all other creditors who may desire to be come parties to this suit, and contribute to its costs; plaintiffs, and R.E.Boykin, Trustee, Defendant.

You are hereby notified that I have fixed upon the 30th, day of June 1904, at 2 o'clock P.M. if fair; if not, on the next fair day thereafter(Sunday Excepted), to take and settle, at my office, the account of;

1-The actions and doings of said defendant, R.E.Boykin, Trustee, concerning the trust stated in said bill since the 30th, day of November, 1895, including an account of all property that came into his hands under the trust deed mentioned in said bill, or which should have properly come into his hands under said deed;

2-What monies have been paid out and expended by the said defendant, R.E.Boykin, trustee, in the execution of said trust.

3- All other actions of the said defendant, R.E.Boykin, trustee, in the execution of said trust;

4-A list of all creditors secured by the said trust deed and the amounts due each creditor respectively;

5- And such other matters as any party in interest may require, the same being pertinent, or such other matters as said commissioner himself may deem pertinent, whether so requested or not.

Required to be taken by a decree of the Circuit Court of the County of Isle Of Wight rendered on the 6th, day of June 1904 in a suit in Chancery depending in said Court betweenJos.A.White etals Vs. R.E.Boykin, Trustee, at which time and place you are required to attend.

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

M. D. Gwaltney

Commissioner.

Jas. A. White etals

vs. } Comm. Notice

R. E. Boykin Trustee

Service of within notice accepted for plaintiffs.

J. D. Hamb, Jr.

Attorney for Plaintiffs.

Continued to Aug 3d 1904

S. S. Phone 18.

J. D. Hank, Jr.
Attorney at Law,
52 Virginia-Carolina Building.

Norfolk, Va. August 4, 1904.

Mr. N. F. Young,

Isle of Wight, Va.

Dear Sir,

Your letter of August 3rd. has been received and contents noted.

As you cannot take the accounting on the first Monday in September, please set a day any time thereafter- setting the earliest date possible- and notify me of the fact and I will arrange to appear before you on the day which you set.

I leave the first of next week on a business trip South, I will probably not return before August 31st., therefore I make the request that you fix the day for accounting sometime during the first of September.

I enclose herewith the affidavit necessary for securing the ledgers, books, etc. in possession of the defendant. Trusting that you will be able to fix a day in September for this accounting which will not inconvenience you, I beg leave to remain

Yours truly,

J. D. Hank Jr.

Dictated.

H.- T.

J. D. Hank, Jr.
Attorney at Law,
52 Virginia-Carolina Building,
NORFOLK, VA.

NORFOLK, VA.
AUG 2
7-PM
1904

N. F. Young, Esq.,

Isle of Wight,

Virginia.

WINDSOR STA
AUG
1964

The Monticello

Chas. H. Consolvo
Manager

Norfolk Va, Aug 2 1904

Jos. D. White, et al
K. E. Boykin, Tr } In Chancery

Since Aug. 3, 1904 has been set as the day on which an accounting is to be taken in the above case, and since a material witness for the defendant is absent from the state and cannot be at the Clerk's Office of Isle of Wight Circuit Court - where the accounting is set to be taken - and since the defendant is sick and will be unable to be present at the said place on the 3rd of August, 1904. he hereby requests that the accounting be postponed until the first Monday in September, 1904; at which time he promises that he will

The Monticello

Chas. H. Consolvo
Manager

Norfolk Va, _____ 190_

be ready and willing that the accounting be taken without any hindrance on his part, and he agrees that he will pay the costs of witnesses summoned to appear at the said place on the 3rd day of August, 1904 in said case, regardless of the result of the suit; and he hereby accepts service of the notice that the accounting ordered in the above styled case will take place on the first Monday in September, 1904, at 2 P.M. at the Office of M. T. Young, Commissioner, Isle of Wight Court House.

R. E. Boykin.

I accept service of notice of the within proposed accounting

J. D. Hawks
Atty for Pltffs.

S. S. Phone 18.

J. D. Hank, Jr.
Attorney at Law,
52 Virginia-Carolina Building.

Norfolk, Va. August 2, 1904.

N. F. Young, Esq.,
Isle of Wight, Va.

Dear Sir,

Your letter of July 30th. has just been received and contents noted.

I regret that in the press of work on me now, I failed to send you the affidavit required, and assure you that I appreciate your calling my attention to the fact so promptly.

I send you herewith the affidavit necessary.

Col. Boykin telegraphed me yesterday that he would see me to-day, and this morning, he sent me word requesting that I come to the hotel here in Norfolk where he was sick in order that I might have an interview with him. At the interview, he advised me that he had been unable to secure the attendance of a material witness in the case for August 3d. and that he would be unable to be present on account of his feeble condition and urgently requested that we defer the accounting until the first Monday in September, which I notice is September 5th. I reluctantly consented to the postponement with the understanding that he would ask for no more continuances and, whether his witnesses were here or not, and whether he was sick or well, we could take the accounting on the first Monday in September. He further agreed to pay all costs in connection with witnesses summoned to be present on August 3rd. regardless of the result of the suit. I enclose the agreement which we hastily drew up and which he signed, and will ask that you fix September 5th. at 2 P. M. for taking the accounting in the case.

By accepting receipt of this letter, stating that you have

S. S. Phone 18.

J. D. Hank, Jr.
Attorney at Law,
52 Virginia-Carolina Building.

Norfolk, Va.

fixed September 5th. for the accounting, you may consider that I have accepted service of notice that the accounting will be taken on that day.

Yours truly,

J. D. Hank, Jr.

Dictated.

H.-T.

The plaintiff, to whom I sent the affidavit has failed to return it up to this time, so I will secure it and send it to you in a few days. J. D. Hank, Jr.

Smithfield, Va. May 18th. 1895.

$400.00

We the undersigned Trustees of Zion Baptist Church in the County of Isle of Wight obligate and promise to pay to Jos. A. White the full and just sum of Four Hundred Dollars in monthly payments of Twenty Five Dollars a month?

The consideration of the above debt is the balance due on building the Zion Baptist Church and as to this debt each of us hereby waive the benefit of our Homesstedd Exemption and it is further more agreed that the said Jos. A White retains the title to the said building until this obligation is fully paid and discharged.

Witness our hands and seals this the 18th. day of May, 1895.

his
Meritt X Goodrich, (SEAL).
mark

his
Patrick X Cofer, (SEAL).
mark

his
William X Blizzard, (SEAL).
mark

Enous Briggs, (SEAL).

Witnesses,

W. L. Folk,

R. M. Pitman.

Trustees of Zion Baptist Church.

A Copy,

TESTE: N. D. Gaines Clerk.

Rec'd,		
June, 98		$25.00
July, 29		25.00
Aug. 26		25.00
Sept. 23		19.00
Oct.29.		25.00
95.		
Dec. 16.		13.00
" 23.		9.00
96.		
Jan. 27.		22.00
Feb. 24		12.00
March 13	Pd.R.E.B.	7.00
" 22nd.	" R.E.B.	12.00
May 2nd.	" R.E.B.	5.00
May 28d.	" De	10.00
Dec.	" do.	20.00
97		
Feb. 13		20.00

Pay the within bond to B.P. Chapman,

J. A. White.

Mch. 11-99 Recdof Patrick Cofer twenty five dollars in part of bond.

R.E.Boykin, Trustee.

July 8-99 Recd thirty five dollars in part of within bond.

R. E. Boykin, Trustee.

Dec. 28-99, Recd, twenty eight dollars in part of this bond.

R. E. Boykin, Trustee.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Jos. A. White; C. F. Sauer Co. Inc.; G. H. Barrett and R.H. Barrett, trading under the firm name and style of G. & R. Barrett; Robert I. Bosman and Julius G. Lohman, partners, trading under the firm name and style of the Virginia Candy Company; J. W. Holoway; W. J. Dilworth; and John J. Burk, trading under the firm name and style of W. J. Dilworth & Company; L. C. Younger; A. B. Clarke & Son, Inc.; J. L. Underwood, and all other creditors who may desire to become parties to this suit and to contribute to its costs, plaintiffs.

v.

R. E. Boykin, trustee, defendant.

In Chancery.

This cause came on this day to be heard upon the bill taken for confessed as to the defendant, R. E. Boykin, trustee, on whom process appears to have been duly served, and he still failing to appear, demur, or answer, and was arguedby counsel.

Upon consideration of all which the court doth adjudge, order and decree that N. F. Young, one of the commissioners in chancery of this court, do ascertain, state and report to this court an account, showing;-

1- The actions and doings of said defendant, R. E. Boykin, trustee, concerning the trust stated in said bill since the 30th. day of November, 1895, including an account of all property that came into his hands under the trust deed mentioned in said bill, or which should have properly come into his hands under said deed;

2- What monies have been paid out and expended by the said defendant, R. E. Boykin, trustee, in the execution of said trust.

3- All other actions of ~~omissions committed and made by~~ the said defendant, R. E. Boykin , trustee, in the execution of said trust;

4- A list of creditors secured by the said trust deed and the amounts due each creditor respectively;

5- And such other matters as any party in interest may require, the same being pertinent, or such other matters as said commissioner himself may deem pertinent, whether so requested or not.

But before proceeding to take said account the said commissioner shall give notice to all parties to this suit of the time and place of taking the said account by personal service of such notice on the parties or their counsel.

And what the said commissioner shall do under this decree, and all the evidence produced before him thereunder, he shall report to the next term of this court, until which time this cause is continued.

Jos. A. White et al.

v.

R. E. Boykin

In Chan.

Order of Reference.

Entered June 6, 1904
Robert R. Prentis.

J. D. Hank, Jr.,
Attorney at Law,
Norfolk, Va.

Entered in O.O. B #6 p. 241.

Circuit Court of Isle of Wight County,
on the 26th day of November 1923

Joseph A. White et als

vs.

R. E. Boykin Trustee.

This cause came on this day to be heard on the bill of complaint taken for confessed, as to whom process has been duly served, he failing to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof the Court doth adjudge order, and decree that one of the Commissioners of this Court, take, state and report to the Court the following inquiries and accounts:

First: The account of R. E. Boykin, Trustee as before said,

Circuit Court of Dickenson County
on the 26th day of November 1903.

Joseph A. White &c. als

vs.

R. E. Boykin, Trustee.

This cause came on this day to be heard on the bill of complaint taken for confessed, on whom process has been duly served, he failing to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof the Court doth adjudge order, and decree that one of the Commissioners of this Court, take, state and report to the Court the following inquiries and accounts.

First: The account of R. E. Boykin, Trustee, as aforesaid, in a Deed of assignment of Joseph A. White in favor of C. F. Sauer Company, incorporated and chartered under the laws of the state of Virginia;

J. H. Barrett

26 Nov 1903

S. S. Phone 18.

J. D. Hank, Jr.
Attorney at Law,
52 Virginia-Carolina Building.

Norfolk, Va. September 15, 1904.

Hon. Robert R. Prentis,
Isle of Wight, Va.

Dear Sir,

In the case of Jos. A White, et al against R. E. Boykin, Tr. now pending in the Circuit Court of Isle of Wight, we have effected a settlement, and would ask that you dismiss the case from the docket at the next term of Circuit Court, of said county.

Thanking you for your kindness in this matter, I beg leave to remain

Yours truly,

J. D. Hank Jr.

Attorney for plaintiffs
in White v. Boykin, Tr.

Dictated.
H.- T.

CLERK'S OFFICE
ISLE OF WIGHT COUNTY, VA.

N. F. YOUNG, CLERK.

ISLE OF WIGHT C. H., VA., Sept 16th 1901

Recvd of N. F. Young Comr. the original bond executed by the Trustees of Zion Baptist Church and payable to Jos. A. White, which said bond was left in the hands of the said Comr. on Sept 7th 1901

R. E. Boykin
Trustee for J. A. White

J. A. White et al vs. R. E. Bolphus

List of witnesses

Patrick Cofer

Jacob Cofer

Merritt Goodrich

Nathan Green Newport Miss.

By amt collected by R. L. Boykin Trustee for Jos. A. White

By check of	handed me by White	32.00
" amt from Hampton Dunnegan		2.00
" do Willie Horne		.50
" " Hayden Brown		4.00
" " J. O Epps		1.00
" " Jno Hosworth		4.00
" amt of note of Harwood (1st)		141.68
" amt 2d note of do		141.47
" note of Mrs White for $735.00		735.00
" 3d note of Harwood		135.00
		1196.65
Zion Baptist Church		~~286.50~~
		~~1476.60~~
amt from A. H. Horn		.90
		477.50

R. E. Berkui
L. for Mule
suits collected

In the Circuit Court of Isle of Wight County.

Joseph A. White, et al. *

v. * In Chancery.

R. E. Boykin, trustee. *

I, W. J. Dalworth, of the firm of W. J. Dalworth & Co, a party to the above styled case pending in the Circuit Court of Isle of Wight County, do make oath that I verily believe that there is in the possession of R. E. Boykin, trustee, defendant in the above styled case a book of accounts and other writings consisting of books, day books, ledgers, store books, invoices and bills, lately the property and in the possession of Joseph A. White, containing material evidence for me, such writing or books as are aforesaid, books of account, day books, ledgers, storebooks, invoices, and bills being the same that were placed in the possession of said R. E. Boykin, trustee at the time of, or since, the making the deed of assignment referred to in the bill in the above named case.

W J Dalworth

State of Virginia.

Corporation of the State of Norfolk, to-wit:-

Subscribed and sworn to before me in my corporation aforesaid this ~~2nd~~ 3rd. day of August, 1904.

Hm Hadsworth Dey.

Notary Public.

(My Commission expires August 4th 1906)

J. A. White et als

vs. } Affidavit of
W. J. Dilworth

R. E. Boykin et ux

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Osle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs (Col.) Merritt Goodrich (Col.), Patrick Coffer (col), Robert Jones (Col.), Jacob Coffer (Col.) and J. A. Wilson.

personally to appear before the undersigned, one of the Commissioners in Chancery of the Court of the County of Osle of Wight, at his office, at the courthouse of said county, on the 7th. day of Sept. 1904. next, to testify and the truth to say in behalf of plaintiff,

in a certain matter of account of the actions and doings of said defendant, what property came to his hand, what money paid out etc.

referred to the said commissioner for inquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. White et als. and R. E. Boykin Trs. rendered on the 6th. day of June 1904.

And this they shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 15th. day of August 19 04, and in the 129 year of the Commonwealth.

N. F. Young Comr

Form No. 401.

J. A. White etals

vs. } WITNESS' SUBPOENA.

R. E. Bankin trustee

Executed on
Enoch Briggs Mond
Goodrich Paynch Osborn
& Jacob Osborn.
Aug. 22nd 1904
Ro. A. Edwards
Sheriff

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon J. A. Wilson

personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 7th. day of Sept. 1904. next, to testify and the truth to say in behalf of plaintiff

in a certain matter of account of the actions and doings of said defendant, what property property came to his hands, what monies paid out etc.

referred to the said commissioner for inquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. White et als and R. E. Boykin trustee~~xxxx~~ dendered on the 6th? day of June, 1904

And this they shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 15th. day of August 19 04, and in the 129 year of the Commonwealth.

N. F. Young, Comr ~~Clerk.~~

A Copy,

TESTE: N. F. Young Comr. ~~Clerk.~~

Form No. 401.

Jno A Belcher

Not found

WITNESS'
SUBPOENA.

in Any County

To A Ewell

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Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs (col'd) Merritt Goodrich (col'd) & Patrick Caffer (col'd) Robert Jones col'd, Jacob Caffer col'd & J. A. Wilson

personally to appear before the undersigned, one of the Commissioners in Chancery of the circuit Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 3d day of August 1904 ~~next~~, to testify and the truth to say in behalf of plaintiffs

in a certain matter of account of the actions & doings of said defendant what proportion is his bond what sums paid out &c.

referred to the said commissioner for enquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. White trading &c. & R. E. Barkins, Mrs, remained on the 5th day of June 1904

And this writ shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Manning, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the 129 year of the Commonwealth.

N. F. Manning Comr.

Form No. 401.

J. A. White et als

vs. } WITNESS' SUBPOENA.

R. E. Baskin trustee

Not executed
by order of
Macon City.
B. A. Edwards
Sheriff

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs &c

personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 3d day of August 1904 ~~next~~, to testify and the truth to say in behalf of the plaintiff what property Eunice T. Bliss had in a certain matter of account of the action & damages of said defendant what property came to his hand, what money paid out etc referred to the said commissioner for inquiry & report, by a decree of the said court in a suit in chancery therein pending between J. A. Wilds et als and R. E. Baykin &c rendered on the 6th day of June 1904

And this they shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the 129 year of the Commonwealth.

N. F. Young ~~clerk~~ Comr

A Copy, Teste:
N. F. Young Comr

Form No. 401.

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WITNESS'

SUBPOENA.

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Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs (col'd) Merritt Gordrick (col'd) Patrick Cofer (col'd) Robert Jones (col'd) Jacob Coffer (col'd) and J. A. Hilsdon

personally to appear before the undersigned, one of the Commissioners in Chancery of the Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 3rd day of Aug 1st 1904, next, to testify and the truth to say in behalf of Plaintiff

in a certain matter of account of the actions & damages of said defendant what property came to his hand, what money paid out &c referred to the said commissioner for inquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. Hilsdon et als, and R. E. Boykin, rendered on the 6th day of June 1904.

And this they shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the 129 year of the Commonwealth.

A Copy. Teste: N. F. Young Com.

N. F. Young Com.

Form No. 401.

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WITNESS'

SUBPOENA.

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Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch, Briggs (col'd) Merritt Gordrich (col'd) Patrick Coffee (col'd) Robert Jones (col'd) Jacob Coffee (col'd) and J. A. Holden.

personally to appear before the undersigned, one of the Commissioners in Chancery of the Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 5th day of August 1904 next, to testify and the truth to say in behalf of Plaintiffs,

in a certain matter of account of the actions & doings of said defendant what property came to his hand, what money paid out &c.

referred to the said commissioner for inquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. Holden et als and R. C. Bayliss rendered on the 6th day of June 1904.

And this writ shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the 129 year of the Commonwealth.

A Copy, Teste: N. F. Young comm

N. F. Young ~~Clerk~~ comm

Form No. 401.

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WITNESS'

SUBPOENA.

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Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs (col'd) Merritt Goodrich, (col'd), Patrick Offer (col'd) Robert James, (col'd) Jacob Offer, (col'd) and J. A. Wilson

personally to appear before the undersigned, one of the Commissioners in Chancery of the Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 3rd day of August 1904, next, to testify and the truth to say in behalf of plaintiff

in a certain matter of account of the actions & doings of said defendant what property came to his hands, what moneys paid out &c.

referred to the said commissioner for inquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. Wilson et als and R. E. Boykin rendered on the 6th day of June 1904.

And this writ shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. T. Young, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the 129 year of the Commonwealth.

N. T. Young Comm'r

A Copy Teste: N. T. Young Comm'r.

Form No. 401.

WITNESS'
SUBPOENA.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs (col.d) Merritt Gordrick (col.d) Patrick Coffer (col.d) Robert Jones, (col.d) Jakob Coffer (col.d) and J. A. Wilson

personally to appear before the undersigned, one of the Commissioners in Chancery of the Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 3rd day of August 1904. next, to testify and the truth to say in behalf of Plaintiff

in a certain matter of account of the actions & damages of said defendant, what property came his hand, what money paid out &c, referred to the said commissioner for enquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. Wilde et als and R. E. Boykin rendered on the 6th day of June 1904.

And this Writ shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the year of the Commonwealth.

N. F. Young Com'r

A Copy. Teste: N. F. Young Com'r

Form No. 401.

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WITNESS'
SUBPOENA.

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Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon Enoch Briggs (col'd) Merritt Goodrich (col'd) Patrick Coffer (col'd) Robert Jones (col'd) Jacob Coffer (col'd) and J. A. Wilson,

personally to appear before the undersigned, one of the Commissioners in Chancery of the Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 3rd day of August 1904, next, to testify and the truth to say in behalf of Plaintiff,

in a certain matter of account of the actions, doings &c of said defendant, what property come to his hand, what money paid out &c.

referred to the said commissioner for inquiry & report by a decree of the said court in a suit in chancery therein pending between J. A. Wilson plaintiff and R. E. Boykin Jr defendant rendered on the 6th day of June 1904

And this Writ shall in no wise omit, under penalty of £100. And have then there this writ.

Witness, N. F. Young, Commissioner of our said court, at the court-house of said county, the 1st day of August 1904, and in the year of the Commonwealth.

A Copy Teste: N. F. Young Comm

N. F. Young Clerk. Comm

Form No. 401.

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WITNESS'
SUBPOENA.

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The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon R. E. Boykin Master

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the First Monday in February 1903, to answer a bill in chancery, exhibited against him in our said court ~~for~~ by Jas. A. White; C. F. Sauer Co Inc; G. A. Barrell & R. A. Barrett, trading under the firm name and style of G. & R. Barrett; Robert I. Bosman & Julius G. Lohman, partners, trading under the firm name and style of The Virginia Candy Company; J. H. Holloway; W. J. Dilworth & John J. Buck, trading under the firm name & style of W. J. Dilworth and Company; L. C. Younger; A. B. Clarke & Son. Inc. J. L. Underwood, and all other creditors who may desire to become parties to this suit and to contribute to its costs.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 21st day of January 1903, and in the 127 year of the Commonwealth.

N. F. Young c.c.

Jas. A. White et als

vs. { SUBPOENA IN CHANCERY.

R. E. Boykin Master

N. W. Gordwyn p. q

To First February Rules,

Circuit Court.

1903

B 3119

Espected by delivering a copy to the within named R. E. Boykin Jany 31st 1903 W. A. Powell Shff

TO THE HONORABLE R. R. PRENTIS JUDGE OF THE CIRCUIT

COURT OF THE ISLE OF WIGHT COUNTY IN

CHANCERY SITTING.

o-o-o-o-o-o-o

Jos. A. White et als	)	
	)	
vs.	)	BILL OF COMPLAINT.
	)	
R. E. Boykin, Trustee.	)	

Your orators, Jos. A. White; C. F. Sauer Company, incorporated and chartered under the laws of the State of Virginia; G. H. Barrett and R. H. Barrett, trading under the firm name and style of G. & R. Barrett; Robert I. Bosman and Julius G. Lohman, partners, trading under the firm name and style of the Virginia Candy Company; J. W. Holoway; W. J. Dilworth and John J. Burk, trading under the firm name and style of W. J. Dilworth & Company; L. C. Younger; A. B. Clarke & Son, a corporation duly chartered under the laws of the State of Virginia; J. L. Underwood, and all other creditors who may desire to become parties to this suit and to contribute to its costs, humbly represent and show unto your Honor that on the 30th day of November, 1895, Jos. A. White, finding himself at that time financially embarrassed, executed a deed conveying to one R. E. Boykin of the Isle of Wight County, the following property, to-wit:

First:-That certain lot or parcel of land, situated, lying and being on the north side of Main Street, in the town of Smithfield in the County of the Isle of Wight County, in the State of Virginia, bounded by the said Street and the lot

of A. J. Coffer, the lands of O. G. Delk and Margaret Merryweather and the said Street, known as the John White lot, together with the appurtenances thereto belonging.

Second:--That certain other lot or parcel of land situated, lying and being in the Town, County and State aforesaid, on the south side of Main Street, upon which was situated at that date, the house occupied by J. H. Joyner, also the coach shop, blacksmith shop, and other buildings at that time occupied by J. H. Joyner, and said parcel of land being bounded by the land of John L. Underwood, J. O. Thomas, and the said Street, and being a part of the "Gun House" lot, together with the appurtenances thereto belonging.

Third:--That certain other lot or parcel of land on the northeast side of Pagan Creek containing three acres, more or less, being the same land conveyed by V. Wrenn to the said Jos. A. White, and bounded by the public road leading from Smithfield to Surry Court House, the lands of T. B. Wright and Pagan Creek.

Fourth:--The entire stock of goods, wares and merchandise of the said J. A. White, of every kind, nature and description whatsoever, at that time in the store-house and ware-house of the said J. A. White, in the Town of Smithfield, on the lot on Main Street, known as the John White lot above mentioned, and conveyed, in which store-house and ware-house the said J. A. White then carried on and conducted a general merchandise business, consisting in part of dry goods, hats, boots, shoes, notions, hardware, crockery ware, tinware, groceries, wines and liquors, show cases, scales, weights and measures, and generally each and every article pertaining and belonging to the business of the said White as a merchant.

Fifth:--A large quantity of bonds, notes, accounts,

choses in action, and other evidences of debts due and owing or which were to become due and owing to the said J. A. White at that date, and amounting in the aggregate to many thousand dollars.

Sixth:-A lot of barrel material at that time in the old blacksmith shop on the premises above mentioned,and second above conveyed, and known as a part of the "Gun House lot.

Seventh:--Alarge quantity of household and kitchen furniture of every kind, nature and description at that time in the house and on the premises occupied by the said J. A. White as a residence, it being the house and lot known as the John White lot on Main Street, in said Town first above conveyed, consisting in part of tables, chairs, knives, forks, crockery ware, beds, bedding, bedsteads, carpets, bureaus, sideboards and wardrobes, and other pieces of furniture.

Which said property was conveyed by the said White to the said Boykin upon the following trust: to secure the payment of all debts owing by the said White at the date of execution of the said deed.

Your orators further represent that the said J. A. White was indebted at the date of the execution of the said deed to your several complainants as follows: C. F. Sauer Company, sixty-six dollars and forty-six cents, with interest from September 13th, 1895; G. H. & R. H. Barrett, partners, trading as G. & R. Barrett, in the sum of one hundred and twenty-two dollars and twenty-four cents, with interest from September 13th, 1895; W. J. Dilworth and John J. Burk, partners,trading as W. J. Dilworth & Company, in the sum of fifty-five dollars and ninety-two cents, with interest from October 10th, 1895; J. W. Holoway, in the sum of fifty-eight dollars and eighty-seven cents, with interest from August 27th, 1894; Robert I. Bosman and Julius G. Lohman, partners, trading as the Virginia

Candy Caompny, in the sum of sixty-eight dollars and nine cents, with interest from November 2nd, 1895; L. C. Younger, in the sum of four hundred and thirty-one dollars and sixty cents, with interest from November 30th, 1895; A. B. Clarke & Son, incorporated, in the sum of fifty-four dollars and forty-two cents, with interest from November 30th, 1895; and J. L. Underwood,in the sum of thirty dollars, with interest from November 30th, 1895.

Your orators further represent and charge that the said R. E. Boykin did on the 30th day of November, 1895, as soon as the said deed was executed, immediately possess himself of all and singular the property therein conveyed.

Your orators further represent and charge that the said Boykin has not, since the 30th day of November, 1895, or at any other time, paid anything at all on account of the debts therein mentioned, owing by the said J. A. White to the said parties, nor to any other person, and that the said Boykin has never paid nor accounted for any of the property mentioned and described in the said deed, or the proceeds thereof; that the said Boykin has never filed an inventory of the trust property, with the Commissioner of Accounts, as is required by law and also by the trust deed; that he has never accounted to the Commissioner of Accounts or to the said White, the grantor in the deed, nor to any of the creditors therein mentioned, or to any other creditors of the said White; that since he has possessed himself of the said property he has never shown any account at all to any one interested in the trust for one dollar of the property, and has wholly failed to comply with his duties imposed upon him both by the terms of the trust deed and by law.

Your orators are advised that the said Boykin has converted a large part, if not all of the property conveyed to him as herein mentioned, into cash, and that they are entitled

to recover of the said Boykin a large sum of money, the amount of which is unknown to them, and which they are not able to ascertain except in the proceedings in this suit.

Your orators further represent that all of the debts mentioned above are justly due and owing to the respective creditors herein mentioned and are unpaid.

Your orators further represent that they have demanded of the said Boykin an account of the actions and doings as trustee in this matter, and that the said Boykin has failed to comply with their demand.

Whereof and forasmuch as these actions are contrary to equity and good conscience, and that your orators have no remedy save in a Court of chancery, where matters of this kind are alone and properly cognizable and relievable, your orators pray that R. E. Boykin, trustee be made a party defendant to this bill, and required to answer the same, but answer under oath is hereby expressly waived; that the said Boykin be required to render before one of the commissioners of this court an account of all his actions and doings concerning this trust since the 30th day of November, 1895, including an account of all property that came into his hands under the trust deed herein mentioned, or which should have properly come into his hands as all moneys paid out and expended by him in the execution of this trust; that the said Boykin, trustee, be required to perform his duties in the execution of this trust as he is duty bound to do under the said trust deed, or that he be removed, and a new trustee appointed in his stead; that this trust property be wound up and administered under and by the direction of this court; that the debts herein mentioned as due and owing by the said J. A. White may be paid in full with interest thereon from date, and that the residue from the said property be delivered and

paid to J. A. White; that your orators may have such other and further relief as this case may require,and as is in keeping with equity and good conscience.

And your orators will ever pray, etc.

J. A. White
C. F. Sowers &
G. R. Barrett
De Courcy Co.
J. W. Holloway
W. P. Dilworth &
L. C. Younger
C. B. Clarke Jr.
J. L. Lindsay
By H. W. Goodwyn
their counsel.

H. W. Goodwyn,

p. q.

Richmond,

January 15, 1903.

J93. A. VITTY ET ALS

vs

BILL OF COMPLAINT.

R. L. BOYKIN, TRUSTEE.

Filed January 2nd 1903

H. W. Goodwyn p. q.

p. d

To 1st February Rules 1903

1st Feby rules 1903. Bill filed
Summ: returned executed. de. nisi

2d Feby rules 1903. Bill taken
for confessed & case set for hearing

June term 1904 de. for accounts

Final decree Jan. 9, 1909

H. W. GOODWYN,
ATT'Y AND COUNSELLOR AT LAW,
RICHMOND, VA.