1909-036
Nansemond Co (Suffolk)

Chancery Causes: Virginia Carolina Distributing Co] vs A Edwards & Co]

Joyner

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON A Edward trading as A Edwards & Co

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in September 1907, to answer a Bill in Chancery, exhibited against them in the said Court by Virginia-Carolina Distributing Company a Corporation of Virginia

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of September, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R R Smith, CLERK.

By L P Gomer D.C.

S E Everett, p. q.

Va. Car. Dest. Co.
a Corp of Va

vs. } In Chancery.

A Edwards trading
as A Edwards Co.

1907

September Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

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The Order of
Feb 15 1904
Upon the Motion
of the Plaintiff
by Counsel the
Defendant A Edwards
Appears in Person
& Pleads

Virginia Carolina Distributing Company....Complainant.

vs. In Chancery.

A. Edwards, trading as A. Edwards & Company..Defendant.

On motion of the complainant it is adjudged, ordered and decreed that this cause be stricken from the docket.

Virginia Carolina
Distributing Company,

vs. In Chancery.

A. Edwards, trading as
A. Edwards & Company.

Enter October 11, 1909.

James L. McSwain

Entered in Chancery Order
Book No. 4, Page 370.

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

Virginia Carolina Distributing Company.....Complainant

vs. Bill.

A. Edwards, trading as A. Edwards & Company.....Defendant.

Complaining unto the court, your complainant, The Virginia Carolina Distributing Company, a Corporation, shows unto your Honor the following case:

That the said complainant is located in the town of Suffolk, Nansemond County, Virginia, and the said defendant is located at Holland, in said County and State, and both complainant and defendant are doing a hay and grain business, both retail and wholesale, and the said complainant has been doing business in said town about two years, and that during this time a great volume of business has been carried on between the two Companies, the said complainant selling to the said defendant great amounts of hay, corn, oats, ship-stuff, etc.

The said Virginia Carolina Distributing Company, your complainant, is incorporated, but the said A. Edwards & Company is not incorporated, and D. K. Joyner was manager for the complainant and Moses Joyner was Secretary and Treasurer, and Elihu Joyner was and is the Manager of the business of A. Edwards & Company; all three of whom are brothers.

That the first of July, 1907, D. K. Joyner resigned as Manager of the Virginia Carolina Distributing Company, and the said Moses Joyner continued as Secretary and Treasurer of the said Company until the first of September, 1907.

That during the existence of said Company there was a great deal of business transacted between the two, the said complainant at all times selling to the said defendant, and from time to time they would make payments, but never at any

time closed the account on the books of the complainant. At different periods during the years the said Manager and Secretary and Treasurer of the Virginia Carolina Distributing Company would make out statements to be given to the stockholders of the said Company, and in these detailed statements they would give the amounts due the said Company from all parties, and that A. Edwards & Company at all of these times was put down as being indebted to the said Company a large amount, and that the said Manager and Secretary and Treasurer, they being the only book-keepers of said Company, at all times would say that the amount as put down by them was correct and justly due the said complainant.

That after the said Manager and Secretary and Treasurer resigned and left the employment of the Virginia Carolina Distributing Company, and the accounts turned over to a new Manager for collection, the said complainant found that the account of A. Edwards & Company, which was an account between brothers, was disputed by the said Elihu Joyner, as Manager of the said A. Edwards & Company, and the said Elihu Joyner claims, according to his books and evidence, that such account is not due. The said complainant is also advised that now the said Manager and Secretary and Treasurer being brothers of the said Manager of the said A. Edwards & Company also say that the account which they had turned over as being correct, is incorrect and not due by the said A. Edwards & CompanY.

Besides the unsatisfactory book account which has been discovered by the Managers of the Virginia Carolina Distributing Company, that while the said complainant was furnishing them articles from time to time, on time, and at the same time during the entire time of the existence of the Virginia Carolina Distributing Company, the said A. Edwards & Company was continually drawing drafts on the said Virginia Carolina Distributing

Company, which drafts were accepted and paid by the said Virginia Carolina Distributing Company, the amount of the said drafts amount to, as far as the said complainant has been able to learn, about $12000.00. Your complainant has good reason to believe that there are other drafts that it has not been able to find, in fact your complainant knows that there are drafts that are in the possession of the said Company that were accepted and paid, to what amount your complainant does not know, and is unable to discover without the assistance of the books of the said A. Edwards & Company. The said Virginia Carolina Distributing Company has no way of getting at the accurateness of the amount due the said Company without having the said Manager of the said A. Edwards & Company to disclose the facts. Further, there has never been but one draft charged against the said A. Edwards & Company during the entire transaction between the same, and while said draft of $350.00 was charged against A. Edwards & Company, the same appears to be paid.

Why such drafts were drawn on the Virginia Carolina Distributing Company from time to time, possibly amounting to $1000.00 per month, the complainant is unable to account for. The said Company has insisted on the said A. Edwards & Company to come with their books and satisfy the said complainant about the transaction; promises has been made by the said Elihu Joyner, as Manager of the said A. Edwards & Company, from time to time, that such would be done, but the said Elihu Joyner, Manager of the said A. Edwards & Company has at all times failed to do in accordance with his promise. The said Elihu Joyner did at one time bring his book down, and undertook to check up the open account against him charged on the books of the Virginia Carolina Distributing Company; he was unable to satisfy the said Company about the matter, for there could be no settlement of the open

account without the drafts being put in at the time, as the said Virginia Carolina Distributing Company would have no way of telling whether the money that was paid by A. Edwards & Company went to the payment of the book account or to the payment of the drafts, which has been accepted by the said Virginia Carolina Distributing Company and owed by the said A. Edwards & Company.

Your complainant is advised that it cannot safely defend itself in an action against the said A. Edwards & Company without certain facts known to the defendant being disclosed, as the said complainant cannot get at the accurateness of this account without the defendants' furnishing the proper evidence, which can be and which has been promised by the said defendant from time to time, and for as much as your complainant is remediless in the premises save by the aid of a court of equity, your complainant prays that the said A. Edwards, trading as A. Edwards & Company, may be made a party defendant to this bill, and required to answer the same on his oath, that the said defendant may make a full and true discovery of all the matters aforesaid, and say whether or not he is indebted to the said complainant, and your complainant further prays that this cause be referred to one of the Commissioners of the said court before whom the said defendant will disclose what he knows, and also put all books concerning the transaction before the said Commissioner, and that the said Commissioner will make an account of the same, and that all such further and general relief may be afforded your complainant as the nature of the case shall seem meet, and it will ever pray.

VIRGINIA CAROLINA DISTRIBUTING COMPANY.

By T. C. Hutton
Secretary & Treasurer.

Thomas B. Brokers
General Manager.

STATE OF VIRGINIA,

to-wit:

COUNTY OF NANSEMOND.

This day, personally appeared before me the undersigned, a Notary Public, for the county aforesaid, the above named T. C. Hutton, Secretary and Treasurer, and Beverly Brothers, General Manager of the said Virginia Carolina Distributing Company, Incorporated, and made oath that they believe the statements contained in the foregoing bill are true.

Given under my hand this 16th day of September, 1907.

_____

Notary Public.

Va Car Dust Co
R Brice
C. Edwards & Co

Va. Car. Dist-Lee

vs In Chancery

A Edwards & Lee

1907 Sept-12th. Process issued returnable to Sept Rules third Monday

" " 16. Process returned executed on defendants Bill filed and decree nisi vs said defts.

" Oct 7. Decree nisi confirmed and cause set for hearing.

Chancery Notes

S. E. Everett Trg

Va.-Car. Dist. Co.

vs.

Chancery

A. Edwards & Co.

1909

October 11th

Final Decree

Costs:

Jay	1.50
Clerks	5.09
Sheriff	1.00
Atty	15.00
	$22.59