1924–023 Chancery Causes : F. F. Priest, Trustee for C.H. Bull + Company 216

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Bruce Bruce etc
vs
Pendleton
Deft

2nd. September Rules, 1915: Process returned executed. Bill filed- decree nisi.

3rd. September Ryles, 1915: Defendant not appearing, cause set for hearing.

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

complainant is remediless save in a Court of Equity, your complainant prays that the said Joel Bradshaw be made a party defendant to this bill; that he be required to answer the same, but not on oath, answer on oath being expressly waived; that proper prossess issue; that a judgment be entered in favor of your complainant against the said Joel Bradshaw for the amount of the said note as above set forth subject to the credit also hereabove stated; that all proper orders may be made, and all proper inquiries be directed, and that all such other, further and general relief may be afforded your complainant as the nature of his case may require, or to Equity shall seem meet.

And your complainant will ever pray, etc.

E. F. Story and
James H. Corbitt J.p.q.

F. F. Priest
Trustee, for C.H.Bull & Co.,
Bankrupt.

STATE OF VIRGINIA,

City of Norfolk, To-wit:

I, M. McFarlee, a Notary Public for the City and State aforesaid hereby certify that F.F. Priest personally appeared before me in my City aforesaid and made oath that the allegations contained in the foregoing bill which he makes of his own will are true and that all other matters therein stated he believes to be true.

Given under my hand this 22nd day of September, 1915.

My commission expires on the 4th day of October 1915

M. McFarlee
Notary Public.

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE ISLE OF WIGHT COUNTY, VIRGINIA.

Complaining, showeth unto the Court your complainant, F.F. Priest, Trustee in bankruptcy for C.H. Bull & Company, Bankrupt, that on the ____ day of _____, 1912, C.H. Bull, trading as C.H. Bull & Company, was adjudicated a bankrupt in the District Court of the United States for the Eastern District of Virginia, and that on the ____ day of October, 1912, your complainant F.F. Priest was duly elected Trustee in bankruptcy for the said C.H. Bull & Company, bankrupt, and is entitled and authorized to collect all debts due the estate of said C.H. Bull & Company. That on the 22nd day of March, 1911, the defendant, Joel Bradshaw, now and then a resident of Isle of Wight County, Virginia, executed a negotiable note for the sum of $619.12, waiving Homestead Exemption, dated March 22nd, 1911, payable ninety days after date to C.H. Bull & Company or order at the Citizens' Bank of Norfolk, Virginia, which note was to bear interest from date and was endorsed by J.T. Bradshaw. That on the 21st day of December, 1911, the sum of $146.97 was paid on the aforesaid note, the balance due thereon being still unpaid. Subsequent to the payment last aforesaid, the said note was lost and cannot be found. That the complainant has demanded from the said Joel Bradshaw, the defendant, that he pay to the said complainant, who is entitled and authorized to receive the same, the balance due upon the aforesaid note after deducting the credit above set forth. Your complainant has offered and still offers to indemnify the said Bradshaw against future loss from paying to the said complainant the balance due on the said note as aforesaid, but the said defendant refused and still refuses to pay the said debt represented by the said note.

In tender consideration whereof and in as much as your

Priest, Trustee
vs } 716
Bradshaw

Grounds of
Demurrer

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT
November 12 1915
Filed.
Teste, Johnson Clerk.

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

F. F. PRIEST, TRUSTEE IN BANKRUPTCY
FOR C. H. BULL & CO., BANKRUPTS
VS.
JOEL BRADSHAW

The defendant says that the bill of complaint is not sufficient in law.

The bill of complaint shows on the face of it that a negotiable note for the sum of $619.12 was executed by Joel Bradshaw under date of March 27, 1911, payable 90 days after date to C. H. Bull & Company, or order, of Norfolk, Virginia. That a payment was made on this note on the 21st day of Dec. 1911, which is more than three months from the date of said note, and that said note was lost sometime subsequent to said payment on the 21st of December, 1911. The bill, therefore, shows that this note was lost after maturity and that it remained with C. H. Bull & Co. until maturity, consequently, no indemnifying bond can be required, as no one getting possession of this note after maturity could stand in any better position than the holder at maturity, and for these reasons there is no ground for a suit in chancery and no jurisdiction for the chancery court to take cognizance of this case.

Joel Bradshaw
By Hugh L. Holland
His attorney

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F. F. Priest, Trustee
in Bankruptcy, etc.
vs. } 216
Joel Bradshaw

(Answer of Joel Bradshaw.)

VIRGINIA: CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT
November 12 1915
Filed
Teste, A. B. Inman Clerk.

Hugh L. Holland
Attorney-at-Law
Suffolk, Va.

(4) This respondent admits that he has paid the said C. H. Bull & Company in the past, during a long number of years of business relations, various sums of money, and that the said sum of $146.97 may have been paid to the said C. H. Bull & Company by this respondent, but if said sum or any similar sum was paid, it could not and was not paid on note for the reason that such note never existed.

(5) This respondent says that the bill of complaint in this suit claims that this note was lost subsequent to December 21, 1911, and cannot now be found.

(6) This respondent calls upon said complainant for the strictest and strongest proofs of all facts alleged in said bill, especially as said complainant has himself on several occasions denied the existence of any such note, or that any such note ever existed.

And now having fully answered this respondent prays that he be henced dismissed with his reasonable costs in this behalf expended.

And this respondent will ever pray, etc.

Joel Bradshaw

State of Virginia

County of Southampton ------- To-wit:

I, _____ a Notary public for the county aforesaid, in the State of Virginia, hereby certify that Joel Bradshaw personally appeared before me in my county aforesaid, and made oath that the allegations contained in the foregoing bill, which he makes of his own knowledge, are true, and that all other matters therein stated to be upon information he believes to be true.

Given under my hand this 8 day of November, 1915.

_____

My commissions expire on the 10 day of January 1916

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

F. F. PRIEST, TRUSTEE IN BANKRUPTCY
FOR C. H. BULL & CO., BANKRUPT,
VS.
JOEL BRADSHAW

The demurrer and answer of Joel Bradshaw to a bill exhibited against him in the Circuit Court of Isle of Wight County by F. F. Priest, Trustee in Bankruptcy for C. H. Bull & Co., Bankrupt.

This respondent demurs to the said bill and says that the said bill is not sufficient in law and without waiving said demurrer, but on the contrary expressly insisting thereon and reserving to himself the benefit of all exceptions to the said bill

Respondent for answer to said bill, or for so much thereof as this respondent is advised that it is material for him to answer, answering says:

(1) This respondent admits that F. F. Priest has been duly elected Trustee in Bankruptcy for C. H. Bull & Company and is entitled and authorized to collect such debts as may be due the estate of said C. H. Bull & Company.

(2) This respondent denies that on the 22nd day of March, 1911, that he executed a negotiable note for the sum of $619.22, payable 90 days after date, or order at the Citizens Bank of Norfolk, Norfolk, Virginia, bearing interest from date and being endorsed by J. T. Bradshaw.

(3) This respondent denies that any such note was ever executed and delivered or ever existed.

Executed in the County
of Isle of Wight on
this 20 day of Sept
1915 by delivering
a true copy hereof
to Joel Bradshaw
in person

R. A. Edwards
Sheriff
of Isle of Wight Co.
By. F. L. Harrum.
Dpt-Sheriff

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Priest. Insolv etc
vs { Chancery 216
Bradshaw

Sfa

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

10/2-1 1915

Returned

Teste, [illegible] Clerk.

COMMONWEALTH OF VIRGINIA,

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

We command you that you summon Joel Bradshaw to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the rules to be holden therefor on the Third Monday in September, 1915, to answer a bill in chancery filed against him by F. F. Priest, Trustee in Bankruptcy for C. H. Bull & Company, Bankrupts. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 18th. day of September, 1915.

A S Johnson Clerk.

E. Frank Story, p.q.

Priest, Trustee &c

v { Cy

Bradshaw

1916

Aug 8/1916

Entered

P.D.W.

Chancery Order Book No.7,

At page 356.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

F. F. Priest, Trustee in Bankruptcy, for
C. H. Bull and Company,. .....Bankrupts,

vs)

Joel Bradshaw.

This day came F. F. Priest, Trustee in Bankruptcy, for C. H. Bull and Company, by James H. Corbitt, his attorney, and T. G. Bradshaw, Administrator of the estate of Joel Bradshaw, deceased, by Hugh L. Holland, his attorney, and it appearing to the Court that since the institution of this suit the said Joel Bradshaw, departed this life intestate and that the said T. G. Bradshaw has duly qualified as administrator of his estate, on motion of the said F. F. Priest, Trustee in Bankruptcy for C.H. Bull and Company, Bankrupts, and with the consent of the said T. G. Bradshaw, Administrator of the estate of Joel Bradshaw, deceased, by counsel, it is ordered that this suit be proceeded in against him as administrator as aforesaid.

COPY.

Priest Licenses
v. # 216

Joel Bradshaw

March 3, 1924
Enter

Book 8 - p. 182

Priest, Trustee , et als

Vs) Chancery. No. 216

Joel Bradshaw

It appearing that the term of five years having elapsed since the entry of any decree or the filing of any report herein, it is the order of this court that the same be stricken from the docket, with the right to re-instate as provided by law.

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Pres. Trustee, etc
vs } Chancery No 216
Jas Bradshaw

Memo

~~Filed~~ 9/18/1915

COMMONWEALTH'S ATTORNEY,
SOUTHAMPTON COUNTY.

OFFICES:
COURTLAND AND FRANKLIN, VIRGINIA.

E. FRANK STORY
ATTORNEY AT LAW

F. F. PRIEST, Trustee in Bankruptcy for C. H. Bull & Company, Bankrupts.

vs.

JOEL BRADSHAW.

Spa. in Chancery to ~~First October~~ Second September Rules, 1915.

E. Frank Story p. q.

To the Clerk of the Circuit Court of
Isle of Wight County, Virginia.