

1907-012
Nansemond Co (Suffolk)

Chancery Causes: Seaboard Air Line Railway vs F.A. Ballard et al

Joyner

\$ 1⁰⁰



Received of

May 18 1907

W. R. Rawder special Collector

One x

100 DOLLARS

sheriff fees in fine in chancy cause of
S. A. & Railway Co vs F. Q. Ballard

No.

A. V. Baker Sheriff

\$

5. $\frac{28}{100}$



Received of

B. H. Rawls ally

Five - $\frac{28}{100}$ -

100 DOLLARS

in full clerks cost in S. A. L. Ry is F. A. Ballou

W. L. Moore Corbett
by J. W. Lloyd

No.

May. 18. = 1907

IF NOT DELIVERED IN TEN DAYS RETURN TO

R. H. RAWLES

ATTORNEY AT LAW AND NOTARY PUBLIC

SUFFOLK, VA.

Decher

15.00
65.00

Seaboard Air Line Railway, a corporation
v.

F. A. Ballard, E. Coyne, J. P. and
C. O. King Constable,

Sum'n in Chancery to 2nd February Rule,

Cir. Ct. 1906.

Tax \$1.50 paid

Wm. More Corbett.
P. J.

Virginia in Vacation in the Circuit Court of Nansemond County, Virginia, on February 7th, 1906.

Seaboard Air Line Railway, a Corporation.

v.

F. A. Ballard,
E. Joyner, J. P., and
C. C. King, Constable.

On motion of the complainant an injunction is awarded it in accordance with the prayer of the bill, enjoining and restraining C. C. King, Constable, F. A. Ballard and E. Joyner, J.P., from selling or offering for sale the one pair plat-form scales and two ware-house trucks, on the 10th day of February, 1906, or at any other time, under supposed authority of the execution of November 27th, 1905, issued in the case of F. A. Ballard v. "S. A. L. Ry". and the said C. C. King, Constable, is further enjoined and restrained from in any way interfering with said one pair plat-form scales and two ware-house trucks, or from exercising any control over same until the further order of this court. But before the said complainant shall have the benefit of this order, it, or someone for it shall enter into bond before the Clerk of this Court with good security in the penalty of Fifty Dollars (\$50.00) conditioned to pay the value of the property levied on by the said C. C. King, Constable, namely, one pair plat-form scales and two ware-house trucks, to pay all such costs as may be awarded against complainant, & all such damages as may be incurred in case injunction shall be desolved.

All of which is hereby certified to the Clerk of the Circuit Court of Nansemond County to be entered in the Chancery Order Book.

Robert R. Prentiss

A copy
Teste: J. A. D. Gomer D.C.

I, J. A. D. Gomer Deputy Clerk of the Circuit Court of Nansemond County do hereby Certify that the bond required by the above order has been given with Security deemed sufficient by me

Teste: J. A. D. Gomer D.C.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

A. A. Ballard
E. Joyner J. P. and C. C. King Constable

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 *February 1906*, to answer

a Bill in Chancery, exhibited against *them*
in the said Court by *Seaboard Air Line Railway*
a Corporation

and have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *8th* day of
February, 190*6*, in the *30*th year of the Commonwealth.

A copy—Teste;

CLERK.

Teste:

CLERK.

S. A. & L. Ry. Co.

To H. A. Ballard for

To killing one yearling in the

Month of July 1905-

\$10.00

of hide

1.00

\$9.00

Judgment for the plaintiff

recover of the defendant

the sum of nine dollars

interest thereon from the 17th day

Nov 1905 till paid and 4% per

for his costs

Wm. J. Gayner J.

11/27-1905

1815

J. T. V.

M. R. L. L. L.

H. L. L. L.

J. L. L. L.

M. R. L. L.

COUNTY OF Newseman, STATE OF VIRGINIA, TO WIT:

To Ed King, Constable of said County:

I hereby command you, in the name of the Commonwealth of Virginia, to summon the S. A. Ry. Co., if to be found in your district, to appear at Buckhorn, in said County on the 27th day of Nov

1905, at 10 o'clock AM., before me or such other Justice of the said County as may then be there to try this warrant, to answer the complaint of J. A. Baccard

upon a claim for money for the sum of Nine Dollars due by a/c - store receipt. And then and there make return of this warrant.

Given under my hand this 13 day of Nov 1905

J. A. Baccard, J. P.

the S. A. Ry. Co. } In debt,
vs. 27th day of Nov, 1905

Judgment, that the plaintiff recover of the defendant Nine dollars with interest from the 27 day of Nov, 1905, till paid, and Seven & 75/100 dollars for his costs.

E. J. Beyer, J. P.
COUNTY OF Newseman, STATE OF VIRGINIA, TO WIT:

To Ed King, Constable of said County:

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of the S. A. Ry. Co. in your district, you cause to be made the sum of Nine Dollars, with interest thereon from the 27 day of Nov, 1905, till paid, which J. A. Baccard recovered before me in a warrant in debt, and also the sum of Seven & 75/100 dollars, which were adjudged to the said J. A. Baccard for his cost in prosecuting the said warrant, and make return of this writ within sixty days.

Given under my hand this 27 day of Nov 1905

E. J. Beyer, J. P.

COSTS	
Justice,	<u>50</u>
Constable,	<u>1.30</u>
Clerk,	<u>45</u>
Witnesses,	<u>2.50</u>
\$	<u>4.75</u>

F. A. Ballard
V.S.,

S. A. Line Ry.

~~There being no officer~~
~~of the S. A. Line Ry. in~~
~~my district, I served~~
~~and executed the~~
~~within warrant, on~~
~~L. T. McBlum, agent~~
~~for said Ry. at Purvis,~~
~~being the nearest~~
~~agent and residing~~
~~in Co. of Hainesville, Ia.~~
~~Nov 17th 1905.~~

~~C. C. King~~
~~constable~~

There being no
officer of the S. A. Ry.
in my dist, I served
and executed the
within warrant, by
delivering a copy of
the within, to Mr
L. T. McBlum, agent
for said S. A. Ry.
at Purvis, Ia.
said L. T. McBlum
residing in Co. of
Hainesville, Ia.
Nov 17 1905

C. C. King
constable

Know All Men by These Presents, That we, *James L. McLeMORE*
for and on behalf of Seaboard Air Line
Railway and W E Winstead

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Fifty DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or
right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the
office, post or trust herein mentioned, with coupons detached from bonds of said State.

Sealed with our seals, and dated this *8th* day of *February* in the year
of our Lord one thousand nine hundred and *Six*, and in the *130th* year of
the Commonwealth.

In Testimony Whereof, the said ~~has~~
~~hereto set his hand and seal, and the said~~

~~has caused its corporate name to be hereto signed, and its~~
~~corporate seal to be hereto affixed, this~~ day of ~~in the year of our~~
~~Lord, one thousand nine hundred and~~, and in the ~~year of the Commonwealth~~

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
Whereas an Injunction has been sued out in
the Chancery cause of Seaboard Air Line Railway
a Corporation pending in the Circuit Court of
Nansemond County vs J. A. Ballard & Joyner, and
W. King Constable on February 8th 1906 and a bond re-
quired to be executed by Complainant or some one for
it before the Clerk of said Court in the penalty of \$50.
with condition in the said Injunction order expressed.
Now if the said Seaboard Air Line Railway shall
pay the value of the property levied on as set forth in
said Chancery papers by the said W. King Constable
namely, one pair platform scales, and two ware-house
trucks and shall also pay all such costs as may be a-
warded against said Complainant and all such
damages as may be incurred in case said injunction
shall be dissolved, then this obligation to be void
otherwise to remain in full force and virtue

James L. McLeMORE for and
on behalf of Seaboard
Air Line Railway
W E Winstead

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the *8th* day
of *February*, 190*6*:

The above bond was executed and acknowledged before me by the obligors to the same
(the security---justifying), and ordered to be recorded.

Teste:

A copy
Teste: J. A. Joyner S.C.
J. A. Joyner S.C.

James L. M. Lemoine
To Injunction Bond
The Commonwealth.

1906

February 8th,

Recorded in Official
Bond Book Not Page 48-5

A copy.

Ryan vs. B. & O. R. R. Co. 60 Ill. App. 615.

Initials of railroad companies get to be as well known to the general public as the abbreviations which indicate the location of land under congressional surveys. From Lake Michigan to the Atlantic B. & O. mean Baltimore and Ohio Railroad Company. The facts as to the usage of railroads in that regard, are well known to the public, and, as was said by Canton, justice in Munn vs Bank, courts will not pretend to be more ignorant than the rest of mankind.

B. & O. vs. Higgins 69 Ill. App. 412.

It is habitual to designate railroads by initials or some short name. This is so in common conversations as well as in the official advertisements of the railroad companies. It is a common matter that the letters O. & M. referring to a railroad designated as the Ohio and Mississippi, and which has been succeeded by the B. & O. S. W., the latter being generally designated by the letters B. & O. S. W., but, if this was not so, when the road was mentioned by initials, both sides knew what was meant, and if counsel for defendant desired any further identification or designation, objections should have been mentioned at that time.

Union Trust Company vs. Atchinson, Topeka and Santa Fe R. R. 8th New Mexico 159.

It was held that a judgment entered as follows: James H. Madden vs. N. M. & S. P. R. R. Co., and the A. T. & S. F. R. R. Co. was properly docketed and was a good and binding judgment, constituting a lien on the property of the Atchinson, Topeka and Santa Fe Railroad Company, and the New Mexico and Southern Pacific Railroad Company.

F. A. Ballard

S. A. L. Ry. Co.

VS.

IN DEBT.

PLAINTIFF,

DEFENDANT.

27th day of November

, 1905

JUDGMENT: That the Plaintiff recover of the Defendant nine Dollars,
with interest thereon from the 27th day of Nov., 1905, till paid, and Four & 70/100
Dollars for his costs.

signed E. J. J. J.

J. P.

County of Hammond State of Virginia, to-wit:

To C. C. King

, Constable of Said County:

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of

The S. A. L. Ry. Co.

in your district,

you cause to be made the sum of

nine

Dollars,

with interest thereon from the 27th day of Nov.

, 1905, till paid, which

F. A. Ballard

has recovered

before me, on a warrant in debt; also, the sum of Four & 70/100 Dollars, which has been adjudged to

the said F. A. Ballard

for his costs in prosecuting the said warrant,

and make return of this writ within sixty days -

Given under my hand, this 27th day of November, 1905

COSTS TAXED:

Justice	\$ <u>50</u>
Clerk of County Court	\$ <u>45</u>
Constable	\$ <u>30</u>
Witnesses	\$ <u>2.50</u>
Total	\$ <u>4.75</u>

(signed) E. J. J. J.

J. P.

A Copy of the original in my possession.

C. C. King
cust.

RRANT.

There being no officers of the S.A.C.
Ky. in my District, I served and ex-
ecuted the within warrant, by delivering
a copy of the within to Mr. G. J.
McClung agent for said S.A.
L. Ky. at Purvis, Va, said G. J.
McClung residing in County
of Buchanan -

Nov. 17. 1905

(signed) C. C. King,
Constable -

Copy of original -

C. C. King
cure

PUBLIC SALE

By virtue of an *execution v.s. this A. line Ry.*
in favor of *H. A. Ballard*,
in my hands, and levy made by me, I shall,

On *this 10th day of Feb* *1906*, **189**

at *11* o'clock *A.*, M., at *Purvis va.*

in Nansemond county, Virginia, sell to the highest bidder, FOR CASH,

*One pair platform scales, Two ware
house trucks.*

all in good condition. Come and buy a bargain.

11- **C. C. KING, Constable.**

Jan 25-1906 **189**

Seaboard Air Line Railway #

vs. #

In Chancery.

F. A. Ballard, et als #

#

This cause came on this day to be heard on the bill and exhibits filed, and it appearing to the court, from statements of counsel, for both plaintiff and defendants, that all of the matters in controversy in this case have been amicably arranged and adjusted, and there remaining nothing further to be done herein, it is ordered that this cause be removed from the docket.

Final Decree.

¹³
Enter May ~~18~~ 1907
Robert R. Mentis
Entered in Chancery
Order Book No. 4.
Page 148.

We concur to this decree.
Jas McShane
Counsel for Complainant.
R. H. Rawles Counsel
for defendants.

The answer of E. Joyner, a Justice of the Peace, for Nansemond County to a bill in chancery exhibited against him and others in the Circuit Court of Nansemond County by the Seaboard Air Line Railway;

For answer to the said bill or to so ^{much} ~~which~~, ^{much} ~~as~~ as it is necessary that he should answer, this defendant answering saith:

That sometime in the month of November 1905, F. A. Ballard applied to him for a warrant against the said Seaboard Air Line Railway, for nine (9) dollars for damages for stock killed by said Railway belonging to said F. A. Ballard; that on the 13th day of November, 1905, he issued a warrant for said sum in favor of F. A. Ballard against the S. A. L. Ry and placed the same in the hands of C. C. King, a constable for said county, to be executed. That said warrant was executed by said constable on the 17th day of November, 1905, by delivering a true copy thereof to G. T. McClenny, agent for the Seaboard Air Line Railway at Pervis, in said county, summoning said defendant to appear at Buckhorn (which is Pervis) on the 27th day of November, 1905 to answer said case. That on said 27th day of November, 1905, this defendant went to Pervis or Buckhorn to try said case, and that same was heard in the office or station-room of the Seaboard Air Line Railway at Pervis. That when the case was called G. T. McClenny, agent of the Seaboard Air Line Railway, was called into court and asked if he had any defense to make, that he appeared and answered, that he had heard nothing from the superior officers of his company and therefore had no defense to offer. This defendant further says that he did not thereupon give judgment by default but called several witnesses for the plaintiffs and examined them on oath as to the merits of the case, and it appears ⁱⁿ from their sworn statements that the ~~witnesses~~ case was fully made out on behalf of the plaintiffs, this defendant gave here a judgment for said sum of nine (9) dollars and costs against the S. A. L. Ry, thereupon issuing an execution against the S. A. L. Ry and placed the same in the hands of said constable

as for levy, who made a levy as stated in said bill; this defendant further says that some days after this, the attorney for the Seaboard Air Line Railway appeared before him and asked for a new trial, which was promised him, but which was never granted, and which went by default, leaving the judgment standing intact. This defendant further says that the Seaboard Air Line Railway, and its officers and agents had full notice of said claim and warrant and that they were fully aware that they were being proceeded against, notwithstanding the fact that the proceedings were all in the name of "the S. A. L. Ry." and yet said Seaboard Air Line Railway neglected and failed to either enter plea in abatement for a misnomer, or to suggest that a proper name be inserted in the warrant, or set up a plea in bar. So therefore, this defendant duly proceeding under the broad and liberal terms laid down for his guidance by the present code of Va, proceeded to give judgment ^{as} aforesaid; he further says that he is informed and believes and therefore charges that the said warrant or copy ~~to be~~ against "the S. A. L. Ry." which was served on said G. T. McClenny, agent of the Seaboard Air Line Railway, was duly forwarded by him to his superior officers of said Seaboard Air Line Railway at their headquarters, and was by them forwarded to their attorney in Nansemond. He further says that the letters "S. A. L. Ry." have a meaning and significance, which nobody in this state can misunderstand, that they stand and stand alone, for the "Seaboard Air Line Railway," and for nothing else, and that nobody is better acquainted with this fact than the officers and agents of said Railway; that they are constantly and continually ^{using} ~~marking~~ these letters and devices ^{for} ^a designating and distinguishing their cars and engines and depots and other property. And therefore, this defendant says that he believes the judgment given by him is a good and valid judgment, and ought to be allowed to stand in full force; he therefore prays that the injunctions heretofore granted against him and others in this case may be dissolved and that said constable may be

permitted to proceed with his levy and sale, to make the money to satisfy said judgment. And having fully answered, he prays to be hence dismissed with his reasonable costs in this behalf expended and he will ever pray, etc.

E. Joyner J.P.

Virginia, Nansenond County, to wit:

I *Julius T. Rawls*

A *Justice for the County aforesaid*

do certify that E. Joyner, whose name is signed to the foregoing answer has this day appeared before me, in my said county and being sworn, made oath that the statements contained in said answer as coming of his own knowledge are true, and that all other statements coming from knowledge or information derived from others he believes to be true. Given under my hand this *30th* day of March, 1906.

Julius T. Rawls J.P.

Owner of
E. J. J. J. J.

The answer of F. A. Ballard to a bill of complaint exhibited against her and others in the Circuit Court of Nansemond County. *by the Seaboard Air Line Railway.*

This respondent reserving to herself the benefit of all just exceptions, to the said bill, for answer thereto, ~~or~~ to so much thereof, as it is material, she should answer, answers and says;

This respondent says, that on the 13th day of November 1905 a warrant ^{was} issued by E. Joyner, a justice of the peace of said county, in her favor, and against "the S. A. L. Ry." upon a claim for stock killed belonging to her, by the Seaboard Air Line Railway. This warrant was put in the hands of C. C. King, Constable, commanding him to summon "the S. A. L. Ry." to appear at Buckhorn on the 27th day November 1905 to answer said complaint; she further says that said warrant was served by said Constable King on G. T. McClenny, agent of the Seaboard Air Line Railway at Buckhorn or Perdis, on November the 17th, 1905, and your respondent is informed and believes and therefore charges that the said G. T. McClenny forwarded the said warrant or copy thereof to the chief officers of the said Seaboard Air Line Railway at Portsmouth, Va., and that the said chief officers of the said Seaboard Air Line Railway in turn forwarded said copy to their attorney in Suffolk, Va. Your respondent further says that on said 27th day of November 1905, the said case came on for trial in the office or station-room of the Seaboard Air Line Railway at Buckhorn in said county before said E. Joyner; that when the said case was called for trial the said G. T. McClenny, agent of the said Seaboard Air Line Railway, who was present in said office, was called and asked if the said Railway had any defense, to which he replied that he had no defense to make, whereupon the said Justice proceeded with the trial and examined a great number of witnesses, and after having heard the evidence granted this respondent a judgment for the amount claimed against the "S. A. L. Ry." together with cost.

She further says that a few days thereafter the attorney for said Seaboard Air Line Railway appeared ^{before said justice} and asked for a new trial which it appears was never granted, and therefore the execution was issued and levy made as set forth in the complainants bill.

She further says that previous to the commencement of said actions, she ^{conferred} ~~conferred~~ and communicated with the officers and agents of the Seaboard Air Line Railway, and especially with their special agent, who looked ^{out} ~~for~~ claims of this kind, ^{as appears from Ex. no. 1 heretofore filed as a part of this cause} and that therefore the said Seaboard Air Line Railway was fully ^{advised} ~~in~~ advance, of the nature and amount of her said claim against it, but refused to pay the same, she further ~~sa~~ says that therefore the said Seaboard Air Line Railway ^{had} full notice of the nature and amount of her claim against it, before the commencement of her said action, ^{they had} that ~~the~~ notice of ^{the} warrant issued by the said Justice against "the ~~Seaboard Air Line Railway~~", that the said Seaboard Air Line Railway was present by its agent at the trial, and that it made no objection to the form~~ing~~ of the warrant or summons, and offered no plea in abatement for misnomer or otherwise, nor did it set up any plea in bar, although the said Seaboard Air ^{Railway} Line ^{had} full opportunity to do both; that she obtained judgment, not by default, but upon full proof of her case, by showing that her stock was killed by the Seaboard Air Line Railway, notwithstanding it might have been designated in ^{the} warrant as the "S. A. L. Ry," she further says that it is generally known in this community and state and nation that "S. A. L. Ry" means and stands alone for Seaboard Air Line ^{as appears from Exhibits nos. 2, 3, 4, 5 & 6 heretofore filed as a part of this cause} Railway, and that nobody knows ~~this~~ better than said Company, and that they use it every day, in hundreds and thousands of ways, to designate their property and for other purposes, she therefore says that she has a good and valid judgment against the said Seaboard Air Line Railway, and that inasmuch as they have failed and refused to pay the same she ought to be allowed to follow the law and levy upon ^{their} property for the purpose of satisfying her said judgment; she therefore prays that the injunction heretofore granted against her and others in said suit may be dissolved and that the officer may be allowed to go on with his levy and sale, so as to make her money, and for all such other further and general relief as her case may require, or which to equity may seem meet, and having fully answered she prays ^{hence} ~~that~~ to be dismissed with her reasonable cost by her ~~cost~~ in this behalf expended, she will ever pray.

J. A. Ballard.

Virginia, Nansemond County, to wit;

I, R. H. Rawles a Notary Public for the County aforesaid in the state of Virginia, do certify that F. A. Ballard, whose name is signed ~~to~~ the foregoing answer, has this ~~day~~ appeared before me in my said county and made oath, that the statements contained in said answer, ^{as coming} of ~~her~~ ^{her} own knowledge ~~are~~ true and that all other statements therein contained ~~is~~ coming from knowledge or information derived from others, she believes to be true. Given under my hand this 29th day of March 1906. My term of office expires on the 27th day of January 1907.

R. H. Rawles N. A.

Quaker of
F. A. Ballou

The answer of C. C. King a constable
of Nassau County to a Bill Ex-
hibited against him and others
in the Circuit Court of Nassau County
by the Seaboard Air Line Rail-
way: -

This defendant answering saith:
that he has read the answers of
J. A. Ballard and E. J. Jones J. P. in
said cause and that the facts
stated in said answers are true:
He therefore adopts said answers as
his own and prays the Court
to read them as such.
He prays that the injunction hereto-
fore granted against him may be
~~discontinued~~ and that he may be
permitted to go on with his
levy and sale in said cause
and having answered he prays to
be forever dismissed with his
reasonable costs &c.

C. C. King
Constable.

Answer of
C. C. King
Constable

COUNTY OF Hammond, STATE OF VIRGINIA, TO WIT: (78)

To C. C. Cline, Constable of said County:

I hereby command you, in the name of the Commonwealth of Virginia, to summon Mr. A. A. L. Ry, if to be found in your district, to appear at.....

Buckham, in said County on the....27th day of Nov

1905, at 10 o'clock a M., before me or such other Justice of the said County as may then be there to try this warrant, to answer the complaint of J. A. Reed

..... upon a claim for money for the sum of Seven

Dollars due by ape - Star Rice And then and there make return of this warrant.

Given under my hand this 13 day of Nov 1906

E. C. Cline, J. P.

a copy



TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE
CIRCUIT COURT OF NANSEMOND COUNTY.

The Seaboard Air Line Railway, a Corporation existing under the laws of the state of Virginia, complaining sheweth unto the Court the following case, that on the 13th day of November, 1905, E. Joyner, a Justice of Peace for the said County of Nansemond, signed his warrant directed to C. C. King, Constable, commanding him to summon "The S. A. L. Ry." to appear at Buckhorn on the 27th day of November, 1905, to answer the complaint of F. A. Ballard, upon a claim for the sum of Nine Dollars (9.00) for stock killed; that on the 27th day of November, 1905, the said E. Joyner granted a judgement in favor of F. A. Ballard against "The S. A. L. Ry." for the sum of \$9.00, with interest from date until paid, and \$4.75 costs, and on the same date issued and delivered to C. C. King, Constable, an execution against "The S. A. L. Ry." requiring him to make the sum of \$9.00 out of the goods and chattel of the said "The S. A. L. Ry." together with \$4.75 costs, all of which will more fully appear by reference to a copy of the said several papers, namely; the warrant, judgement and execution, filed herewith as exhibits "A. B. and C" and prayed to be read as a part of this bill.

That in pursuance of the supposed authority of the execution aforesaid, the said C. C. King, Constable, has levied upon, and advertised for sale on the 10th day of February, 1906, at Purvis, Virginia, at 11 o'clock A. M., one pair platform scales and two warehouse trucks belonging to the Seaboard Air Line Railway, to satisfy the supposed execution, as aforesaid, in favor of F. A. Ballard against "The S. A. L. Ry." as will more fully appear by reference to a copy of said advertisement of sale, filed herewith as exhibit "D".

Your orator respectfully represents that there is no judgment, there has been no warrant issued, judgment granted or execution issued in pursuance thereof, against your orator, and that the attempt to sell your orator's property to satisfy the execution aforesaid, is absolutely without authority in law or standing in equity, but unless said constable is restrained in his unlawful efforts, your orator will be greatly and irreparably damaged.

In consideration whereof, and for as much as your orator is remediless in the premises, save by the aid of a Court of Equity, where matters of this kind are alone and properly cognizable to the end, it prays that the said E. Joyner, J.P., C. C. King, Constable, and E. A. Ballard, may be made parties defendants to this bill and required to answer the same, but answers under oath are expressly waived.

Constable

That the said C. C. King may be enjoined and restrained from selling the said, one pair plat-form scales and two ware-house trucks, the property of your orator, or in any other way interfering with, or exercising any acts of authority over the said property, or any other property of your orator by virtue of the said supposed warrant, judgment and execution; that the said injunction may be made permanent, and that such further orders and decrees may be entered, and other further general and special relief granted to your orator as the nature of its case may require or to equity shall seem meet. And it will ever pray, etc.

SEABOARD AIR LINE RAILWAY •

Attested

Secretary.

By

President General
Chargers

STATE OF VIRGINIA,
CITY OF PORTSMOUTH.

To-wit:

I, Wm. H. Bontwinger, a Notary Public for the
City aforesaid, in the State of Virginia, do hereby certify
that J. M. Barr, President and Genl. Manager Seaboard Air Line Ry.
personally appeared before me in my City aforesaid and made
oath that the statements contained in the annexed bill of
complaint of Seaboard Air Line Railway against R. A. Ballard
et als are true in so far as made upon his own knowledge, and
in so far as made upon information derived from others, he
belives them to be true.

Given under my hand this 2nd day of February,
1906.

Wm. H. Bontwinger
Notary Public.

I hereby certify that the within bill of complaint
was read to the said J. M. Barr in my presence and
he acknowledged the same to be true.
Wm. H. Bontwinger
Notary Public.

Virginia in Vacation in the Circuit Court of Nansemond
County, Virginia, on February 7th, 1906.

Seaboard Air Line Railway, a Corporation,

v.

F. A. Ballard ,

E. Joyner, J. P., and

C. C. King, Constable.

On motion of complainant an injunction is awarded it in accordance with the prayer of the bill, enjoining and restraining C. C. King, Constable, F. A. Ballard and E. Joyner, J. P., from selling or offering for sale the one pair plat-form scales and two ware-house trucks, on the 10th day of February, 1906, or at any other time, under supposed authority of execution of November 27th, 1905, issued in the case of F. A. Ballard v. "S. A. L. Ry.", and the said C. C. King, Constable, is further enjoined and restrained from in any way interfering with said one pair plat-form scales and two ware-house trucks, or from exercising any control over same until the further order of this Court. But before the said complainant shall have the benefit of this order it, or someone for it, shall enter into bond before the Clerk of this Court ^{with good security} in the penalty of Fifty Dollars (\$50.00) conditioned to pay the value of the property levied on by the said C. C. King, Constable, namely, one pair plat-form scales and two ware-house trucks, to pay all such costs as may be awarded against complainant, and all such damages as may be incurred in case injunction shall be dissolved.

All of which is hereby certified to the Clerk of the Circuit Court of Nansemond County to be entered in the Chancery Order Book.

Robert H. Hunt

Enter July 7, 1906
Robert R. Hunt
Entered in Chancery
Order Book No. 4
Page 39

J. A. L. Ry.
y Bill & Ex.
J. A. Ballard vals.
~~~~~

McLomere Corbitt. p. 47

Seaboard Air Line Railway  
vs In Chancery

Dr A Ballard & Joyner Vickers

1906 Feby 8th Process issued Returnable to  
February rules third Monday.

" " 1915 Process returned Executed  
Bill file and decree nisi  
vs Said defendants

" March 5. Decree nisi Confirmed and  
cause set for hearing

Chaucer's  
Notes.

Costs

|                   |       |        |
|-------------------|-------|--------|
| Paid G            | Clerk | \$5.28 |
| <u>RMR.</u>       | Tax   | 1.50   |
| Paid G            | Shff  | 1.00   |
| <u>RMR. Rauls</u> | Atty  | 5.00   |

\$ 12.78

W Lemoore Horbitt pg.  
Seaboard Air Line  
Railway a Corporation  
W In Chancery  
A A Ballard & Joyner  
J Paul & C King Const.

1907  
May 13th  
Final Decree