1908-021
Nansemond Co (Suffolk) Chancery Causes: Joseph E. Bowen vs Merchants & Truckers Bank et al

Withers

LAW OFFICE
J. S. BARRON
1212-1213 BANK OF COMMERCE BLDG.
NORFOLK, VA.

February 13th, 1908.

Mr. A. P Gomer, Clerk,

Suffolk, Va.

Dear Sir-;

Your letter of the 12th with stated inquiry received and I am herewith returning you the wafer duly stamped and sealed. Please accept my thanks for your attention to this.

I have no other copy of the injunction order, I sent the original and copy to A H. Baker, Sherriff for service on the bank, instructing him to return the original executed to you at once.

Again thanking you, I am,

Yours very truly,

J S Barron.

In the Circuit Court of Nansemond County, Virginia.

Joseph E. Barrow

vs

The Merchants and Truckers Bank Incorporated, a corporation, and Robert W. Withers.

In Chancery.

To 3rd Monday February Rules 1908.

J. S. Barrow
P.Q.

Tax $1.50 paid

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON The Merchants and Truckers Bank Inc a Corporation and Robert W Wathen

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 1908, to answer a Bill in Chancery, exhibited against them in the said Court by Joseph E Bowen

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 11th day of February, 1908, in the 132nd year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R K Smith, CLERK.

By A D Gomey D.C

The bond in the above injunction has been given with Security and Support
July 11 1908.

R R Smith Clerk
By A P Brewer

Executed this the 12 Feby 1908 by delivering a true copy of this within process to W R Myers President of the Merchant and Truckers Bank Inc

A T Whitley
Sheriff

J. S. Bazzard ....., p. q.

vs. } In Chancery.

P E Brewer .....

Ward 7 Bk .....

.....

1908---
July ----- Rules.
July ----- Monday.

Nansemond Circuit Court.

Process Book No. 2 ----

Page 48 ----

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ City of Richmond Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON The Merchants and Drovers Bank Inc a Corporation and Robert Lobeckey

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 1908, to answer a Bill in Chancery, exhibited against them in the said Court by Joseph E Bowen.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 11th day of February, 1908, in the 132nd year of the Commonwealth.

A copy—Teste :

_____, CLERK.

Teste :

R R Smith, CLERK.

By A P Gurney D.C.

The Bond in the above Injunction has been
given and Security duly approved -
July 11th 1908

R R Smith Clerk
By A L Gumey D C

J. S. Rawlins ....., p. q.

Bruce .....

vs. } In Chancery.

Mead Luck Ry
Pkg .....

1908---

July ---Rules.

---July---Monday.

Nansemond Circuit Court.

Process Book No. 21---

Page 48---

Executed by delivering a copy of the within
summons to R W Withers in person
February 12 - 1908
Fee paid 50 ¢

J. C. Smith Sergeant
City of Richmond Va
By J. M. Macon D. S -

Know All Men by These Presents, That we, Joseph E. Bowen and Atlantic Trust & Deposit Company

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

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, 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 11th day of February in the year of our Lord one thousand nine hundred and eight, and in the 132 year of the Commonwealth.

In Testimony Whereof, the said Joseph E. Bowen has hereto set his hand and seal, and the said Atlantic Trust & Deposit Company has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this 11th day of February in the year of our Lord, one thousand nine hundred and eight, and in the 132 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 Joseph E. Bowen pending in the Circuit Court of Nansemond County against The Merchants and Truckers Bank, Incorporated, and a bond required to be given by the Complainant before the Clerk of said Court in the penalty of One Thousand Dollars with condition in the said Injunction order expressed, restraining the said Merchants and Truckers Bank, its officers, directors, agents or attorneys from disposing of said bonds, securities or collaterals therein mentioned until the further order of the Court.

But before the Complainant shall have the benefit of this order he shall execute a bond in the penalty of One Thousand Dollars with approved security and conditioned as the law directs.

Atlantic Trust & Deposit Incorporated 1902. Suffolk, Va. Commonwealth

Joseph E. Bowen SEAL

By J.S.Barron Attorney in fact SEAL

Atlantic Trust & Deposit Company SEAL

By J. S. Barron attorney in fact SEAL

SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 11th day of February, 1908:

The above bond was executed and acknowledged before me by the obligors to the same (the securit~~y~~ ~~justifying~~ ahroad), and ordered to be recorded.

Teste:

A. P. Gomer, D. C.

A Copy Teste: A P Gomey D C

J. E. Bowen

To } Injunction Bond.

The Commanwealth.

Recorded in Official
Bond Book No 2
Page 79.

KNOW ALL MEN BY THESE PRESENTS, That we the Atlantic Trust & Deposit Company, a corporation duly organized and existing under the laws of the State of Virginia, with its principal office in the City of Norfolk, has made constituted and appointed, and, by these presents doth make, constitute and appoint J. S. Barron, of the said City of Norfolk its true and lawful attorney for it and in its name, place, and stead, to execute as surety a certain Injunction Bond to be given in the Circuit Court of Nansemond County, in the State of Virginia, in the suit of Joseph G. Bowen against The Merchants & Truckers Bank Inc., and R. W. Withers, now pending in said court, said bond to be in a penal sum not to exceed One thousand ($1,000) Dollars; and to do, execute and perform all and every other act, or acts, thing or things, in law needful and necessary to be done in and about the premises, as fully, largely and amply, to all intents and purposes whatsoever as the said Atlantic Trust & Deposit Company, might or could do if acting itself; hereby ratifying and confirming all lawful acts done by its said Attorney in virtue hereof.

IN WITNESS WHEREOF, said Atlantic Trust & Deposit Company, hath caused its name to be signed hereto by its President, and its common and corporate seal to be hereto affixed, duly attested by its Asst Secretary, this 11th day of February, 1908.

Atlantic Trust & Deposit Company,

By A. E. Krise President

Attest:-

S. C. Barron Asst Secretary.

State of Virginia.

Corporation of the City of Norfolk,

TO-WIT:-

I, Thos Albright, a Notary Public, for the Corporation aforesaid in the State of Virginia, do certify that A. E. Krise, President and S. C. Barron Asst Secretary, respectively, of the Atlantic Trust & Deposit Company, whose names are signed to the writing above, bearing date on the 11th day of February, in the year nineteen hundred and eight, have acknowledge the same before me in my corporation aforesaid.

Given under my hand, this 11th day of February, in the year nineteen hundred and eight.

Thos Albright Notary Public.

My commission expires Oct. 25/1911.

Know all men by these presents that I, Joseph E. Bowen, of the City of Norfolk, State of Virginia, do hereby constitute and appoint J. S. Barron, my attorney in fact to prepare and execute a bond in the penalty in the sum not exceeding $1500.00 as principal in an injunction cause pending in the Circuit Court of Nansemond County, Virginia, where in Joseph E. Bowen is plaintiff, and The Merchants and Truckers Bank Incorporated and Robert W. Withers are defendants, hereby authorizing the said J. S. Barron to execute said bond for me, and granting him all necessary powers and authority to act for me and in my stead as if I were in person present, and executing said bond.

IN TESTIMONY WHEREOF, Witness my signature and seal the 27th day of January, in the year 1908.

Jos E Bowen (Seal)

STATE OF VIRGINIA

CITY OF NORFOLK, TO-WIT:-

This day personally appeared before me, Cadwallader J Collins a Notary Public for the City and State aforesaid, in my City aforesaid, Joseph E. Bowen, who acknowledged the above to be his act and deed.

Cadwallader J Collins N.P.

My commission expires June 22nd 1910

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

J. B. BOWEN

v.

THE MERCHANTS AND TRUCKERS
BANK INCORPORATED.

POWER OF ATTORNEY.

J. S. BARRON,
ATTORNEY AND COUNSELLOR AT LAW,
1212-13 BANK OF COMMERCE BLD'G,
NORFOLK, VA.

In the Circuit Court of Nansemond County, Virginia.

COPY

Joseph E. Bowen, Feb'l 16, 1908

vs. IN CHANCERY.

The Merchants and Truckers Bank, Inc., a corporation, and Robert W. Withers.

ORDER.

To the Clerk of the Circuit Court of Nansemond County.

This day came Joseph E . Bowen by J.S. Barron his attorney and presented to the Court a bill praying for a writ of injunction, and it appearing upon the reading of the bill of the said Joseph E. Bowen by him duly signed and verified that his rights will be violated by an attempt to enforce a collection or payment ~~for~~ by an action ~~by~~ at law or a suit in Equity of a note for One thousand ($1,000.) dollars made by J.E. Bowen, payable to the order of the Merchants and Truckers Bank, Inc. dated September 27th, 1907 and payable ninety (90) days after date and a note for Fifteen hundred ($1500.) dollars made by Joseph E. Bowen and Clara A Bowen his wife, payable to the order of and endorsed by F. Mertens, dated September 27th, 1907, and payable four (4) months after date; it is ordered that a writ of injunction be and the same is hereby ordered issued out of the Circuit Court of Nansemond County, directed to the said Merchants and Truckers Bank, Inc. and Robert W. Withers, enjoining and restraining the said Merchants and Truckers Bank, Inc. its officers, directors, agents and attornyys and the said Robert W. Withers until the further order of the Court from enforcing in any manner, either by a suit in equity, or action at law or otherwise the collection or payment of the said note or notes or either of them, but before the complainant shall have the benefit of the order he or some one for him shall enter into a bond with surety before the Clerk of the Circuit Court of Nansemond County, Va. for the ~~sum~~ sum of One thousand dollars, conditioned as the law directs. All of which is hereby certified to the Clerk of the Circuit Court to be entered in the Chancery order book.

James S McLemore

All Available Text Successfully Captured

J. S. BARRON,
ATTORNEY AND COUNSELLOR AT LAW,
1212-13 BANK OF COMMERCE BLD'G,
NORFOLK, VA.

Executed by delivering a copy of the within injunction order, to R. W. Withers in person
Feb 12 - 1908

J. C. Smith Sheriff
City of Richmond Va
By J. M. Macon D.S.

Virginia, In Vacation,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY. February 28. 1908

Joseph E. Bowen.....Complainant.

vs.

Merchants & Truckers Bank, Incorporated,
a corporation, and Robert W. Withers.....Defendants.

This cause came on this day to be heard on the complainant's bill, the exhibits filed therewith and the defendants' demurrer thereto.

On consideration whereof, the Court, without passing upon said demurrer, doth adjudge, order and decree that unless Joseph E. Bowen, complainant, prior to the 29th day of February, 1908, pay to the Merchants & Truckers Bank the sum of $1000.00 with interest thereon, at the rate of six per cent, per annum, from the 26th day of December, 1907, until paid that the injunction heretofore entered in this cause be, and the same shall stand, dissolved as of said February 28th, 1908, and the Court doth further adjudge, order and decree that upon the payment of the sum of one thousand dollars with interest thereon as above set forth the said Merchants & Truckers Bank shall deliver to the said Joseph E. Bowen, or his attorney, the said note for $1000.00 executed by Joseph E. Bowen, September 27th, 1907, payable to the order of the Merchants & Truckers Bank, Suffolk, Virginia, ninety days after date, and also a certain note executed by Joseph E. Bowen and Clara A. Bowen, dated September 27th, 1907, payable four months after date to F. Mertens for $1500.00 and endorsed by F. Mertens, which is held as collateral security by said Bank for the payment of said $1000.00 note. All of which is hereby certified to the Clerk of this Court to be entered in his Chancery Order Book.

James L. McLemore,

Joseph E. Dawson
vs- Decree
Merchants and Farmers Bank

Enter. February 28th.
1908.
James L. McLemore

Entered in Chancery
Order Book no 3
Page 231.

In the Circuit Court of Nansemond County, Virginia.

February 11th. 1908

Joseph E. Bowen,)
) IN CHANCERY.
vs.)
)
The Merchants and Truckers Bank, Inc.,)
a corporation, and Robert W. Withers. -)

ORDER.

~~To the Clerk of the Circuit Court of Nansemond County.~~

This day came Joseph E . Bowen by J.S. Barron his attorney and presented to the Court a bill praying for a writ of injunction, and it appearing upon the reading of the bill of the said Joseph E. Bowen by him duly signed and verified that his rights will be violated by an attempt to enforce a collection or payment by an action at law or a suit in Equity of a note for One thousand ($1,000.) dollars made by J.E. Bowen, payable to the order of the Merchants and Truckers Bank, Inc. dated September 27th, 1907 and payable ninety (90) days after date and a note for Fifteen hundred ($1500.) dollars made by Joseph E. Bowen and Clara A Bowen his wife, payable to the order of and endorsed by F. Mertens, dated September 27th, 1907, and payable four (4) months after date; it is ordered that a writ of injunction be and the same is hefeby ordered issued out of the Circuit Court of Nansemond County, directed to the said Merchants and Truckers Bank, Inc. and Robert W. Withers, enjoining and restraining the said Merchants and Truckers Bank, Inc. its officers, directors, agents and attorneys and the said Robert W. Withers until the further order of the Court from enforcing in any manner, either by a suit in equity, or action at law or otherwise the collection or payment of the said note or notes or either of them, but before the complainant shall have the benefit of the order he or some one for him shall enter into a bond with surety ~~for~~ before the Clerk of the Circuit Court of Nansemond County, Va. for the ~~sum~~ same of One Thousand dollars, conditioned ~~as the law directs.~~ A copy of this order is hereby certified to the Clerk of the Circuit Court to be entered in the Chancery order book.

Wm. A. Moore Clerk

Entered in Chancery
Order Book No. 4-Page 227

Enter. February
11th. 1908.
James L. McLemore

J. S. BARRON,
ATTORNEY AND COUNSELLOR AT LAW,
1212-13 BANK OF COMMERCE BLD'G,
NORFOLK, VA.

TO THE HONORABLE JAMES L. McLOMORE,

Judge of the Circuit Court of Nansemond County.

Joseph E. Bowen .....Plaintiff.

versus

Merchants & Truckers Bank, Incorporated, and

Robert W. Withers.....Defendants.

We, the undersigned attorneys for plaintiff and defendants in this cause, beg to report that the matters involved in this suit have been adjusted by agreement and ask that the suit be dismissed at the plaintiff's cost.

Yours very respectfully,

J. H. Burgess.
Robert Layton
Counsel for Defendants

Holladay.
Counsel for Plaintiff.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Joseph E. Bowen.....Plaintiff.

vs.

Merchants & Truckers Bank, Incorporated, and

Robert W. Withers.....Defendants.

This cause came on this day to be again heard on the papers formerly read, a statement in writing signed by Counsel for both complainant and defendants stating that all matters involved in this cause have been settled by agreement and asking that the same be dismissed at plaintiff's cost, and was argued by Counsel.

On consideration whereof, it appearing to the Court that there is nothing further to be done in this cause it is ordered that the same be stricken from the docket and that the plaintiff do pay the costs of this suit.

Joseph E. Dawson
vs—
The Planters
Merchants and Farmers
Bank Incorporated
and R.D.A. W. Watkins.

Final Decree

May 11, 1908.

Wm. L. Tarbox

Entered in Chancery Order
Book No. 4. Page 243.

for Consent—

J. S. Barron Complt
Reynolds.
W. H. Reynolds } Counsel
R. W. Watkins } for
Defendants

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Joseph E. Bowen.....Plaintiff.

vs.

Merchants & Truckers Bank, Incorporated.....Defendant.

The said defendant says that the declaration in this action is not sufficient in law, and states the grounds of demurrer relied on as follows:

First: Said declaration joins counts in assumpsit with counts in case.

Second: The first count does not set forth a cause of action on which trespass on the case would lie.

Third: If the first count is intended as setting forth an action on the case it purports to set forth an action for deceit and is faulty in that it does not show scienter.

Fourth: The third count sets forth only a breach of contract.

Fifth: If the third count is intended to set forth a cause of action for negligence or deceit it is not set forth with sufficient particularity.

Sixth: The damage or injury complained of in the second count is not shown to be the proximate result of the acts of the defendant set forth in this count.

Seventh: The damage claimed in this count is injury to plaintiff's credit and business. If it is intended to charge slander or libel or injury to reputation the count is altogether faulty as it charges no publication or inducement, inuendo or conclusion.

R. W. Williams
H. Berryman } p.d.

Dr. E. Bowers
vs - Bluemm
Mortgage Loan Appraisers Board

1908 Sany 31st Filed

Bill in hand
of W Burgess

J. E. Bowen

vs } Chancery

Merchants & Truckers Bank.

1908 Feby 11th. Process issued returnable to February Rules Third Monday.

" " 17th Process returned Executed ~~on~~ Bill filed and decree Nisi vs defendant Bank

" March 2nd Decree nisi confirmed and cause set for hearing.

Chaucer Notes

2

J E Bowen pg

J E Bowen

vs

In Chancery

Merchants and

Mechanics Bank

and R W Withers

1908

May 11th

Final Decree.

Costs

Clerk	5.43
Jay	1.50
Ally	1.00
	$21.93
Sh. Mann	1.00
Sergt R	1.00