

1913-023
Nansemond Co (Suffolk)

Chancery Causes: Robert W. Withers, trst vs National City Bank of Washington, D.C. et al

Bank of Richmond, National Exchange Bank of Baltimore, Bank of Dendron, Myers
Harris, Pond, Rountree, Gurley, Taylor, Britt, Bowen, Wilroy, Debnem,
Keen, Skinner, J C Drewry & Co I, Harrell, Chandler, Hite, King,
Smith, Darden, Woodward, Sykes, Grizzard, Peete, Vick, Mitchell,
John L. Williams & Sons I, Bemiss, Newcomer

Folder 1 of 2

TO Robert W. Withers, Trustee,
vs.

Complainant.

National City Bank of Washington D. C. Bank of Richmond, National Exchange Bank of Baltimore, Md. Bank of Denbton, W. R. Myers, L. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma K. Taylor, E. Britt, J. M. Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah and George T. Skinner, J. C. Brewry, trading as J. C. Brewry and Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Larden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. T. Poete, Ben. P. Woodward, J. Davis Woodward, C. B. Vick, F. C. Mitchell, and Robert W. Withers, John L. Williams, John Skelton Williams, R. Lancaster Williams, L. W. Williams, ~~Defendants~~ and J. L. Beniss, partners trading as John L. Williams and Sons.
Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within
notice is hereby acknowledged.

Dec. 1, 1910

John L. Williams,
John Sutton Williams,
R. Lancaster Williams,
L. M. Williams and
E. L. Bemiss, Trading as
John L. Williams and Sons
By James H. Carlett, Atty.

John King

To Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor/E. Britt, J. E. Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen George W. Skinner, J. C. Drewry, trading as J. C. Drewry and Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard T. E. Peete, Ben. P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell, Robert W. Withers, John L. Williams, John Skelton Williams R. Lancaster Williams, L. M. Williams, and E. L. Bemiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va. rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby
Commissioner in Chancery.

Executed in the City of Richmond Va Dec 3rd 1910
by delivering a copy of the within notice to
J. G. Mitchell as herein directed.

W. R. Myers not found in our backwash.

Jno L. Latterfield
City Seryt.
Richmond Va

See due 50¢
by Paul Labricchi
Dept.

Robt. W. Withers, Justice
W. } In Chancery
National City Bank of
Washington D.C. et al
Commissioner's Office
Original

To Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry trading as J. C. Drewry and Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell, Robert W. Withers, John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams, and E. L. Bemiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee, under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matter specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby,
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted
by us.

Service of This notice
is accepted for The
Nat'l City Bank of
Washington, D. C.

W. S. McNeill atty

To Robert F. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Alexandria, E. A. Myers, G. A. Harris, John F. Bond, J. C. Curley, E. A. Bountree, Miss Anna A. Taylor/E. Britt, J. E. Bowen, J. F. Wilroy, T. H. Lebnam, Jeremiah Dean George F. Skinner, J. C. Greary, trading as J. C. Greary and Co., T. D. Harrell, J. F. Bond, Chas. F. Taylor, E. O. Chandler, J. C. Site, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, E. R. Lykes, Mrs. E. T. Briceard F. A. Foote, Gen. F. Woodward, J. Davis Woodward, C. E. Vick, F. G. Mitchell, Robert F. Withers, John L. Williams, John Shelton Williams C. Lancaster Williams, J. W. Williams, and E. L. Demise, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hanover County, Va. rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert F. Withers, Trustee under a deed of trust executed to him on the 10th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted.

James E. Hordard.

To Robert F. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of London, E. E. Myers, J. A. Harris, John T. Pond, J. O. Hurley, E. A. Countree, Miss Susan E. Taylor/M. Britt, J. L. Bowen, J. F. Wilroy, T. H. Lebus, Jeremiah Keen, George W. Skinner, J. C. Drury, trading as J. C. Drury and Co., E. C. Harrell, J. T. Pond, Chas. F. Taylor, E. O. Chandler, J. C. Mite, John Ling, E. J. Smith, C. E. Larsen, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, E. E. Sykes, Mrs. W. T. Grisard, E. E. Peete, Gen. W. Woodward, J. Davis Woodward, C. E. Vick, E. C. Mitchell, Robert F. Withers, John L. Williams, John Shelton Williams, E. Lancaster Williams, L. E. Williams, and H. L. Davis, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va. (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Henric County, Va. rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert F. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted.

Mrs E. J. Howard

To Robert V. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National
Savings Bank of Baltimore, Md., Bank of Bendron, W. B. Myers, G. A.
Harris, John W. Pone, J. C. Curley, L. A. Rountree, Miss Anna L. Tay-
lor, J. E. Britt, J. M. Loven, J. F. Wilroy, T. M. Lohman, Jeremiah Egan,
George W. Skinner, J. C. Drexley trading as J. C. Drexley and Co.,
P. C. Carroll, J. M. Bond, Chas. F. Taylor, P. O. Chandler, J.
Hite, John King, T. J. Smith, C. M. Harsh, C. J. Woodward, Mary An-
tonette Woodward, J. C. Woodward, W. T. Bykes, Mrs. J. F. Brizzard,
T. E. Peete, Ben. M. Woodward, J. Davis Woodward, C. E. Vick, P. C.
Mitchell, Robert V. Withers, John L. Williams, John Skelton Williams
H. Lancaster Williams, L. M. Williams, and A. L. Lemier, partners
trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December
1910, at my office in Suffolk, Va., (at which time and place you
are required to attend), I shall take and settle the following
accounts which are to be taken, stated and settled and reported
to court in pursuance of the decree of the Circuit Court of Han-
cock County, Va., rendered the 3rd. day of November 1910, in the
suit in chancery pending in said court to which you are parties
plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert V. Withers,
Trustee, under a deed of trust executed to him on the 10th. day
of April 1909 by the Merchants and Truckers Bank of Suffolk, Vir-
ginia.

(2) Any other matter specially stated deemed pertinent by
the commissioner or which may be required by any person interest-
ed to be so stated.

Given under my hand as Commissioner in Chancery of said
Court the 20th. day of November 1910.

Bradford Kilby
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted.

Ch. J. Appleton
12/10/10

TO Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C. Bank of Richmond, National Exchange Bank of Baltimore, Va. Bank of Bendron, W. R. Myers, A. Harris, John W. Bond, J. C. Gurley, E. L. Reantree, Miss Emma F. Taylor, E. Britt, J. E. Bowen, J. W. Wilroy, T. R. Debrum, Jeremiah Leene George W. Skinner, J. C. Brewry, trading as J. C. Brewry and Co., R. C. Harrell, T. J. Bond, Chas. F. Taylor, R. O. Chandler, J. S. Mike, John King, T. J. Smith, C. R. Barden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Wykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. P. Woodward, J. Davis Woodward, C. E. Vick, W. G. Mitchell, and Robert W. Withers, John L. Williams, John Skelton Williams, E. Lancaster Williams, L. M. Williams, Defendants, and C. L. Remiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted.

H. R. Sykes

72 Robert E. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C. Bank of Richmond, National
Exchange Bank of Baltimore, Md. Bank of London, E. E. Myers, J. A.
Merris, John W. Pond, J. C. Purley, L. A. Mountree, Miss Anna E. Tay-
ler, A. Britt, J. A. Loven, J. E. Wilroy, T. H. Debnam, Jeremiah Leane
George E. Saloner, J. C. Brewry, trading as J. C. Brewry and Co.,
R. E. Marrell, E. J. Pond, Chas. F. Taylor, E. O. Chandler, J. C.
Rite, John King, T. J. Smith, C. E. Varden, C. J. Woodward, Mary An-
toinette Woodward, J. C. Woodward, J. A. Evans, Mrs. J. I. Brissard,
E. E. Peete, Len. F. Woodward, J. Lewis Woodward, C. I. Vick, J. C.
Mitchell, and Robert E. Withers, John L. Williams, John Walton
Williams, E. Lancaster Williams, L. W. Williams, ~~James Williams~~, and
J. E. Lemiss, partners trading as John L. Williams and Son.
Defendants.

You are hereby notified that on the 10th. day of December
1912, at my office in Suffolk, Va., (at which time and place you
are required to attend), I shall take, state and settle the follow-
ing accounts which are to be taken, stated and settled and report-
ed to Court in pursuance of the decree of the Circuit Court of
Henrico County, Va., rendered the 23rd. day of November 1912, in
the suit in chancery pending in said court to which you are par-
ties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert E. Withers,
Trusted under a deed of trust executed to him on the 10th. day
of April 1909 by the Merchants and Traders Bank of Suffolk,
Virginia.

(2) Any other matters specially stated deemed pertinent by
me the commissioner or which may be required by any person in-
terested to be so stated.

Given under my hand as Commissioner in Chancery of said
Court the 30th. day of November 1912.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted .

B P Woodard

TO Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C. Bank of Richmond, National Exchange Bank of Baltimore, Md. Bank of London, W. R. Myers, J. A. Harris, John W. Bond, J. H. Hurley, E. A. Mountree, Miss Anne L. Taylor, J. A. Britt, J. W. Bowen, J. P. Wilroy, W. H. Lebnas, Jeremiah Lebnas, George W. Skinner, J. C. Brewery, trading as J. C. Brewery and Co., E. C. Harrell, E. J. Bond, Chas. T. Taylor, F. C. Chandler, J. C. Hite, John King, T. J. Smith, R. T. Larden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. E. Lykes, Mrs. W. T. Grizzard, T. E. Leste, J. H. Woodward, J. Davis Woodward, C. E. Vick, E. C. Mitchell, and Robert W. Withers, John L. Williams, John Skelton Williams, J. Lancaster Williams, L. T. Williams, ~~and~~ and A. L. Lewis, partners trading as John L. Williams and Sons. Defendants.

You are hereby notified that on the 19th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Henric County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Traders Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the Commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted.

1 E. J. L. L.

TO Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C. Bank of Richmond, National Exchange Bank of Baltimore, Md. Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keene George W. Skinner, J. C. Drewry, trading as J. C. Drewry and Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell, and Robert W. Withers, John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams, ~~Defendants~~ and E. L. Bemiss, partners trading as John L. Williams and Sons.
Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by ~~the~~ the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kelby
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted.

J. David Woodard

TO Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C. Bank of Richmond, National Exchange Bank of Baltimore, Va. Bank of Henderson, E. B. Myers, L. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Mary C. Taylor, E. Britt, J. E. Bowen, J. F. Wilroy, T. R. Lebnaz, Jeremiah Leene, George F. Skinner, J. C. Brewry, trading as J. C. Brewry and Co., E. C. Harrell, W. J. Pond, Chas. F. Taylor, E. C. Chandler, J. C. Hite, John King, T. J. Smith, C. A. Larden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, E. R. Sykes, Mrs. W. T. Grisard, T. E. Peete, Ben. P. Woodward, J. Davis Woodward, C. E. Vick, F. C. Mitchell, and Robert W. Withers, John L. Williams, John Kelton Williams, C. Lancaster Williams, L. W. Williams, ~~Defendants~~, and J. M. Lewis, partners trading as John L. Williams and Sons. Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by said the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted.

Mrs H. J. Giggard
Per H. J. Giggard

To Robert V. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Pendron, W. P. Myers, J. A. Harris, John W. Pond, J. C. Curley, E. A. Bountree, Miss Emma E. Waylor, A. Britt, J. A. Coven, J. E. Wilroy, T. H. Latham, Jeremiah Keen, George W. Skinner, J. C. Brewery trading as J. C. Brewery and Co., E. C. Harrell, J. C. Pond, Thos. F. Taylor, E. C. Chandler, J. E. Hite, John King, J. J. Smith, E. W. Barden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, T. R. Sykes, Mrs. E. T. Briard, T. A. Peete, Ben. F. Woodward, J. Lewis Woodward, C. E. Vick, P. B. Mitchell, Robert V. Withers, John L. Williams, John Skelton Williams, E. Lancaster Williams, L. M. Williams, and E. L. Demiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 14th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hanover County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert V. Withers, Trustee, under a dec. of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matter specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby
Commissioner in Chancery.

Dec. 6th 1910.

Sufficient and legal service of the within notice is hereby
accepted by

The Bank of Mendocino, Inc.,
L. E. Johnson
Cashier

To Robert T. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of London, W. B. Myers, S. A. Harris, John T. Pond, J. C. Burley, E. A. Countree, Miss Anna W. Taylor, E. Fritt, J. T. Bowen, J. E. Wilroy, T. H. Dobson, Jeremiah Keen, George T. Skinner, J. C. Drevy, trading as J. C. Drevy and Co., J. C. Barrell, J. T. Pond, Chas. T. Taylor, E. D. Chandler, J. C. Kite, John King, C. J. Smith, C. W. Barden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, E. T. Pykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. F. Woodward, J. Davis Woodward, C. E. Vick, F. C. Mitchell, Robert T. Withers, John L. Williams, John Shelton Williams, E. Lancaster Williams, L. W. Williams, and W. L. Demiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va. (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hanseman County, Va. rendered the 13rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert T. Withers, Trustee under a deed of trust executed to him on the 15th. day of April 1909 by the Merchants and Traders Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby
accepted.

Mary Antoinette Woodard.

To Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Oandron, F. R. Myers, C. A. Harris, John W. Pond, J. C. Curley, E. A. Mountree, Miss Anna W. Taylor, J. L. Britt, J. E. Bowen, J. F. Wilroy, T. H. Lobnan, Jeremiah Leen, George W. Skinner, J. C. Brewery trading as J. C. Brewery and Co., E. C. Harrell, W. J. Pond, Chas. F. Taylor, E. C. Chandler, J. E. Rite, John King, T. J. Smith, C. W. Barden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. T. Pykes, Mrs. F. S. Grizzard, T. J. Feste, Ben. P. Woodward, J. Davis Woodward, C. E. Vick, F. C. Mitchell, Robert W. Withers, John L. Williams, John Skelton Williams, E. Lancaster Williams, L. W. Williams, and E. L. Demiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 16th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Henric County, Va., rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee, under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matter specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted by

National Exchange Bank of Baltimore, Inds
by Burke & Burke, its attys

To Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Denaron, W. E. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor/E. Britt, J. E. Bowen, J. E. Wilroy, T. H. Debnam, Jeremiah Keen George W. Skinner, J. C. Drewry, trading as J. C. Drewry and Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. G. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. E. Sykes, Mrs. W. T. Grizzard T. A. Peete, Ben. F. Woodward, J. Davis Woodward, C. E. Vick, F. C. Mitchell, Robert W. Withers, John L. Williams, John Skelton Williams R. Lancaster Williams, L. M. Williams, and E. L. Bemiss, partners trading as John L. Williams and Sons.

Defendants.

You are hereby notified that on the 10th. day of December 1910, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va. rendered the 23rd. day of November 1910, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia.

(2) Any other matters specially stated deemed pertinent by the commissioner or which may be required by any person interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of November 1910.

Bradford Kilby

Commissioner in Chancery.

Not found in our bailiwick. Recd. 1910.

Jno L. Patterson

City of Seattle

Richmond, Va.

by

Paul Labruche

rept. Sup.

No fee

Robt. W. Withers, Trustee,
v. } In Chancery
National City Bank of
Washington D.C. et als

Commissioner's Notice

A copy for W. R. Myers.

W. R. Myers

accepted.

Sufficient and legal service of the within notice is hereby

Virginia,

Circuit Court for the County of Nansemond, to-wit:

Robert W. Withers, Trustee,

Complainant.

vs.

National City Bank of Washington, D.C. et als. Defendants.

Commissioner's Office,

Suffolk, Va. Feb. 10, 1911.

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

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 23rd. day of November 1910 in the suit in chancery pending in said court between Robert W. Withers, Trustee, Complainant and National City Bank of Washington, D. C. et als, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 30th. day of November 1910, your commissioner gave notice to the parties to the suit that he would proceed on the 10th. day of December 1910, at his office in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That service of said notice was executed on some of the parties to said suit and accepted by others, as will appear by endorsements on copies of said notice herewith returned.

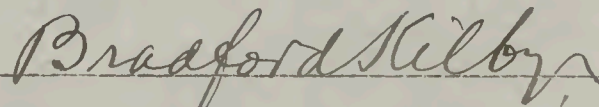
Your commissioner reports that he has taken an account of the transactions of Robert W. Withers, Trustee under a deed of trust executed to him on the 16th. day of April 1909 by the Merchants and Truckers Bank of Suffolk, Virginia, and finds as follows:

That said Robert W. Withers, Trustee, received in cash from various sources the sum of \$49,417.84 and has made disbursements to those entitled to receive the same, in the sum of \$47,068.37, leaving a balance in the National Bank of Suffolk to his credit as Trustee, the sum of \$2,349.47. *There are outstanding checks for \$4.50 which when cashed would make balance in bank to Trustee's credit \$2,344.97.*

Your commissioner reports that the disbursements are supported by satisfactory vouchers, except in a few instances, and in those cases, your commissioner has ascertained that said payments were made, and that it was a proper expenditure of the funds in the hands of said trustee.

The trustee's account shows that there are still uncollected by him bills and notes amounting to \$3.360.84, and judgments amounting to \$12.872.04.

Respectfully submitted this 10th. day of February 1911.



Commissioner in Chancery.

Commissioner's fee \$125.

Robt. W. Withers, Trustee

In account with

Merchants and Truckers Bank.

Inventory of assets coming into my hands under the deed of assignment for the benefit of creditors dated April 16, 1909.

(a) M O N E Y.

(1) At Suffolk-----\$ 296.77

(2) At Branchville----- 199.03

(b) B I L L S and N O T E S. \$ 495.80

(1) At Suffolk

Maker

J. F. Wilcox-----	650.00	✓
W. R. Myers-----	762.50	✓
Mrs. W. R. Myers-----	20,000.00	✓
W. R. Myers-----	3,000.00	✓
W. R. Myers-----	4,886.35	✓
M. S. Knight-----	15.00	✓
Mrs. Mattie J. Cox-----	195.00	✓
J. P. Tate-----	20.50	✓
Pearle F. Brinkley-----	65.00	✓
Jeremiah Keene-----	50.00	✓
O. C. Brinkley-----	350.00	✓
Philip Cross-----	42.30	✓
W. R. Blow-----	80.00	✓
S. J. Brown-----	12.00	✓
Thomas Joyner-----	44.60	✓
W. R. Myers-----	1,500.00	✓
J. M. Wiggins-----	42.39	✓
L. W. Caulk-----	10.27	✓
H. L. Hulce-----	60.00	✓
T. M. Frierson-----	18.00	✓
M. S. Knight-----	15.00	✓

Maker.

F. G. Mitchell-----	\$ 124.98	✓
Ben Gordon-----	9.00	✓
L. P. Hill-----	25.00	✓
Ed. Blackley-----	10.00	✓
R. O. Spivey-----	65.00	✓
T. J. Smith-----	75.00	✓
Thompson & Company-----	30.00	✓
J. S. Vellines-----	70.00	✓
J. H. Bryant-----	47.00	✓
W. R. Myers-----	1,000.00	✓
W. R. Myers-----	1,500.00	✓
M. S. Knight-----	15.00	✓
Geo. L. Barton-----	150.00	✓
Juny Faulk-----	15.50	✓
Ben Langston-----	15.00	✓
Leroy Morris-----	6.50	✓
R. T. Whitfield-----	40/12	✓
R. B. Crocker-----	60.00	✓
Henretter Williams-----	32.85	✓
James Gay-----	36.00	✓
Agnes Council-----	8.75	✓
Henry Wren-----	40.00	✓
T. J. Smith-----	20.00	✓
E. Britt-----	200.00	✓
J. T. King & Company-----	214.21	✓
J. H. Copeland-----	30.00	✓
J. W. Harrell-----	85.00	✓
Thompson & Company-----	325.00	✓
W. H. Morris-----	258.00	✓
M. S. Edleman (Sent to N. Y. for C.)-----	101.50	✓
J. L. White-----	70.00	✓
Geo. T. Greene-----	95.00	✓
William Coles-----	44.00	✓

C. H. Bull & Co.-----	750.00	
J. N. Hart Lumber Co.-----	212.29	
J. N. Hart Lumber Co.-----	260.77	
Mrs. Hattie M. Sanderson-----	\$ 6,000.00	
Jerry Faulk-----	\$ 10.00	✓
M. A. Pruden-----	200.00	✓
Mathew Branch-----	15.00	✓
J. G. Turner-----	30.00	✓
E. F. Hill-----	15.00	✓
Hugh D. Little, Jr.-----	15.00	✓
J. E. Wilroy-----	701.24	✓
J. C. Ballard-----	75.00	✓
Sammie Collins-----	8.00	✓
N. Skietter-----	16.00	✓
T. N. Mason-----	85.00	✓
Ephram Taylor-----	7.50	✓
W. E. Smith-----	87.50	✓
Lizzie E. Jones-----	107.75	✓
H. G. Shackelford-----	30.00	✓
W. R. Myers (A. W. Oliver)-----	100.00	✓
W. R. J. Goodrich-----	110.00	✓
Frank W. Jones-----	390.00	✓
Thompson & Company-----	250.00	✓
Thompson & Company-----	450.00	✓
C. W. Darden -----	1,250.00	✓
Thompson & Company-----	80.00	✓
J. N. Hart Lumber Co.-----	207.69	✓
Lucy C. Oliver-----	150.00	✓
Lucy C. Oliver-----	400.00	✓
B. E. Lewis-----	250.00	✓
F. B. Bradshaw-----	130.00	✓
O. C. & I. P. Brinkley-----	200.00	✓
E. A. & J. L. Atkins-----	125.74	✓
L. M. Rountree-----	250.00	✓
B. Herman-----	450.00	✓
J. N. Hart Lumber Co.-----	184.11	✓

Mrs. W. R. Myers (Interest)-----	646.50	
Suffolk Yacht Club (Interest)---	.62	
G. F. Laue-----Ent.-----	.14	
Geo. W. Skinner-----	\$ 250.00	✓
Total-----	\$51,138.24	

(2) At Branchville

Maker	Amount.	
Grizzard Bros. & Co.-----	\$ 400.00	✓
Bryant & ~~Harris~~ -----	132.00	✓
R. H. Ellis, Jr.-----	50.00	✓
Woodward & Ricks & P. Harris-----	130.00	✓
" " " " J. N. Kirkland-----	130.00	✓
" " " " Others-----	125.00	✓
" " " " "-----	75.00	✓
" " " " (S. J. Reel)-----	80.00	✓
" " " " (S. Phillips)-----	145.00	✓
" " " " "-----	75.00	✓
" " " " "-----	125.00	✓
" " " " "-----	100.00	✓
Geo. T. Boothe-----	50.00	✓
Bryant & Harris-----	175.00	✓
" " "-----	120.00	✓
W. E. Parker-----	150.00	✓
N. G. Harrell-----	150.00	✓
Woodward & Ricks & Others-----	175.00	✓
" " " " "-----	190.00	✓
" " " " "-----	150.00	✓
B. H. Harris-----	200.00	✓
D. B. Francis-----	45.00	✓
C. V. Vick-----	550.00	✓
W. A. Joyner On C. H. Bull-----	203.00	✓
S. T. Beele-----	175.00	✓
Woodward & Ricks-----	270.00	✓
C. H. Bull & Co.-----	43.85	✓
C. H. Bull & Co.-----	65.00	✓

Jno. R. Persons (Overdraft)-----	86.30	
Bryant & Harris-----{Overdraft} -----	52.61	
T. J. Harrell-----	\$ 100.00	✓
Woodward & Ricks & Others-----	130.00	✓
T. J. Harrell-----	200.00	✓
C. H. Simmons-----	10.00	✓
Woodward & Ricks & Others-----	100.00	✓
W. E. Morton (Placed to R. R. Here)-----	563.83	✓
Woodward & Ricks -----	1,000.00	✓
C. H. Bull & Co.-----	200.00	✓
Total-----	\$ 6,721.59	

PERSONAL PROPERTY.

(1) <u>At Suffolk</u>	Cost Price.
Vault Door-----	\$ 350.00
Safe inside vault-----	750.00
Safety Lock Boxes-----	100.00
Counter Fixtures-----	500.00
Typewriter-----	75.00
" Desk-----	18.00
Sponge Stand-----	.25
P. O. Box File-----	.25
One pistol-----	6.00
Ink Stnads-----	.50
Check Protector-----	5.00
Stamp Rack-----	.50
Signature file-----	2.00
Bates No. Machine-----	5.00
Stationary-----	10.00
Seven Chairs-----	10.00
Book-keepers Desk-----	30.00
Cashier's Desk " Metalic"-----	100.00
Book case-----	10.00
Ck. Rack & Counter Dk.-----	10.00
Gas Fixtures-----	10.00
Lamps-----	4.00

Telephone Boothe-----	\$ 15.00
Screen Doors-----	10.00
Door check-----	5.00
Metalic Letter file-----	25.00
Cuspadore, waste baskets, coat and hat rack-----	5.00
Stamp Pad-----	.10
Ink on hand-----	3.60
Watch-----	.75
Pens, Pencils, etc.-----	.50
Letter scales-----	1.25
Note wallet-----	3.50
Two note and drft. wallets-----	1.50
Window screens-----	10.00
" shades-----	4.25
Hammer & Saw-----	2.20
Towels-----	.25
Lenolium-----	10.00
Library Books-----	.50
Banker's Reg.-----	5.00
Pen Rack-----	.15
Stove-----	5.00
Oil Can-----	.25
Int. Calculator-----	5.00
Money Drawer-----	1.50
Water Cooler-----	2.00
Two Wash Pans-----	.30
Floor matting-----	1.00
Check holders-----	1.00
Total-----	\$ 2, 121.10

		Cost Price.
(2) <u>At Branchville</u>		
Two tin buckets-----	\$	.40
Two tin dippers-----		.20
Two Towels-----		.50
One Pistol-----		10.00
One safe-----		187.15
One Gas Lamp & Fixtures-----		22.45
One Desk-----		11.50
Telephone-----		17.25
Four chairs & one basket-----		8.10
One typewriter-----		45.00
One book-keepers desk-----		23.00
One shade-----		.65
One stamp holder-----		.50
One check protector-----		5.00
Total-----	\$	331.70

(d) LIST of OVERDUE PAPER

(1) At Suffolk

Maker.		
James Gray-----	\$	45.00 ✓
H. H. Howell-----		130.00 ✓
J. W. Daughtrey-----		38.75 ✓
Rev. R. H. Davis-----		19.00 ✓
G. A. Harris-----		150.00 ✓
W. G. Saunders-----		51.56 ✓
Southern Pub. Corp.-----		401.24 ✓
D. J. Bell-----		3.25 ✓
Suffolk Yacht Club-----		150.00
" " "-----		225.00 ✓
" " "-----		1,250.00 ✓
Joseph E. Pown-----		1,000.00 ✓
Sou. Pub. Service Corp.-----		328.64 ✓

Sou. Pub. Service Corp.	201.24
" " " "	202.71
J. F. Wilroy	225.00
William Harrell	40.00
Total	\$4461.39

(e) DUE BY OTHER BANKS.

(1) At Suffolk

Merchants & Truckers Bank, Branchville,	789.99
Va. National Bank, Petersburg,	26.06
Bank of Dendron, Dendron, Va.	257.32
Amer. Nat. Bank, Richmond,	13.76
National Copper Bank, N. Y.	1076.35
Nat. Exch. Bank, Balto. Md.	52.40
Total	\$3215.88

(2)

At Branchville

None

Statement of debts proved against the bank or shown by its books to be due.

(f) DUE TO

(a) Depositors

(1) At Suffolk

Depositor.	Balance
F. B. Bradshaw	1.78
M. J. Bowen & Co.	.99
H. W. Booth	10.00
S. J. Bendall	.45
J. H. Bryant	.27
H. C. Benton	11.70
Ed. Blackley	25.00
Chas. Bunkley	19.00
O. C. Brinkley	121.25
B. S. Campbell	.08

Cofield Mfg. Co.,-----	\$ 5.18
Bury Colding-----	.10
W. H. Crocker-----	150.02
J. P. Cross-----	.11
C. F. Copeland-----	122.76
A. L. Coppedge-----	23.00
Sam S. Davis-----	.77
C. W. Darden-----	26.84
J. D. Dickerson-----	22.22
S. B. Dunn-----	7.52
R. M. Doles-----	.17
Del Grande Fruit Co.-----	6.73
W. E. Daughtrey-----	222.76
A. Edwards-----	.06
Miss E. D. Edwards-----	20.00
Peter Fortune-----	1.00
W. H. Fritchman-----	12.06
Ben Gordon-----	.45
Octavia Gordon-----	.02
C. B. Hathaway-----	160.15
Dr. D. L. Harrell-----	1.18
Fred Harfousch-----	126.57
Mrs. D. L. Harrell-----	.40
A. A. Holland-----	2.31
Hofler & Co.-----	244.71
A. S. Hudgins-----	12.27
Ben. Herman-----	27.83
M. S. Hoskey-----	111.37
L. P. Hill-----	3.55
W. L. Hulce-----	2.45
Hobbs & Hollowell-----	132.80
W. B. Jones-----	7.26
R. W. Isley-----	15.00
N. C. Jones-----	.20
Jeremiah Keene-----	31.57

Dr. G. E. Laue-----	.14
H. D. Little, Jr.-----	.08
✓B. F. Lewis-----	5.22
W. L. Mathews & Co.,-----	87.04
W. R. Myers-----	90.31
Rev. W. H. Morris-----	32.67
Mrs. N. F. Odom-----	33.52
J. B. Pruden, Jr.-----	55.25
Pope Peanut Co.-----	.10
I. F. Pierce-----	130.80
J. E. Parker-----	.40
B. L. Roberts-----	90.58
E. A. Rountree & Co.-----	123.85
L. M. Rountree-----	250.10
L. L. Reed-----	40.00
W. H. Speight-----	140.73
W. M. Scott-----	.02
W. G. Saunders-----	1.25
✓T. J. Smith-----	.06
S. S. Laundry G. W. S.-----	16.26
Suffolk Yacht Club-----	.62
Suffolk Bus. College-----	2.95
J. P. Tate-----	52.80
F. P. Turner-----	51.00
Thompson & Co.-----	.15
Woodward & Blam-----	8.45
J. F. Wilroy-----	.04
Ward & Son-----	.16
K. G. White-----	45.00
J. C. Wilroy-----	1.46
Wilroy & Jones-----	.98
J. L. White-----	1.80
✓A. W. Oliver-----	10.45
Total-----	\$ 2,081.29

(2) At Branchville

Depositors.

Geo. L. Boothe-----	\$ 37.37
T. E. Peete-----	17.17
John W. Smith-----	26.36
Arthur Panten-----	.23
J. E. Harrison-----	126.21
Grizzard Bros. & Co.-----	379.39
B. H. Beale-----	3.79
Miss Julia M. Redley-----	121.30
Miss Bessie Drewery-----	35.39
Cicero Vick-----	44.45
Mrs. L. D. Drewery-----	3.56
Green Rogers-----	21.21
Paul Jordan-----	200.39
Mrs. Roberta Branch-----	25.00
J. H. Vick-----	21.32
A. W. Grizzard-----	1.49
Mrs. Eveline World-----	12.00
R. W. Joyner-----	200.00
Bryant & Harris-----	\$52.61 Overdraft
J. N. Johnson-----	3.46
Mrs. Bettie N. Person-----	14.00
Allen Clarke-----	2.00
Leighton H. Baxter, Hugo-----	22.89
H. Clements-----	33.00
J. Dudley Woodward-----	.62
Lester Murphy-----	7.00
Mrs. R. W. Joyner-----	50.00
Joseph Newton-----	52.50
H. G. Woodward-----	7.50
Woodward & Ricks-----	86.85
M. C. Cooke-----	3.69
Mrs. J. H. Grizzard-----	1.42
Mrs. Julia W. Ridley---	5.00

J. Davis Woodward-----	36.84
T. J. Harrell-----	62.75
William Jackson-----	193.11
C. B. Vick & Co. Margarettsville--	47.83
W. T. Barnes-----	200.00
W. R. Harris-----	100.27
Mrs. A. P. James-----	35.00
W. F. Vick-----	126.83
J. T. Parker-----	1.05
Willie A. Joyner-----	50.00
J. F. Harris-----	1.02
Geo. W. Garris-----	.95
H. Bess-----	23.50
E. W. Parker--	45.00
B. T. Beale-----	52.38
S. P. Parker-----	24.58
J. R. Rearson-----	354.02
W. B. Goodwyn-----	22.23
Total-----	\$2944.52

(b) DUE TO

OTHER BANKS AND BILLS

PAYABLE.

(1) AT Suffolk

✓National Copper Bank, N. Y.-----	\$20,000.00
✓Virginia National Bank, Petersburg, Va.-----	4,000.00
✓Bank of Richmond-----	969.63
✓Bankers Trust Co., Richmond, Va.-----	823.10
✓Cartersville Bank-----	5,000.00
✓National Exchange Bank-----	441.40
Interest and protest fees-----	509.67
Total-----	\$32,743.80

(2) At Branchville

None

(c) D U E on C E R T I F I C A T E S of D E P O S I T.

(1) At Suffolk

Certificates of Deposits-----\$ 3,000.00

(2)

At Branchville

Certificates of Deposits-----\$ 1,163.75

(d) D U E on O P E N A C C O U N T.

(1) At Suffolk

Marshall Andrews, Newspaper-----	\$.06.
R. H. Rawles, Atty. Fee-----	100.00.
Balto. Audit Co.,-for services-----	150.00.
J. Walter Hosier, Rent April-----	37.50.
Bell Tel. Co. Rent to June-----	5.70.
R. R. Smith, Recording Deed of Assignment---	22.00.
P. & S. Water Co. Rent-----	4.50.
✓J. Walter Hosier, Rent May-----	37.50.
Va. National Bank, Interest-----	61.33.
" " " Protest & Exchange-----	1.64.
" " " Discount-----	3.35.
J. Walter Hosier, Rent-----June---	37.50.
J. Walter Hosier, Rent-----	37.50.
✓J. Davis Woodward, Rent Branchville-----	12.00.
✓J. Walter Hosier, Rent-----	37.50.
✓Joseph E. Cheek, Services-----	5.80.
✓R. S. Boykin, Treas. Town Taxes 1908-----	317.05.
✓Johns Bros. Wharfage on " Nina"-----	17.50.
✓Suffolk Herald Corp., Bill-----	23.75.
✓Postal Tel. Co.-----	12.73.
✓Louise L. Dewine-Services-----	1.50.
✓Bates No. Machine Co.-----	2.50.
✓Suffolk Gas Co.,-----	2.70.
✓Suffolk Press-----	10.00.
✓Western Union Tel. Co.-----	6.81.
✓Kirkpatrick & Howard ---Services-----	5.00.
✓National Seal Co.-----	.47.

✓So. Bell Tel. Co.-----	\$ 23.05
✓J. U. Burges & Robt. W. Withers, Atty. Fee, Bowen vs. Bank-----	75.00
✓Citizens Bank, Norfolk,-----	8.70
✓National State Bank-----	4.18
✓Harrison King-----	.75
✓J. Walter Hosier-----Rent))))))))))	37.50
✓" " " Rent-----	37.50
✓Banking Loan & Trust Co.,-----	100.00
✓Merchants National Bank, Richmond-----	46.48
✓Everett-Waddy Co.,-----	9.25
✓J. Walter Hosier-----Rent---	37.50
✓R. S. Boykin--Treas.--Town Taxes, 1909-----	324.78
✓Amer. National Bank-----	32.40
✓Geo. W. Butts--Treas. County Taxes, 1909----	60.15
✓A. W. Harmon--Treas. States Taxes, 1909-----	84.21
Robt. W. Withers, Atty. fee in re Bowen-----	25.00
✓F. G. Mitchell, wages-----	20.00
✓J. P. Apitz for Balt. Audit Co.-----	10.00

\$1,890.34

(2) At Branchville

None

DISBURSEMENTS.

(e) EXPENSES of ADMINISTRATION.

✓Robert W. Withers,--To Branchville-----	\$ 2.65
✓F. G. Mitchell, Services-----	9.00
✓Postage Stamps-----	1.00
✓Tellers Shortage, M. & T. Bank-----	4.01
✓Expressage Stationery(from Branch.)-----	.35
✓Postage Stamps-----	1.00
✓Protest fee, W. M. Morton note (M. S. E.)---	1.35
✓Letter File, R. W. W.-----	.25
✓F. W. Jones, Services-----	2.50
✓J. H. Newton, Notary Fee-----	.50
✓R. W. Withers-----To Norfolk-----	2.25
✓So. Express Co. Ex. on Cks & pass books--	.25

✓Postage Stamps-----	\$.50
✓P. L. Pruden, Advertising for Cr's-----	2.20
✓W. C. Wyatt, Taking inventory-----	2.50
✓Robt. W. Withers, Expense to Norfolk "Launch Sallie"-----	2.00
✓W. W. Dey, Jr. Atty. for Walter Deans-----	75.00
Stamps-----	1.00
✓West & Withers, Premiums on bonds-----	49.18
✓Atty. fee Mark W. Brown n So. Pub. Serv. corp	35.00
✓R. W. Withers, Expense to Richmond, Marion Bonds-----	5.00
✓R. W. W. ? Telegraph and telephone messages-----	3.20
✓R. W. W. Expense to Marion Re Bonds-----	50.00
Stamps-----	1.00
Stamps-----	.50
Expressage on N. C. Acts 1901 Marion Bonds---	.35
✓W. U. Tel. Co. bill-----	1.46
✓Acts of N. C. 1901 Marion bonds-----	1.50
Exchange M. S. Knight note-----	.15
Stamps-----	1.50
✓W. R. Myers, expense in executing assignments of L. Policies-----	3.00
✓W. U. Tel. Co.-----	.77
✓Bell Telephone, tolls-----	2.25
Stamps-----	1.00
✓R. R. Smith Clerk, costs & fees judg. v. Wilroy	3.65
✓Suffolk Pr. & Sta. Co. Printing 300 receipts	1.25
Stamps-----	1.00
✓Henry F. MacCracken, Costs In Re G. F. Laue-	15.00
✓W. A. Edwards, Sheriff fee vs. Goodrich-----	.50
✓J. Walter Hosier, Crier's fee at auction---	5.00
✓P. L. Pruden, Advertising sale-----	2.80
Jesse H. Lilliston-Door Check sold by mistake	1.25
✓A. H. Baker Shff. Cost for 5 judgt.-----	14.75

+

Court costs 4 actions by R. W. W. Tr. vs.	
✓ O. C. Brinkley & others-----	26.19
✓ Taxed atty. Fee W. Trustee vs. A. W. Oliver-----	2.50
R. R. Smith rec. B. & S. F. W. Jones to R. W. W.	
✓ Tr. Releasing D. of T. Same-----	2.75
✓ Suffolk Herald Corporation. Printing notices of sale	1.50
✓ P. L. Pruden, Advertising-----	1.10
✓ Guy T. Horner, Costs and judgment-----	3.75
✓ Petersburg Index Appeal-----	.75
✓ R. R. Smith, Clerk's fees-----	1.80
✓ Henry F. MacCracken-- fees and costs vs. Lane-----	33.58
✓ P. P. Winston, Writ tax, vs. W. R. Myers-----	11.60
✓ P. P. Winston, vs. Mrs. W. R. Myers-----	1.00
✓ W. A. Edwards, Sheriff fees vs. O. C. Brinkley-----	.50
✓ J. L. Satterfield, Sgt. fees-----	1.00
✓ J. D. Prince, Sheriff fees-----	.50
✓ P. P. Winston, Clerk fees judgments vs. Myers	
and wife-----	1.50
✓ Stamps-----	1.00
✓ West and Withers, Premium, Trustees's bond-----	25.00
✓ Robt. W. Withers, Atty. Deed to MacClenny-----	5.00
✓ P. P. Winston, Clerk's fees-----	7.50
✓ Stamps-----	.62
✓ Registered Mail-----	.24
✓ Stamps-----	1.00
Paid Robt. W. Withers, Trustee 3 1/2% Com. on	
\$49,417.34-----	1729.62
✓ R. R. Smith, Clerk's fees entering decrees & etc.-	.71

By error

\$2169.43
1.75

2171.18

Paid to other Banks.

National Copper Bank, N.Y.	\$20.000.00
Virginia National Bank, Petersburg, Va.	4.000.00
Bank of Richmond	.969.63
Bankers Trust Co. Richmond, Va.	.823.10
Cartersville Bank	6.000.00
National Exchange Bank	.441.40
Interest and protest fees.	<u>.509.67</u>
Total	\$32.743.80.

P A I D T O D E P O S I T O R S .

(1) At Suffolk

Depositor.	
✓E. B. Bradshaw-----	\$ 1.78.
✓H. J. Bowen & Co.-----	.99.
✓H. W. Booth-----	10.00.
✓S. J. Bondall-----	.45.
✓J. H. Bryant-----	.27.
✓H. C. Benton-----	11.70.
✓Ed. Blackley-----	25.00.
✓Chas. Bunkley-----	19.00.
✓O. C. Brinkley-----	121.25.
B. S. Campbell-----	.08.
✓Cofield Mfg. Co.-----	5.18.
✓Bury Colding-----	.10.
✓W. H. Crocker-----	150.02.
✓J. P. Cross-----	.11.
✓C. F. Copeland-----	122.76.
✓A. L. Coppedge-----	23.00.
+ Sam S. Davie-----	.77.
✓C. W. Darden-----	126.84.
✓J. D. Dickerson-----	22.22.
✓S. R. Dunn-----	7.52.
✓R. M. Doles-----	.17.
✓Del Grande Fruit Co.-----	6.73.
✓W. R. Daughtrey-----	222.76.
✓A. Edwards-----	.06.
✓Miss E. D. Edwards-----	20.00.
✓Peter Fortune-----	1.00.
W. H. Fritchman-----	12.06.
✓Ben Gordon-----	.45.
✓Octavia Gordon-----	.08.

✓C. B. Hathaway-----	\$ 160.15 °
✓Dr. D. L. Harrell-----	1.18 °
✓Fred Harfousch-----	126.57 °
✓Mrs. D. L. Harrell-----	.40 °
✓A. A. Holland-----	2.31 °
✓Hofler & Co.-----	244.71 °
✓A. S. Hudgins-----	12.27 °
✓Benj. Herman-----	27.83 °
✓M. S. Hoskey-----	111.37 °
✓L. P. Hill-----	3.55 °
✓W. L. Hulce-----	2.45 °
✓Hobbs & Hollowell-----	132.80 °
✓W. B. Jones-----	7.26 °
✓R. W. Isley-----	15.00 °
+ N. C. Jones-----	.20 °
✓Jeremiah Keane-----	31.57 °
Dr. G. T. Laue-----	.14 °
✓H. D. Little, Jr.-----	.08 °
B. E. Lewis-----	5.22 °
✓W. L. Mathews & Co.-----	87.04 °
W. R. Myers-----	99.31 °
✓Rev. W. H. Morris-----	32.67 °
✓Mrs. N. E. Odom-----	33.52 °
✓J. B. Pruden, Jr.-----	55.25 °
✓Pope Peanut Co.-----	.10 °
✓I. F. Pierce-----	130.80 °
✓J. E. Parker-----	.40 °
✓B. L. Roberts-----	90.58 °
✓E. A. Rountree & Co.-----	123.85 °
✓L. M. Rountree-----	250.10 °
✓L. L. Reed-----	40.00 °
✓W. H. Speight-----	140.73 °
✓W. M. Scott-----	.02 °

W. G. Saunders-----	\$ 1.25'
T. J. Smith-----	.06'
✓S. S. Laundry, GWS-----	16.26'
Suffolk Yacht Club-----	.62'
✓Suffolk Bus. College-----	2.95'
✓J. P. Tate-----	58.80'
✓F. P. Turner-----	51.08'
Thompson & Co.-----	.15'
✓Woodard & Elam-----	8.45'
J. F. Wilroy-----	.04'
✓Ward & Son-----	.16'
✓K. G. White-----	45.00'
✓J. C. Wilroy-----	1.46'
Wilroy & Jones-----	.98'
✓J. L. White-----	1.80'
A. W. Oliver-----	10.45'
Total-----	\$ 2,981.29

(2) At Branchville

Depositors.

✓Geo. L. Boothe-----	\$ 37.37'
✓T. E. Peete-----	17.17'
✓John W. Smith-----	26.36'
✓Arthur Panton-----	.23'
✓J. F. Harrison-----	126.21'
✓Grizzard Bros. & Co.-----	379.39'
✓B. H. Beale-----	3.79'
✓Miss Julia M. Redley-----	121.30'
✓Miss Bessie Drewery-----	35.39'
✓Cicero Vick-----	44.45'
✓Mrs. L. D. Drewery-----	3.56'
✓Green Rodgers-----	21.21'
✓Paul Jordan-----	200.39'
✓Mrs. Roberta Branch-----	25.00'
✓J. H. Vick-----	21.32'

✓A. W. Grizzard-----	\$ 1.49'
✓Mrs. Eveline World-----	12.00'
✓R. W. Joyner-----	200.00'
Bryant & Harris-----\$52.61 Overdraft.	
✓J. N. Johnson-----	3.46'
✓Mrs. Bettie N. Person-----	14.00'
✓Allen Clarke-----	2.00'
✓Leighton H. Baxter, Hugo-----	22.89'
✓H. Clements-----	33.00'
✓J. Dudley Woodward-----	.62'
✓Lester Murphy-----	7.00'
✓Mrs. R. W. Joyner-----	50.00'
✓Joseph Newton-----	52.50'
✓H. G. Woodward-----	7.50,
✓Woodward & Ricks-----	86.85'
✓M. C. Cooke-----	3.69'
✓Mrs. J. H. Grizzard-----	1.42'
✓Mrs. Julia M. Ridley-----	5.00'
✓J. Davis Woodward-----	36.84'
✓T. J. Harrell-----	62.75'
✓William Jackson-----	193.11'
C. B. Vick & Co., Margarets-----	~~42.85~~ <i>Not Paid</i>
✓W. T. Barnes-----	200.00'
✓W. R. Harris-----	100.27'
✓Mrs. A. P. James-----	35.00'
✓W. H. Vick-----	126.83'
✓J. T. Parker-----	1.05'
✓Willie A. Joyner-----	50.00'
✓J. F. Harris-----	1.02'
+ Geo. W. Garris-----	.95'
✓H. Bess-----	23.50'
✓E. W. Parker-----	45.00'
✓S. T. Beale-----	52.38'
✓S. P. Parker-----	24.58'

✓J. R. Pearson-----	\$354.62
✓W. B. Goodwyn-----	22.23
Total-----	\$2,896.69

P A I D on CERTIFICATES of D E P O S I T.

✓(1) At Suffolk

Certificates of Deposits-----	\$ 3,000.00
Int.	192.33
	\$ 3,192.33

✓(2) At Branchville

Certificates of Deposit-----	1,163.75
Int.	33.49
	\$1,197.24

P A I D on O P E N A C C O U N T.

(1) At Suffolk

✓Marshall Andrews, Newspaper-----	\$.06
✓R. H. Rawles, Atty. Fee-----	100.00
✓Balto. Audit Co.--for services-----	150.00
✓J. Walter Hosier, Rent, April-----	37.50
✓Bell Tel. Co. Rent to June-----	5.70
✓R. R. Smith, Recording Deed of Assignment---	22.00
✓P. B. & S. Water Co. Rent-----	4.50
✓J. Walter Hosier, Rent May-----	37.50
✓Va. National Bank, Interest-----	61.33
✓" " " Protest & Exchange---	1.64
✓" " " Discount-----	3.35
✓J. Walter Hosier, June-----	37.50
✓" " " , Rent-----	37.50
✓J. Davis Woodard, Rent Branchville-----	12.00
✓J. Walter Hosier, Rent-----	37.50
✓Joseph E. Cheek---Services-----	5.80
✓R. S. Boykin, Town Taxes, 1908-----	317.05
✓Johns Bros. Wharfage on " Nina"-----	17.50
✓Suffolk Herald Corp. Bill-----	23.75

✓Postal Tel. Co./-----	\$ 12.73
✓Louise L. Dewine, Services-----	1.50
✓Bates No. Machine Co.-----	2.50
✓Suffolk Gas Co.-----	2.70
✓Suffolk Press-----	10.00
✓Western Union Tel. Co.-----	6.81
✓Kirkpatrick & Howard---Services-----	5.00
✓National Seal Co.-----	.47
So. Bell Tel. Co.-----	23.05
J. U. Burges & R. W. Withers, Atty. Fee, Bowen vs. Bank-----	75.00
Citizens Bank, Norfolk, Va.-----	8.70
National State Bank-----	4.18
Harrison King-----	.75
J. Walter Hosier-----Rent-----	37.50
" " "-----"	37.50
Banking Loan & Trust Co.-----	100.00
Merchants National Bank, Richmond-----	46.48
Everett-Waddy Co.-----	9.25
J. Walter Hosier, Rent-----	37.50
R. E. Boykin--Treas. -Town Taxes, 1909-----	324.78
American National Bank-----	32.40
Geo. W. Butts--Treas. County Taxes, 1909----	60.15
A. W. Harmon--Treas. State Taxes, 1909-----	84.21
Robt. W. Withers, Atty. fee in re Bowen----	25.00
F. G. Mitchell, wages,-----	20.00
J. P. Apitz for Balt. Audit Co.-----	10.00
	\$1,890.34

(2) At Branchville,

None

BILLS AND NOTES, UNCOLLECTABLE.

(a) Reduced to judgment.

W. R. Myers-----	\$1,500.00
W. R. Myers, (Balance)-	2,634.90
W. R. Myers (Balance)--	3,208.15
W. R. Myers -----	1,000.00
W. R. Myers--(Balance)--	663.26
W. R. Myers-----	1,500.00
W. R. Myers-----	100.00
W. R. Myers (Int.)----	276.60
Southern Public Service Corporation, W. R. Myers, endorser,	
Judgment against Myers---	401.24
Southern Public Service Corporation	
W. R. Myers, endorser	
Judgment against Myers	328.64
Idem)-----	202.71
Mrs. W. R. Myers (Balance)	
-----	269.00
J. F. Wilroy -----	701.24
Jno. R. Persons (over-	
draft)-----	36.30
Total-----	\$ 12,872.04

(b) Now on Hand

F. W. Jones-----	\$ 120.00
Ephram Taylor-----	7.50
J. T. King & Co.-----	214.21
Geo. L. Barton- -----	150.00
J. F. Wilroy (Balance)-	357.24
Daniel Bell-----	3.25
So. Pub. Service Corp'n.	189.18
C. B. Vick-----	550.00
Rev. R. H. Davis, Jr.--	19.00
Suffolk Yacht Club-----	1250.00

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Suffolk Yacht Club-----\$ 150.00

J. F. Wilroy-(Steck note) 223.98

F. G. Mitchell----- 124.98

M. S. Edleman (Int. uncollected)

----- 1.50

Total-----\$ 3,360.84

Branchville Bank Balance----- 789.99

RECEIVED FROM INTEREST ON SUNDRY NOTES AND BILLS.

Collins-----	\$.50	W. G. Saunders-----	\$.50
J. L. White-----	.50	Goodrich-----	4.45
Thompson & Co.-----	4.33	H. H. Howell-----	5.85
T. J. Smith-----	1.34	M. A. Pruden-----	8.04
J. H. Bryant-----	.50	R. T. Whitfield-----	1.65
G. W. Skinner-----	2.50	G. T. Green-----	3.84
T. J. Smith-----	.50	J. S. Vellines-----	2.85
H. G. Shackelford-----	.50	J. G. Turner-----	1.35
W. H. Morris-----	1.29	W. G. Saunders-----	1.25
J. H. Bryant-----	.50	Thompson & Co.-----	.15
Kingston Lumber Co.-----	55.50	J. F. Spivey-----	2.93
Thompson & Co.-----	4.66		\$169.86
J. H. Bryant-----	.50		
C. W. Darden-----	8.83		
Sundry Notes-----	25.97		
Thompson & Co.-----	7.00		
O. C. Brinkley-----	1.50		
H. G. Shackelford-----	.50		
J. H. Bryant-----	.50		
J. Keene-----	.50		
J. P. Tate-----	.50		
Phillip Cross-----	.50		
Thomas Joyner-----	.50		
B. B. Crocker-----	1.00		
S. J. Brown-----	.50		
Mattie J. Cox-----	2.84		
S. T. Beale-----	1.31		
Thompson & Co.-----	3.00		
W. E. Smith-----	1.25		
W. E. Smith-----	.50		
O. C. Brinkley-----	4.00		
William Howell-----	1.27		
Thompson & Co.-----	.66		

RECEIVED FROM ASSETS OTHERWISE UNLISTED.

B. of R. check, ret'd, Dickerson-----	\$ 20.00
W. E. Morton, Protest Fees,-----	2.35
Rent-----	20.00
Bull & Co. Protest Fees-----	1.34
Rent-----	20.00
Rent-----	40.00
Rent-----	40.00
Returned Premiums on bonds-----	12.40
Rent-----	40.00
Rebate of Interest Nat. Copper Bank-----	16.38
J. P. Tate, Protest Fees-----	1.08
Ed. Blackley, Protest Fees-----	1.36
Thomas Joyner-----	1.12
M. J. Cox-----	1.08
Rent-----	40.00
Interest returned, Bank of Richmond-----	10.50
Rent-----	40.00
Rent-----	40.00
Rent-----	5.00
Return Fee Edwards, Sheriff-----	.50
Goodrich, Protest Fees-----	1.34
Goodrich, Costs-----	6.90
H. H. Howell, Costs-----	6.90
M. A. Pruden, Protest-----	1.08
M. A. Pruden-----Costs-----	6.90
R. T. Whitfield-----Protest-----	1.04
R. T. Whitfield-----Costs-----	2.95
Geo. T. Green, Protest-----	1.08
Geo. T. Green--Costs-----	2.95
J. S. Wellnes-----Protest-----	1.10
J. S. Wellnes-----Costs-----	2.95
J. G. Turner---Costs-----	2.95

H. F. MacCracken, Costs ret'd-----	\$15.00
J. F. Spivey, Costs-----	2.95
Rent-----	30.00

\$439.70

PERSONAL PROPERTY

Suffolk and Branchville.

\$ 8.00	\$45.00	\$.70
10.00	5.00	.50
100.00	1.00	.05
10.00	2.55	.10
62.00	.50	1.60
101.00	1.25	1.50
200.00	18.50	
27.00	.30	\$799.50 ✓
127.00	2.45	
22.25	.05	
7.75	.35	
.05	.40	
.15	.45	
2.60	1.50	
.50	.20	
2.50	.25	
.30	.25	
1.75	.75	
2.25	1.00	
2.20	.60	
7.10	1.75	
16.50	.05	

C A S H O N H A N D .

Balance in National Bank of Suffolk-----	\$2349.47
Checks outstanding and unpaid-----	3.25
Net balance-----	\$2346.22

D E B T S U N P A I D .

C. B. Vick & Co. deposit Branchville-----	\$ 47.33
---	----------

R E C A P I T U L A T I O N .

Debit

Cash-----	495.80✓
Bills & Notes, Suffolk-----	51,138.24
" " " Branchville-----	6,721.59✓
Personal Property-----	799.50✓
Over-due Paper-----	4,461.39✓
Due from Other Banks-----	2,215.88✓
Interest-----	109.36✓
Unlisted sources-----	439.70✓
Checks outstanding-----	3.25✓

Credit.

Branchville-Branch balance-----	\$ 789.99
Depositors-Suffolk-----	2981.29
Depositors-Branchville-----	2896.69
Bills payable & due other banks-----	32743.80
Paid on open accounts-----	1690.34
Expense-----	2171.13
Certificates of Deposit-Suffolk-----	3192.33
" " " -Branchville-----	1197.24
Uncollected judgments-----	12372.04
" Bills & Notes-----	3360.34
Balance in Bank-----	2349.47

Robert W. Withers, Trustee

v. { In Chancery,
National City Bank of
Washington D. C. et
als.

Report of Bradford
Kilby, Commissioner
in Chancery under decree
of 23rd November 1910.

1911 Mch 1, Filed
M. M. Watkins D.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee, Complainant.

v. 1

National City Bank of Washington, D.C.,
et als. - - - - - Defendants.

This cause came on this day to be again heard upon the papers formerly read. And it appearing to the Court that there is on deposit to the credit of H. Laurence Brooke, Special Commissioner, in National Bank of Suffolk, at Suffolk, Va., the sum of Twenty-six dollars and forty-five (\$26.45), which said sum remains undistributed, it is adjudged, ordered and decreed that the said Special Commissioner be, and he hereby is, authorized to withdraw the said sum and close his account, as Special Commissioner, with the said bank.

And it further appearing to the Court that the said Special Commissioner has performed all his duties and has requested that he be discharged as such Special Commissioner, it is further adjudged, order and decreed that the said H. Laurence Brooke, Special Commissioner, be, and he hereby is, discharged as such Special Commissioner.

In the Circuit Court of
Nansemond County, Va.

Robt. W. Withers, Tr.
v. |
National City Bank of
Washington, D.C., etals.

Decree.

Entered:- *Oct 14. 1913*

Jas. M. Moore

*Entered in Chancery
Order Book No. 4. Pg. 593*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee, Complainant.

vs. { In Equity.

National City Bank of Washington, D.C., et als.,
defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the decree of reference of November 23rd, 1910; the decree of reference of July 19th, 1911; the agreed statement of facts made and entered into by and between the plaintiff, Robt. W. Withers, Trustee, and the defendant, John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams and E. L. Bemiss, partners trading as John L. Williams & Sons; the agreed statement of facts made and entered into by and between the plaintiff, Robt. W. Withers, Trustee, and the defendant, National City Bank of Washington, D.C.; the agreed statement of facts made and entered into by and between the plaintiff, Robt. W. Withers, Trustee, and the defendant, National Exchange Bank of Baltimore, Md.; the agreed statement of facts made and entered into by and between the plaintiff, Robt. W. Withers, Trustee, and the defendants, John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams and E. L. Bemiss, partners trading as John L. Williams & Sons, and National City Bank of Washington, D.C.; the report of Bradford Kilby, Commissioner, dated February 11th, 1911; the report of Bradford Kilby, Commissioner, dated April 27th, 1912; the exceptions to the said last mentioned report by the said plaintiff, Robt. W. Withers, Trustee; the exceptions to the said last above mentioned report by the defendant, National

Exchange Bank of Baltimore, Md.; and was argued by counsel.

Upon consideration whereof the Court doth adjudge, order and decree that the said reports of the said Commissioner be and the same are hereby confirmed, save and except that that portion of the said report of the said Commissioner, dated April 27th, 1912, which allows the Bank of Dendron, Virginia, one of the defendants in this cause, to share and participate in the distribution of the funds in the hands of the said plaintiff, and the Court doth adjudge, order and decree that so much of the said report as allows the said Bank of Dendron, Virginia, one of the defendants as aforesaid, to share or participate in, or receive any part of, the said funds in the hands of the said plaintiff be and the same is hereby overruled and the exceptions to the said report filed by National Exchange Bank of Baltimore, Md., is hereby sustained.

And it appearing to the Court from the reports of the said Commissioner that the said plaintiff, Robt. W. Withers, Trustee, has in his possession the sum of \$2344.97, it is hereby adjudged, ordered and decreed that the said plaintiff, Robt. W. Withers, Trustee, doth pay unto H. Laurence Brooke, who is hereby appointed Special Commissioner in this cause, to receive and hold the same until the further order of this Court, the said sum of \$2344.97 and interest thereon, if any, upon the said H. Laurence Brooke, Special Commissioner as aforesaid, entering into bond before this Court, or the Clerk thereof, with security deemed sufficient by this Court or the Clerk thereof, in the penalty of \$2500, with condition to hold and distribute the same in accordance with the future orders of this Court.

And all further directions are reserved.

In the Circuit Court
of Nausemond County

Robert W. Withers, Trustee

v.

National Exchange Bank
of Washington, D. C. et al

Decree

Enter
July 27. 1912;
James G. Moore

Entered in Chancery
Order Book No. 4. Page 522

Robert W. Withers, Trustee,

v.

IN CHANCERY:

National City Bank of Washington, D. C., et als.

This cause came on this day to be again heard upon the papers formerly read, and it appearing from the bill filed in this cause that the complainant prays to be advised to whom he shall pay the dividends on the stock of W. R. Myers in the Merchants & Truckers Bank of Suffolk, Virginia, (the Commissioner not having reported on said matter in his prior report in this cause filed on March 1st, 1911) the Court doth adjudge, order and decree that the papers in this cause be again referred to one of the Commissioners in Chancery of this Court who is directed to enquire into and report to Court,

First - To whom the dividends on the stock of W. R. Myers in the Merchants & Truckers Bank of Suffolk, Virginia, should be paid.

Second - Any other matters specially stated deemed pertinent by himself, or which may be required by any person to be so stated.

And it is ordered that the time and place of taking the accounts herein directed be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in Suffolk, Virginia, prior to the taking of said account, which publication shall be equivalent to personal service of such notice on the parties to this cause. And this cause is continued.

Entered in Chancery
Order Book No. 4.
Page 484.

IN THE CIRCUIT COURT FOR THE COUNTY OF LANSEMOND, VA.

Robt. W. Withers, Trustee.

vs.

National City Bank of Washington, D.C.,
Bank of Richmond, National Exchange Bank
of Baltimore, Md., et als.

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IN CHANCERY.

This cause came on this day to be again heard upon the papers formerly read and upon the request of the defendant, National Exchange Bank of Baltimore, Md., for leave to file its answer to the bill of complaint issued in this cause against it and others, which leave being granted the separate answer of the National Exchange Bank of Baltimore, Md., is accordingly filed.

Deane;

✓ Cited:—

Jan. 9. 1911.

Miss S. M. Moore

Entered in Chancery Order
Book No. 4. Page 451.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

October Term 1910.

Robt. W. Withers, Trustee-----Complainant.

vs.

National City Bank of Washington, D. C., Bank of Richmond,
National Exchange Bank of Baltimore, Md., Bank of Dendron,
W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A.
Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J. F.
Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C.
Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J.
Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King,
T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette
Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick,
F. G. Mitchell and Robt. W. Withers,-----Defendants.

Decree.

This cause came on this day to be heard on the complainant's bill and exhibits; proof of legal service of process on all of the defendants except Bank of Richmond, who appears by attorney and files an answer herein, and C. B. Vick and Miss Emma W. Taylor, who have been regularly proceeded against as non-resident defendants, on the answers of the National City Bank of Washington, D. C., and the National Exchange Bank of Baltimore, Md. the answer of the Bank of Richmond stating that its interest in the subject of this suit has been transferred to John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams, and E. L. Bemiss, partners trading as John L. Williams & Sons; the petition of John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams, and E. L. Bemiss, partners trading as John L. Williams & Sons praying to be made parties defendant to this suit in the place and stead of Bank of Richmond, which petition is ordered filed and said John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams, and E.

L. Bemiss, trading as John L. Williams & Sons declared to be parties defendant in this suit; the joint answer of T. H. Debnam, Jeremiah Keene, Jos. E. Bowen, E. A. Rountree, T. J. Smith, J. S. Hite, Chas. F. Taylor, J. F. Wilroy, W. J. Pond, J. C. Drewry & Co., G. A. Harris, J. C. Gurley, R. C. Harrell, R. O. Chandler, George Skinner, and Robert W. Withers, and general replication to all answers and the defendants W. R. Myers, J. W. Pond, Miss Emma W. Taylor, E. Britt, John King, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. E. Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchnell, and Bank of Dendron not appearing, pleading, answering or demurring the bill is taken for confessed as to them, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that this suit abate as to Bank of Richmond and proceed as to all of the other parties, including John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams, and E. L. Bemiss, partners trading as John L. Williams, & Sons as if no such misjoinder of parties had been made.

The court doth further adjudge, order and decree that the complainant, Robt. W. Withers, Trustee under a deed of trust executed to him on the 16th day of April 1909, by the Merchants and Truckers Bank of Suffolk, Virginia, do render an account of his transactions as trustee under said trust deed before one of the commissioners of this court, who is directed to examine state and settle the same, and report the same to this court, with any matters specially stated deemed pertinent by himself, or which may be required by any person interested to be stated.

And this cause is continued.

Robert W. Withers, Trustee,
vs.
National City Bank of
Washington, D. C. et als.

DECREE.

Entered Nov. 23. 1910.

James L. Moore

*Entered in Chancery Order
Book No. 4. Page 443.*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

July Term, 1910.

Robt. W. Withers, Trustee-----Complainant.

vs.

National City Bank of Washington, D. C. et als.

-----Defendants.

Order.

The object of this suit is to settle the accounts of Robt. W. Withers, Trustee for the Merchants and Truckers Bank, its creditors and stockholders and to determine to whom the balance in his hands should be paid, and whether dividends on the stock in said bank standing in the name of W. R. Myers should be paid as a credit on notes of W. R. Myers and distributed to the other stockholders or ^{to} certain creditors of W. R. Myers, claiming to own said stock. It appearing by affidavit that Miss Emma W. Taylor and C. B. Vick are non-residents of this state and are parties defendant in the above suit, it is therefore ordered that the said Emma W. Taylor and C. B. Vick appear within fifteen (15) days after due publication of this order and do what is necessary to protect their interest.

The court deeming it proper in this case dispenses with the publication of this order in ^athe newspaper, but this order shall be posted by the clerk according to law.

I M. W. Withers, Deputy Clerk of the Circuit Court of Nansemond County, Virginia, do hereby certify that on the 16th day of July 1910 I posted a copy of this order at the front door of the Court House of said County.

*M. W. Withers, D.C.
1910 July 16*

Entered July 16/1910
James McNamee

Entered in Chancery Order

Book No.4- page 427.

To Robt. W. Withers, Trustee,
Merchant's & Trucker's Bank,
Suffolk, Va.

Take notice that we shall, on the 23rd day of February, 1911, at Norfolk, Va., between the hours of 10:00 A. M. and 6:00 P. M., on that day, proceed to take the depositions of Waldo Newcomer and others, to be read in evidence in behalf of the National Exchange Bank of Baltimore, Md., in a certain cause depending in the Circuit Court of the County of Nansemond, Virginia, wherein you are the plaintiff and the National Exchange Bank of Baltimore, Md., is one of the defendants, and if from any cause the taking of the said depositions be not commenced on that day, or, if commenced, be not completed on that day, the taking of the same will be adjourned and continued from day to day, ~~and~~ from time to time, at the same place and between the same hours until the same shall be completed.

Given under our hand this 7th day of February, 1911.


Attys. for Nat'l. Ex. Bank.

Service of the within notice
is hereby accepted.

Robert H. Fisher
Trustee

2/8/11

FAS

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1 IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA:

2
3 Robert W. Withers, Trustee,

Plaintiff.

4 v.

5 National City Bank of Washington, D. C.,
6 Bank of Richmond, National Exchange Bank
of Baltimore, Md., et als.,

Defendants.

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9 The depositions of Waldo Newcomer, and others,
10 taken before me, F. A. Shackelford, a Notary Public in and
11 for the City of Norfolk, in the State of Virginia, on the
12 23rd day of February, 1911, at the office of Brooke & Brooke,
13 Attorneys at Law, 435-436 Law Building, Norfolk, Virginia, to
14 be read in evidence in behalf of the National Exchange Bank
15 of Baltimore, Md., in a certain cause depending in the Cir-
16 cuit Court of the County of Nansemond, Virginia, pursuant to
17 the annexed notice.

18
19
20 PRESENT: Messrs. Brooke & Brooke, for National Exchange
21 Bank of Baltimore, Md.

22 No appearance for Plaintiff.

23
24 Waldo Newcomer, being first duly sworn, deposes and says
25 as follows:

26 Examined by Mr. H. Lawrence Brooke.

Q. Please state your name, age, occupation and residence?

1 A. Waldo Newcomer, age forty-three and a half, occupation
2 President of the National Exchange Bank of Baltimore, Residence
3 Baltimore, Md.

4 Q. Mr. Newcomer, how long have you been President of the
5 National Exchange Bank of Baltimore?

6 A. Five years this past January.

7 Q. You were President then on the 23rd day of June, 1908?

8 A. I was.

9 Q. Mr. Newcomer, I hand you what purports to be a note
10 for \$3500.00, dated Baltimore, February 20th, 1909, and pay-
11 able thirty days after date to the National Exchange Bank
12 of Baltimore, or order, and signed by W. R. Myers, Suffolk,
13 Virginia, - a collateral note; together with what purports to
14 be a power of attorney signed by W. R. Myers, Suffolk, Vir-
15 ginia, and bearing date June 15th, 1908; and also what pur-
16 ports to be a certificate of stock No. 14, for fifty shares
17 of the Merchants & Truckers Bank, Inc., par value One Hun-
18 dred Dollars a share, and will ask you who is the present
19 holder of that note and power of attorney and certificate
20 of stock? A. National Exchange Bank of Baltimore.

21 Q. Will you state, Mr. Newcomer, how the National Ex-
22 change Bank of Baltimore became possessed of that note and
23 power of attorney and certificate of stock?

24 A. They received this particular note in renewal of pre-
25 ceeding notes, all secured in turn by this same certificate
26 and power of attorney, and representing a loan of \$3500.00

FAS

1 made originally on June 23rd, 1908.

2 Q. To whom was that loan made? A. To W. R. Myers.

3 Q. And that present note, bearing date February 20th, 1909,
4 is a renewal of the other renewals of the original note given
5 on the 23rd day of June, 1908? A. Yes, sir.

6 Q. Mr. Newcomer, this note is made payable thirty days af-
7 ter date, which would be about March 20th or March 22nd, 1909?

8 A. March 22nd is correct.

9 Q. Has that note been paid? A. No, sir.

10 Q. Has any part of it been paid? A. No, sir.

11 Q. That transaction was made between you and Mr. Myers,
12 as I understand? A. Between my bank and Mr. Myers.

13 Q. Mr. Newcomer, have you ever seen the charter or the by-
14 laws of the Merchants & Truckers Bank, Inc., of Suffolk, Va?

15 A. Not to my recollection.

16 Q. Do you know whether the charter or the by-laws of the
17 Merchants & Truckers Bank, Inc. undertake to give the Mer-
18 chants & Truckers Bank, Inc. a lien or an equity in the debts
19 of its stockholders? A. I do not.

20 Q. Mr. Newcomer, at the time you took this note, or your
21 bank took this note, from Mr. Myers, together with the power
22 of attorney and the certificate of stock as collateral, did you
23 know of any indebtedness between Mr. Myers and the bank?

24 A. No, sir - you mean his own bank?

25 Q. Yes, sir? A. No, sir.

26 And further this deponent saith not.

Walter Newcomer

FAS

1 BY MR. BROOKE: I offer in evidence copies of the
2 collateral note for \$3500.00, bearing
3 date February 20th, 1909, payable
4 thirty days after date to the Nation-
5 al Exchange Bank of Baltimore, or order,
6 and signed by W. R. Myers, marked "Ex-
7 hibit A"; and the power of attorney
8 signed by W. R. Myers and bearing date
9 Suffolk, Va., June 15th, 1908, marked
10 "Exhibit B", and the certificate of
11 stock No. 14 of the Merchants & Truck-
12 ers Bank, Inc., for fifty shares of
13 stock issued to W. R. Myers on the 7th
14 day of August, 1906, and marked "Ex-
15 hibit C".
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"EXHIBIT A"

\$3500.00

Baltimore Feby 20 1909

(30) Thirty days after date I promise to pay to
"The National Exchange Bank of Baltimore," or order at its
Banking House, in Baltimore, Md., in funds current at the Bal-
timore Clearing House, and interest @ 6% after maturity
Thirty five hundred - - - - - 00/100 Dollars,
for value received, having deposited as collateral security,
for the same the following named securities, goods or chattels:
Fifty shares Cap. Stock of Merchants and Truckers Bank
of Suffolk, Va.

I agree that the above named securities, and any others added
to or substituted for them, all cash at any time to the credit
of my account, and all notes, drafts and securities deposited
by me for collection or safekeeping in said Bank, including
all items in transit to or from said Bank, by mail or carrier,
or any other property held by or controlled by the said Bank,
belonging to me may be held as collateral security for all the
obligations and liabilities of the undersigned and of the
endorsers hereof, or of the individual members of our firm,
due to the said Bank or to become due, or that may hereafter
be contracted, with the understanding that a margin of - - -
per cent, on the market value of the collateral security shall
be maintained on demand, and if said demand for margin is
not promptly met, or said obligations and said liabilities

1 are not promptly paid at maturity, I hereby authorize said
2 Bank or its President or its Cashier, to sell the collateral
3 security, or the property represented by the same, either at
4 private or public sale, at any time thereafter, without ad-
5 vertisement or notice to me, and with the right on the part
6 of said Bank to become purchasers thereof at such sale, freed
7 and discharged of any equity or redemption, the proceeds to
8 be applied to the payment of the above mentioned obligations
9 and liabilities, any excess or deficiency to be paid or re-
10 ceived by me as the case may be, and I further authorize the
11 said Bank, or its President or its Cashier, to collect, to
12 use, transfer or hypothecate the collateral security, they being
13 required on payment or tender at maturity of the amount of the
14 said obligations and liabilities, to return an equal amount
15 of said securities, and not the specific securities pledged.

16
17 It is further understood and agreed by the parties hereto
18 that in the event of my estate being committed to Trustees
19 or others for the benefit of creditors, or in case of distri-
20 bution under the laws relating to decedents, that before
21 said Bank shall be required to apply the proceeds of said securities
22 goods or chattels, or any of them to the payment of any claim
23 it may have against me the said Bank may exhaust any or all
24 of the ordinary rights and remedies of creditors, including
25 participation in dividends against my estate, meanwhile
26 holding my securities, goods or chattels, or the proceeds

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"EXHIBIT B"

Irrevocable Stock Power Form Adopted by the Baltimore Stock Exchange

Know all Men by these Presents,

That - - - - -

for value received have granted, bargained, sold, assigned and
fully and irrevocably transferred, and do by these presents
grant, bargain, sell, assign and fully and irrevocably transfer
for all purposes unto - - - - -

- - - - - shares

of the Capital Stock of the - - - - -

- - - - - standing in - - - - - name on

the books of - - - - -

And - - - - - do hereby constitute and appoint - - - - -

- - - - - to be - - - - - true and lawful attor-

ney irrevocably, for - - - - - and in - - - - - name and stead

to sell, hypothecate or dispose of in any manner and for any purpose

assign, transfer and set over to any person or persons the

whole or any parts of said stock, at once or from time to

time, and for that purpose to make all necessary acts of assign-

ment or transfer, and with power to substitute one or more

persons in - - - - - stead, as to the whole or parts of said

stock, with all the powers herein mentioned.

- - - - - hereby ratify and confirm all acts that - - - - -

said attorney or any substitute or substitutes under - - - - -

1 shall lawfully do by virtue hereof.

2 In witness whereof - - - - -

3 have hereunto set - - - - hand and seal this - - - - -

4 day of - - - - - A. D. 19 - -

5 Signed, sealed and delivered in the presence of

6 W. R. Myers (Seal)

7 Suffolk, Va., June 15/08.

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"EXHIBIT C"

INCORPORATED UNDER THE LAWS OF THE
STATE OF VIRGINIA.

No. 14

Shares 50

THE MERCHANTS AND TUCKERS BANK, INCORPORATED.
CAPITAL STOCK, \$100,000.00.

This certifies that W. R. Myers is the owner of
Fifty Shares of One Hundred Dollars each of the Capital
Stock of The Merchants and Truckers Bank, Incorporated, fully
paid and non-assessable, transferable only on the books of the
Corporation by the holder hereof in person or by Attorney
upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this
Certificate to be signed by its duly authorized officers and
to be sealed with the Seal of the Corporation at Suffolk,
Virginia, this 7th day of August A.D. 1906

H. J. Bowen
Cashier.

W. R. Myers,
President.

Shares \$100 EACH.

THE MERCHANTS AND TRUCKERS
BANK, INCORPORATED
SEAL SUFFOLK, VA.

MPD

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On the back appears the following:

CERTIFICATE FOR 50 SHARES OF THE Capital Stock of
The Merchants and Truckers Bank, Incorporated, ISSUED TO
W. R. MYERS DATED August 7, 1906.

For Value Received - - I hereby sell, assign and trans-
fer unto - - - - -

Shares of the Capital Stock represented by the within Certifi-
cate, and do hereby irrevocably constitute and appoint

- - - - -
to transfer the said Stock on the books of the within named
Corporation with full power of substitution in the premises.

Dated - - - - - 190 - -

In presence of
- - - - -

NOTICE. The signature of this assignment must correspond
with the name as written upon the face of the certificate in
every particular, without alteration or enlargement, or any
change whatever.

*State of Va
City of Norfolk, to-wit: I, F. A. Shackelford, a Notary Public, for the City
& State aforesaid, do hereby certify that the fore-
going deposition was duly taken, reduced to
writing & signed by the witnesses before me
at the place & time therein mentioned, per-
suant to a subpoena. Given under my hand
this 22nd day of March 1911. F. A. Shackelford,*

*Notary Public.
Fee for taking these depositions \$5.00*

STENOGRAPHER'S MINUTES.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA

Robert W. Withers, Trustee,

Before

v.

F. A. Shackelford, Notary Public

National City Bank of Washington,
D.C., Bank of Richmond, National
Exchange Bank of Baltimore, Md.,
et als.

Depositions,

February 22nd, 1911. 19

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WITNESSES.	DIRECT.	CROSS.	RE-DIRECT.	RE-CROSS.
Waldo Newcomer	1			
Exhibit A	1			
Exhibit E	4			
Exhibit C	6			

MONTROSS & CLARKE CO., 14 MAIDEN LANE, N. Y.

D. S. PHLEGAR,
SHORTHAND REPORTER
532-533 LAW BLDG., NORFOLK, VA.
BELL PHONE 504

STENOGRAPHER'S TRANSCRIPT.

19

1911 March 30 - Filed
R R Smith, Clerk
By M M Watkins D.C.

Depositions in
this cause

Wm. H. H. H. H.

In hand of
W. H. H. H. H.

W. H. H. H.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee, Complainant.

vs. | In Chancery.

National City Bank of Wash-
ington, D.C., et als., Defendants.

This cause came on this day to be again heard upon the papers formerly read and was argued by Counsel. It appearing to the Court that the said plaintiff, Robt. W. Withers, Trustee, has made and delivered a check in the sum of \$2344.97 to H. Laurence Brooke, Special Commissioner, as provided in a decree in this cause entered on the 27th day of July, 1912, the Court doth adjudge, order and decree that the said H. Laurence Brooke, Special Commissioner, do distribute the said sum of \$2344.97 in the following manner:-

- (1). To *J. E. Bunting*, Clerk of this Court, the costs of this suit, amounting to \$ $45 \frac{51}{100}$
- (2). To Bradford Kilby, the Commissioner in this cause, his fees for services rendered as said Commissioner, amounting to \$100.00.
- (3). To Robt. W. Withers, Attorney for Robt. W. Withers, Trustee, plaintiff herein, his fee for professional services rendered the said plaintiff in this cause, amounting to \$50.00.
- (4). To The ~~National Surety~~ *Fidelity & Deposit* Company of ~~New York~~ *Maryland* the cost of the surety bond of the Special Commissioner herein, amounting to \$ $12 \frac{00}{100}$
- (5). To deposit to the credit of this cause, together with the sum herein after set out in paragraph 7 hereof, the sum of \$10.00 to cover prospective costs of ascertaining the present holders of the certificates of stock of the Mer-

chants and Truckers Bank of Suffolk, Virginia, and for entering the future orders of this Court.

(6). To pay the balance of the said sum of \$2344.97, amounting to \$2127.46, as follows:-

To each and every one of the present holders of the certificates of stock of the said Merchants and Truckers Bank such percentum on the par value thereof as the said sum of \$2127.46, the said balance of the said sum of \$2344.97, bears to the aggregate amount of the paid up capital stock of the said Merchants and Truckers Bank of Suffolk, Va.

(7). It is further adjudged, ordered and decreed that after the payment by the said Special Commissioner of the said above mentioned percentum of the parvalue of the said shares of said stock to the now known holders of the said certificates thereof, the said Special Commissioner shall deposit ^{in the National Bank of Suffolk,} to the credit of this cause such sum or sums as may remain in his hands after the distribution aforesaid, including the sum mentioned in the 5th paragraph of this decree, and the said Special Commissioner shall report to this Court the sums of money distributed under this decree, the sum deposited to the credit of this cause and shall file his receipts of the said disbursements therewith.

And all further directions are reserved.

In The Circuit Court of Nanse-
mond County, Virginia.

Robt. W. Withers, Tr.

vs. | In Chancery.

National City Bank of Washing-
ton, D.C. et als.

Decree for Distribution.

Enter: July 29, 1912.

Amos L. W. Moore
Entered in Chancery Order
Book No. 4- Page 524.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE:

Your petitioners, John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams and E. L. Bemiss, partners trading as John L. Williams & Sons, respectfully represent that on, to-wit, the 21st day of May, 1910, there was instituted in the Circuit Court of Nansemond County a suit in Chancery entitled Robert W. Withers, Trustee, against National City Bank of Washington, D. C., et als, among the other defendants named being the Bank of Richmond, in which said suit the plaintiff has filed his bill to which special reference is made, and in which said bill it is averred that Bank of Richmond holds one certificate of stock for Five Thousand Dollars (\$5,000.00), in the Merchants & Truckers Bank of Suffolk, Virginia, standing on the books of said Bank in the name of W. R. Myers; that the said Bank of Richmond, as appears from its answer filed in the said suit, is not the holder of the said certificate but that same is held by your petitioners; that some time prior to the 16th day of April, 1909, the date of the deed referred to as "Exhibit A" in plaintiff's bill, the Bank of Richmond had had pledged with and assigned to it fifty (50) shares of One Hundred Dollars (\$100.00) each, certificate No. 15, of the capital stock of the said Merchants & Truckers Bank standing in the name of W. R. Myers, and by him endorsed in blank, as collateral for a large cash loan; that said certificate, attached to a properly executed power of attorney, with full power to hypothecate, transfer, sell or assign said stock, was then handed over to and was held by the said Bank of Richmond as security for said cash loan; that said security represented fully paid and non-assessable stock, having been so issued August 6th, 1906; that the said Bank of Richmond was at all times without notice, actual or constructive,

of any lien, encumbrance or any equity whatever held against said stock by anyone at all, or by the plaintiff in particular, except the lien of the Bank of Richmond as the former lender of money on said stock as collateral; that the said Bank of Richmond therefore was a bona fide assignee for value; that while being a bona fide assignee for value, the said large cash loan not being paid to the said defendant at maturity, the said defendant, the Bank of Richmond, by virtue of the power of attorney attached to the said certificate, in order to apply the proceeds from the sale towards the liquidation of the said loan, sold said certificate at public auction in Richmond, Virginia, on the 25th day of August, 1909; that at the said sale your petitioners became the purchasers of said certificate and are now the holders of same; that your petitioners have been at all times without notice, actual or constructive, of any lien, encumbrance or any equity whatever held against said W. R. Myers or said stock by anyone at all or by the plaintiff, Robert W. Withers, Trustee, in particular and that your petitioners are therefore bona fide assignees for value; that your petitioners are therefore justly entitled to all manner of benefits accruing to the ownership of said stock as against any other creditor of the said W. R. Myers and as against the aforesaid plaintiff, Robert W. Withers, Trustee, in particular.

Your petitioners aver that as to the matter set out in plaintiff's bill, clauses "First" and "Second", your petitioners are not informed save by plaintiff's said bill; and, so far as material to this suit, your petitioners desire proof of said matters there alleged; your petitioners aver that prior to the 16th day of April, 1909, said W. R. Myers subscribed to and paid for and had had issued to him certificates of said Merchants & Truckers Bank stock for Fifteen Thousand, Five Hundred Dollars (\$15,500.), and that so much of said stock as to or in which your petitioners claim an interest, to-wit, fifty (50) shares, certificate No. 15,

or Five Thousand Dollars (\$5,000.), still stands on the books of the company in the name of the said W. R. Myers.

Your petitioners pray, therefore, that they be made parties to this suit, that they be declared and adjudicated bona fide assignees for value of said fifty (50) shares of said stock, certificate No. 15; that Robert W. Withers, Trustee, the plaintiff in said suit, be decreed and ordered to pay unto your petitioners any and all dividends or distributions on said stock; and that your petitioners may have all such further, general and special relief as the nature of the case may require, or to your Honor may seem meet.

And your petitioners will ever pray, etc.

John L. Williams for

Witness

E. J. Stors

James H. Corbett
Causee

Robert W. Withers, Trustee,

v.

National City Bank of
Washington, D. C., et als.

PETITION OF

JOHN L. WILLIAMS & SONS.

STAT. CO. 150. STAMP

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

* * * * *

Robt. W. Withers, Trustee.

vs.

National City Bank of Washington, D.C., Bank of Richmond,
National Exchange Bank of Baltimore, Md., Bank of Oandron,
W. R. Myers, G. A. Harris, John T. Pond, J. G. Gurley, R. A.
Rountree, Miss Emma W. Taylor, E. Britt, J. R. Bowen, J. F.
Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C.
Drewery, trading as J. C. Drewery & Company, R. C. Harcell,
W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite,
John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T.
Grizzard, T. R. Peete, Ben. P. Woodward, J. Davis Woodward,
C. B. Vick, F. G. Mitchell and Robt. W. Withers.

* * * * *

The separate answer of The National Exchange Bank of
Baltimore, of the City of Baltimore, State of Maryland, to
the bill of complaint exhibited against it and others by
Robt. W. Withers, Trustee:-

This respondent, now and at all times hereafter saving
and reserving to itself all manner of benefit and advantage
of exception to the many errors and insufficiencies in the
complainant's said bill of complaint contained, for answer
thereunto, or to so much or such parts thereof as this res-
pondent is advised is material for it to answer, answers and
says:-

That this respondent is not informed of the matters and
things set forth in the first paragraph of the said bill of
complaint, and hence neither denies nor admits them as true,
but calls for strict proof thereof.

That this respondent is not informed of the matters and things set forth in the second paragraph of the said bill of complaint, and hence neither denies nor admits them as true, but calls for proof thereof.

That as to the matters and things set forth in the third paragraph of the said bill of complaint this respondent answers and says:- That it is not informed of the total amount that has been subscribed to the capital stock of the Merchants & Truckers Bank of Suffolk, Virginia, nor of the total amount of the said subscription that has been paid into the treasury of the said bank; That it is not informed of the total number of, nor the total amount thereof, shares of stock of the said bank subscribed and fully paid for by W. R. Myers, nor the total number of certificates nor the total value thereof issued to the said W. R. Myers by the said bank, nor in whose name or names stood on the books of the said bank all of the said stock originally issued to the said W. R. Myers; That this respondent is not informed and does not admit that at the time that the alleged deed of trust was executed to the said complainant that the said W. R. Myers was indebted to the said bank and that the said W. R. Myers was insolvent.

But answering further this respondent alleges and charges that it is a corporation created under the ^{National Banking Act} ~~laws of the State~~ *of the United States of America* of Maryland; that on the 7th day of August, 1906, the Merchants & Truckers Bank, Inc., of Suffolk, Virginia, issued to the said W. R. Myers certificate number 14 setting forth that he, the said W. R. Myers, was the owner of fifty (50) shares of the capital stock of the said bank of the par value of one hundred (\$100.00) dollars each and that the said

shares were each and every one fully paid for and non-assessable and that this respondent is a bona fide assignee for value of the said certificate as hereinafter set out:-

That on the 23rd day of June, 1908, the said W. R. Myers, being solvent, applied to and obtained from this respondent a large cash loan, to-wit: in the sum of thirty-five hundred (\$3500.00) dollars and that then and there he, the said W. R. Myers gave to this respondent his promissory note in the said sum, payable ninety (90) days after date, at the banking house of this respondent, and bearing interest, after maturity, at the rate of six per centum per annum and that at the same time he, the said W. R. Myers, also delivered to this respondent the said certificate numbered 14, with a properly executed power of attorney attached thereto, with full power to sell, hypothecate, and dispose of in any manner and for any purpose the said stock, as collateral security for the repayment of the said loan; that there have been successive renewals of the said original note and that the renewal note now held by this respondent is in the said sum of \$3500.00 and was due and unpaid on the 22nd day of March, 1909, and is now still due and unpaid and that the said certificate of stock still remains, and has always remained, in the possession of this respondent; That this respondent was and is without notice, actual or constructive, of any lien, encumbrance or equity, of whatever nature or description, on or in the said stock by any person or persons whatever and by this complainant in particular; That this respondent, therefore, from said date, to-wit: June 23rd, 1908, became, was, has since been and is now a bona fide assignee for value of the said stock and that it is justly entitled to all manner of

benefits accruing to the ownership of the said stock as against any other creditor of the said W. R. Myers, and as against his said complainant in particular.

And now this respondent having fully answered said bill of complaint prays that it be declared the bona fide assignee for value of the fifty (50) shares of the said stock, represented by the said certificate numbered 14, that the said complainant be compelled to pay to this respondent any and all moneys, dividends and credits to which the owner of the said stock would be justly entitled and that this defendant be dismissed with his proper costs in its behalf expended.

The National Exchange Bank, Baltimore, Md.

by *Waldo Newcomer* President

Born & Born,
Counsel

In the Circuit Court of
Harrison County, Pa.

Robt. W. Withers, Jr.

18
Washington City Bank
of Washington, D.C., Bank
of Richmond, National
Exchange Bank of Balti-
more, Md. & als.

Deponent avows of the
National Exchange Bank
of Baltimore, Md.

Pro Me & Am Me
attested

W. S. McNeill,

816 Mutual Bldg.,

Richmond, Va., June 17, 1910.

Clerk of the Circuit Court of Hansemond County,
Suffolk, Va.

Dear Sir:-

I beg herewith to hand you the answer of
the National City Bank of Washington, D. C., in the
matter of Robert W. Withers, Trustee against this
defendant and others.

Will you please file the same, and greatly
oblige,

Yours very truly,

W.S. McNeill

IN THE CIRCUIT COURT OF HANSEMOND COUNTY
VIRGINIA :

ROBERT W. WITHERS, TRUSTEE

vs.

NATIONAL CITY BANK OF
WASHINGTON, D. C. ET ALS.

'
'
' Answer of
' National City Bank
' of Washington, D.C.
'
'

To the Honorable James L. McLemore, Judge.

This defendant, the National City Bank of Washington, D. C., saving and reserving to itself all manner of benefit and advantage of exception to the many errors and insufficiencies in the plaintiff's bill in the above entitled cause, for answer thereto, or to such parts thereof as this defendant is advised is material for it to make answer unto, answers and says :

(1)

That this defendant shows that, as to the matters set out in plaintiff's bill, clause "First", this defendant is not informed, save by plaintiff's said bill; and, so far as material to this inquiry, this defendant calls for proof of said matters there alleged.

(2)

That this defendant shows that, as to the matters set out in plaintiff's bill, clause "Second", this defendant is not informed, save by plaintiff's said bill; and, so far as material to this inquiry, this defendant calls for proof of said allegations there made.

(3)

That this defendant admits that prior to the 16th day of April, 1909, the said W. R. Myers subscribed to and paid for and had had issued to him certificates of Merchants and Truckers Bank stock for fifteen thousand five hundred (\$15,500.00) dollars; and that so much of said stock as to or in which this defendant claims an interest, to-wit: fifty shares, certificate number 44, or five thousand (\$5000.00) dollars, still stands on the books of the Company in the name of the said W. R. Myers.

Further answering this defendant admits that the plaintiff had no notice that said stock, or fifty shares thereof had been assigned, by the said W. R. Myers to this defendant prior to April 16, 1909; and that the said Myers was insolvent on said latter day and date, and is now insolvent.

(4)

But this defendant charges and alleges that theretofore, to-wit: on the 23rd day of July, 1907, the said W. R. Myers, being solvent, applied to and obtained from this defendant a large cash loan, to-wit: in the sum of five (\$5000.00) thousand dollars, for which a promissory note of the said Myers, in the said sum, was taken by this defendant, on which said note a large amount, to-wit: four thousand (\$4000.00) dollars remains due and unpaid, and on which judgment was confessed by said Myers, but which judgment, on execution, was returned "no effects", certified copy of which judgment is hereto attached and herewith filed, marked "A"; that on the same day and at the same time, to-wit: July 23, 1907, the said W. R. Myers, in order to obtain the said loan, pledged with and assigned to this defendant the said fifty (50) shares, certificate

number 44, of the capital stock of the said Merchants and Truckers Bank; that said certificate, attached to a properly executed power of attorney, with full power to hypothecate, transfer, sell or assign said stock, was handed over to and is now held by this defendant as collateral security for said cash loan; that said certificate represented fully paid up stock, having been so issued August 6, 1906; that this defendant was and is without notice, actual or constructive, of any lien, encumbrance, or any equity whatever held against said W. R. Myers or said stock by any one at all or by this plaintiff in particular; that this defendant therefore from that date, to-wit: the 23rd day of July, 1907 became, was, has since been, and is now a bona fide assignee for value; that this defendant is therefore justly entitled to all manner of benefits accruing to the ownership of said stock as against any other creditor of the said W. R. Myers, and as against this plaintiff in particular.

Thus having fully answered, this defendant, the National City Bank of Washington, D. C., respectfully,

PRAYS : that it be declared and adjudicated a bona fide assignee of said fifty shares of said stock, - certificate number 44; that the trustee, plaintiff herein, be decreed and ordered to pay unto this defendant any and all dividends on said stock; and that this defendant be henceforth dismissed with its proper costs.

By Counsel: W. S. M^{rs} Neill National City Bank of
Washington, D. C.

Virginia:

In the Law and Equity Court of the City of
Richmond, the 18th day of February 1910.

The National City Bank of Washington,)

Washington, D. C.)

Plaintiff. #.

against.

#. } IN DEBT.

W. R. Myers,

Defendant. #.

This day came as well the plaintiff by counsel as the defendant by Fred. G. Pollard his attorney acting under power of attorney from said defendant. Thereupon the plaintiff filed his declaration and power of attorney and the said defendant by his said attorney acknowledged the plaintiff's action against him for the sum of Three-Thousand,-Nine-Hundred-and-Sixty-Dollars with interest thereon from the 31st day of March 1909.

Therefore it is considered by the Court that the plaintiff recover against the defendant W. R. Myers the sum of Three-Thousand-Nine-Hundred-and-Sixty-Dollars with interest thereon to be computed after the rate of six per centum per annum from the 31st day of March 1909 until paid and its costs by it about its suit in this behalf expended. Upon an instrument waiving the benefit of the homestead exemption as to this debt.

A true copy from the record of the Court.

Costs \$10.46.

Teste: P.P. Winston Clerk

Judgment confessed at 11-0'clock A. M. Feby. 18. 1910.

Teste: P.P. Winston Clerk

Virginia :

In the Law and Equity Court of the City of Richmond.....February.....18th,....1910....~~1901~~ .

The National City Bank of Washington, Washington, D. C.

Pl'tiff

against

In Debt.

W. R. Myers, .

Def't

judgment in favor of the Plaintiff against the Defendant for the sum of...THREE-THOUSAND-NINE-

HUNDRED-and-SIXTY- ***** dollars and ***** cents,

with interest thereon to be computed after the rate of six per centum per annum, from the

31st day of March 1909. ~~1908~~

'till payment, and the costs. Plaintiff's costs, \$..10.46.

An Extract—Teste :

R. P. Winstry

Clerk.

Garnett & Pollard

Plaintiff's Attorney.

THE NATIONAL CITY BANK, of
Washington, Washington, D. C.

vs. } EXTRACT JUDGMENT.

W. R. MYERS, ...

Garnett & Pollard, ... p. q.

Upon an instrument waiving the benefit of the homestead
exemption as to this debt.

Teste:

Rp Winston Clerk.

Judgment Confessed at 11- O'clock A M Febry 18" 191
Teste: Rp Winston Clerk

IN THE CIRCUIT COURT OF
HANSELOD COUNTY, VIRGINIA:

ROBERT W. WITHERS, TRUSTEE

vs.

NATIONAL CITY BANK OF
WASHINGTON, D. C. ET ALS.

ANSWER of NATIONAL CITY
BANK of WASHINGTON, D. C.

*Filed June 18, 1910.
Mm Watkins D.C.*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

October Term, 1910.

Robert W. Withers, Trustee -----Complainant.

vs.

National City Bank of Washington, D. C. et als.-Defendants

Joint Answer.

The joint and separate answer of T. H. Debnam, Jeremiah Keene, Jos. E. Bowen, E. A. Rountree, T. J. Smith, J. S. Hite, Chas. F. Taylor, J. F. Wilroy, W. J. Pond, J. C. Drewry & Co., G. A. Harris, J. C. Gurley, R. C. Harrell, R. O. Chandler, George Skinner, and Robert W. Withers to a bill of complaint filed against them and others in the Circuit Court of Nansemond County, Virginia by Robert W. Withers, ^{Trustee} Complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said bill for answer thereto or to so much thereof as they are advised that it is material they should answer, answer and say, that so far as the allegations contained in the first paragraph of said bill these respondents admit the same to be true. But as to the second and third paragraphs of said bill these complainants have no knowledge of the facts therein stated but believe the same to be substantially as stated in the said bill. These respondents require proof of the allegations contained in the ^{fourth} paragraph _x of said bill. Further answering these respondents are advised that it is the duty of Robert W. Withers, Trustee in collecting the assets of the Merchants and Truckers Bank to set off the debt due by W. R. Myers to the Merchants and Truckers Bank against the proportion of the net assets of said bank after paying off its debts which otherwise would be payable and distributed on the shares of stock appearing on the books of the bank in the name of W. R. Myers, and to re-distribute this fund among the other stockholders of the bank as net ~~assets~~ of said

corporation.

And these respondents pray that this court enter a decree accordingly.

And now having fully answered the complainant's bill these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended and they will ever pray etc.

T. H. Debnam.

Jeremiah Keene

Jos. E. Bowen

E. A. Rountree

T. J. Smith

J. S. Hite

Chas. F. Taylor

J. F. Wilroy

W. J. Pond

J. C. Drewry & Co.

G. A. Harris

J. C. Gurley

R. C. Harrell

R. O. Chandler

George Skinner

R. W. Withers.

Robt. W. Withers, p. d.

Robert W. Withers,
Trustee

vs.

National City Bank
of Washington, D. C. et als.

JOINT ANSWER.

ROBERT W. WITHERS
ATTORNEY AT LAW
SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
SECOND JUDICIAL CIRCUIT

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

*Filed 5 Octo. 7th 1910
M. M. Watkins D.C.*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Robert W. Withers, Trustee,	)	
	)	
vs.	)	ANSWER OF
	)	
National City Bank of Washington,	)	BANK OF RICHMOND.
D. C., et als.	)	

The answer of Bank of Richmond to a bill of complaint filed against it and others in the Circuit Court of Nansemond County by Robert W. Withers, Trustee.

This respondent reserving to itself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as it is advised it is material it should answer, answers and says:

(1) That this respondent at the time of the institution of this suit did not, nor has it now, any interest whatever in the matter in controversy, that the respondent did some time prior to the 16th day of April, 1909, have pledged with and assigned to it fifty (50) shares of One Hundred Dollars (\$100.00) each, certificate No. 15, of the capital stock of the Merchants & Truckers Bank standing in the name of W. R. Myers, and by him endorsed in blank, as collateral for a large cash loan; that said certificate, attached to a properly executed power of attorney, with full power to hypothecate, transfer, sell or assign said stock, was handed over to and was held by this respondent as security for said cash loan; that said security represented fully paid and non-assessable stock, having been so issued August 6th, 1906; that this respondent was at all times without notice, actual or constructive, of any lien, encumbrance, or any equity whatever held against said stock by anyone at all or by this plaintiff in particular, except the lien that formerly existed against said stock by its having been pledged, as collateral, to said Bank of Richmond to secure money advanced by it; that this respondent was therefore a bona fide

assignee for value; that while being a bona fide assignee for value, the said large cash loan not being paid to this respondent at maturity, this respondent by virtue of the power of attorney attached to said certificate, in order to apply the proceeds from the sale towards the liquidating of the said loan, sold said certificate at public auction in Richmond, Virginia, on the 25th day of August, 1909; that the said sale ^{at} John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams and E. L. Bemiss, partners trading as John L. Williams & Sons, became the purchasers of said certificate and are now the holders of same.

(2) That this respondent, having no interest in the matter in controversy, does not admit nor further deny any of the allegations of the plaintiff's bill, but calls for strict proof of same.

And now having fully answered the complaintant's bill, this respondent prays to be hence dismissed with its reasonable costs by it in this behalf expended.

BANK OF RICHMOND, Inc.

John L. Williams, Pres

attest
Blair
Secy

James H. Corbett
p. d.

Robert W. Withers, Trustee,

v.

National City Bank of
Washington, D. C., et als.

ANSWER OF
BANK OF RICHMOND.



RECEIVED
JAN 23 1888
NATIONAL CITY BANK
WASHINGTON D.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

First June Rules 1910.

Robt. W. Withers, Trustee

vs.

National City Bank of Washington, D. C., Bank of Richmond,
National Exchange Bank of Baltimore, Md., Bank of Dendron, W. R.
Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree
Miss Emma W. Taylor, E. Britt, J. E. Powen, J. F. Wilroy, T. E.
Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading
as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor,
R. O. Chandler/ J. S. Hite, John King, T. J. Smith, C. W. Darden,
C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.
Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers,

Bill.

To the Honorable James L. McLemore , Judge.

Humbly complaining your orator, Robt. W. Withers, Trustee , of
Nansemond county, Virginia, respectfully shows unto your honor the
following facts:

First: On the 16th day of April 1909 the proper officers of the
Merchants and Truckers Bank of Suffolk, Virginia, (a Corporation)
conveyed, by apt and proper deed, unto your orator all of the assets
of said bank, consisting of certain leaseholds, personal property,
money and choses in action amounting by estimation at cost and face
value, in the aggregate to about \$_____, in trust for the
depositors, creditors and stockholders of said bank after paying the
trustee 3 1/2% commissions and the expenses of administering the
trust, as will more fully appear from a copy of said deed marked
"Exhibit A" and filed with and prayed to be read as a part of this
bill.

Second: That your orator immediately took charge of the assets
of said bank and has since that time been employed and is still em-
ployed in reducing the same to cash and he feels that there is lit-

tle or nor possibility of collecting more from said assets than he has already collected. That he has paid off in full all of the depositors and known general creditors of the bank and has advertised in a newspaper for any unknown creditors thereof, but received no answers to said advertisements, for this reason the depositors and creditors of said bank are not made parties to this bill.

That your orator will have in hand for distribution among the stockholders of said bank between two thousand and twenty-three hundred dollars, after collecting all of said assets it is now possible to collect and paying all the costs and expenses of the administration of the trust.

Third: That at the time your orator took charge of the assets and books of the said Merchants and Truckers Bank, he found that there had been subscribed twenty-three thousand eight hundred and twenty-five dollars of the capital stock of said bank and that most of the said subscription had been paid into the treasury of said banking corporation; that of this capital stock W. R. Myers had subscribed and paid for and there had been issued to him certificates of stock for fifteen thousand five hundred dollars (\$15500.00) which stood on the said 16th day of April 1909, when your orator ^{under} took possession of the assets and books of said bank ~~and~~ said deed of trust, stood on the books of the company in the name of said W. R. Myers; that your orator was without notice, actual or constructive, of the claim of any other person, firm or corporation, to said stock, that afterwards your orator received notice from certain banks hereinafter named, that said stock had been assigned by said Myers to them before the 16th day of April 1909 as collateral security for certain debts owed to them by said Myers, and said banks claimed to be entitled to any dividend which your orator as trustee should have in hand to be paid on said stock; that at the time said deed of trust was executed to your orator and at this time the said W. R. Myers is heavily indebted to said Merchants and Truckers Bank and he is hopelessly insolvent; that your orator is in doubt as to his duty in the premises and asks the advice of this court whether he should apply the dividends which would otherwise be paid on the fifteen thousand five hundred dollars of stock standing on the books of the bank

in the name of W. R. Myers to the partial liquidation of the debts of said Myers to this bank or whether he should pay the same to the holders of said certificates of stock. The following banks hold the following certificates of stock assigned by W. R. Myers to-wit National City Bank of Washington , D. C. one certificate of stock for five thousand dollars; Bank of Richmond, of Richmond Virginia one certificate of stock for five thousand dollars; National Exchange Bank of Baltimore , Md. one certificate of stock for five thousand dollars and the Bank of Dendron of Dendron, Virginia, one certificate of stock for five hundred dollars.

Fourth: That your orator has about completed his duties as trustee under said deed of trust and is ready to exhibit his accounts and vouchers as such trustee to this court and to close such trust so far as he is concerned.

In tender consideration whereof, and for as much as your orator is remediless save in a court of equity, he prays that National City Bank of Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md., Bank of Dendron, and the following nominal stockholders of the Merchants and Truckers Bank, to-wit, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen , George W. Skinner, J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers, be made parties to this bill and required to answer the same, though not under oath the oath being waived; that your honorable court will instruct your orator as to his duties in the Premises and particularly

advising him if he shall pay the dividends on W. R. Myers stock to the other stockholders or to the four banks first above named the assignees of said Myers, and that this court will at the bar of the court or through one of its commissioners, take, state, and settle the accounts of your orator as trustee under said deed of assignment, and that your honor will grant all such other and further relief and make such orders and decrees of inquiry and of reference as may be necessary in the premises or to equity shall seem meet. And your orator will ever pray, etc.

Robert H. Wither Trustee

Robert H. Wither
Counsel

Robt. W. Withers, Trustee

vs.

National City Bank of
Washington, D. C. et als.

BILL.

ROBT. W. WITHERS,

ATTORNEY AT LAW,

SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

*Filed May 23/10
M. M. Watkins & Co.*

Decree Nisi
confirmed as
to:

National City Bank of Washington, D.C.,
National Exchange Bank of Baltimore, Md.,
Bank of Dendron, G. A. Harris, J. C. Gurley,
E.A.Rountree, E.Britt, J.E.Bowen, J.F.Wilroy
T.H.Debnam, Jeremiah Keen, George W. Skinner
J.C.Drewry, trading as J.C.Drewry & Co.,
R.C.Harrell, W.J.Pond, R.O.Chandler, J. S.
Hite, John King, T.J.Smith, C.W.Darden,
C.J.Woodward, Mary Antoinette Woodward,
J.C.Woodward, W.R.Sykes, Mrs. W.T.Grizzard,
T.E.Peete, Ben P.Woodward, J.Davis Woodward,
and Robt. W. Withers and Chas. F. Taylor

Robert W. Withers, Trustee,
Vs.
National City Bank of Ashington, D.C., et.als.

1910, May 21st. Process issued- returnable to first June rules- executed on or service accepted by: National City Bank of Washington, D.C., National Exchange Bank of Baltimore, Md., Bank of Dendron, G. A. Harris, J. C. Gurley, E.A.Rountree, E.Britt, J.E.Bowen, J.F.Wilroy, T. H. Debnam, Jeremiah Keen, George W.Skinner, J.C.Drewry, trading as J.C.Drewry & Co., R.C.Harrell, W.J.Pond, R.O.Chandler, J.S.Hite, John King, T.J.Smith, C. W. Darden, C.J.Woodward, Mary Antoinette Woodward, J.C.Woodward, W.R.Sykes, Mrs. W.T.Grizzard, T.E.Peete, Ben.P.Woodward, J.Davis Woodward, Robert W. Withers and Chas. F. Tayler.

1910,
First June Rules: Bill filed and Decree Nisi as to the above named defendants.

1910, June 10, Alias Process vs. W.R.Myers, John W.Pond and F.G.Mitchell, returnable to second June rules- executed on John W. Pond and F.G.Mitchell, ~~andxDebnamxMixonxtaxthun~~

1910,
Second June Rules: Decree nisi as to John W. Pond and F.G.Mitchell. Answer of National City Bank of Washington,D.C., filed.

Pluries Process vs. W. R. Myers- returnable to second July rules- executed.

es: Decree Nisi confirmed as to John W. Pond and F.G.Mitchell.

Affidavit filed of non-residence of Miss.Emma W.Taylor and C.B.Vick, and order entered by Court to dispense with publication except by posting at fron of Courthouse door & etc.

1910,
Second July Rules: Decree Nisi as to W. R. Myers.

1910,
First August Rules: Decree Nisi confirmed as to W.R.Myers.

1910, August 15, Order of publication vs. Miss. Emma W. Tayler and C.B.Vick matures

Chaucer/Notes -

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 Bank of London,
 W. R. Myers, Sergeant City of Richmond
 John W. Pond Wakefield
 Musselman Taylor & E. B. Smith to R. H. Rawles, older Pub.
 John King
 C. W. Darden, Franklin
 Woodward's & Branchville 8
 Wick order pub.
 F. S. Mitchell, Sergeant City of Rich. (14)
 Corra. Pass & Power Co. Office

800
 6
448
 24

875
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25250
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\$ 4

Person on all
except these.

7

Barrio of Richmond

~~Miss Emma M Taylor~~

~~C. B. Vick~~

Non Res (?)

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Robt. W. Withers

Pltff.

vs.

In

Chancery

National City Bank of Washington D.C. & Co.

Df'ts.

I hereby certify that on the *16th* day of *July*, 19*10*.

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this *16th* day of *July*, 19*10*.

R. R. Smith

, Clerk,

By *M. M. Warriner*

, Deputy Clerk.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

July Term, 1910.

Robt. W. Withers, Trustee-- -----Complainant.

vs.

National City Bank of Washington, D. C. et als.

-----Defendants.

Affidavit of Non-resident parties.

STATE OF VIRGINIA,

County of Nansemond, To-wit:-

This day Robert W. Withers, Trustee, complainant in a chancery suit pending in the circuit court of Nansemond County against the above named defendants appeared before me in my county aforesaid and made oath that Miss Emma W. Taylor and C. B. Vick parties defendant in the above suit are non-residents of this state.

Given under my hand this 15th day of July, 1910.

Ellen E. Riddick
Notary Public

My term of commission expires on the 24th day of December, 1913

1910 July 16, first
PM

BRADFORD KILBY
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Dec. 1, 1910.

Sergeant of the City of Richmond,
Richmond, Va.

Dear Sir:-

Kindly serve the two enclosed notices on W. R. Myers and F. G. Mitchell. Make returns on the copy enclosed marked original and send the original to me as soon as possible. You will find F. G. Mitchell in the office of the Va. Passenger and Power Co. I am unable to give you W. R. Myers' address, at present, but he formerly occupied Room 35, Chamber of Commerce Building in Richmond.

Send me your fee bill. I will be responsible for the same and send you check upon receipt of it.

Yours very truly,

Bradford Kilby
Comm. in Chancery

P. S. W. R. Myers now lives in Manchester. He was a bank clerk at one time.

Dear Sir,

*Our fee for serving process is \$50.00.
W. R. Myers is living in Durham N.C. with some Tobacco Co, which we could not find out for you.*

Jno L. Patterfield
Leidy Supt
By Paul Latoriche
deft

Circuit Court.

Tuesday after the second Monday in
April and October.

HON. ROBERT R. PRENTIS, Judge.
AZRA P. GOMER, Clerk.

County Court.

Second Monday in each month.

HON. WILBUR J. KILBY, Judge.
ROBERT R. SMITH, Clerk.
E. E. HOLLAND, Commonwealth's Attorney.
ALEX. H. BAKER, Sheriff.
SYDNEY T. ELLIS, County Treasurer.
JOHN B. PINNER, Commissioner of Accounts.

Hansemond County Clerks' Office.

Suffolk, Va., _____, 190
In the Circuit Court for Hansemond Co.

Robt W Waters, Trustee

vs } In Chancery

National City Bank of Washington, D.C.; Bank of Richmond;
National Exchange Bank of Baltimore, Md et als.

The Clerk will please mark Brooke &
Brooke, Norfolk, Va, also as counsel for the
National Exchange Bank of Baltimore, Md, one
of the defendants in the above entitled cause

Brooke & Brooke

of Counsel for
Nat. Exchng. Bank of
Baltimore, Md

Order 108 1910

In the Circuit Court
for Vermon

Robt. W. Walters, Tr.

vs } In Chancery

National City Bank of
Washington, D.C.

Bank of Baltimore

National Exchange Bank
of Baltimore, and others

Wm.

Brown & Brown

of counsel for

Nat. City Bank &c.

June 20, 1910.

John L. Satterfield, Esq., City Sergeant,
Richmond, Va.

Dear Sir:

I have yours of the 18th instant returning process against W. R. Myers not executed. I am enclosing herein a pluries summons for W. R. Myers, which you will serve on him in person if possible and if you can't get him, I am informed by Robt. W. Withers, plaintiff's attorney in the case, that his family resides in Manchester and you can get constructive service by leaving summons with his wife & etc. Be sure to get the service 10 days before return day of summons. I am enclosing herein the fifty cents in postage sent me in yours of the 18th instant for your fee.

There was entered recently in the Court of Law and Equity of your City a judgment against this party and the papers in the suit or the Clerk of said Court may give you information as to where the parties may be found & etc.

Yours very truly,

John L. Patterfield
City Sergeant
Richmond, Va.

June 18th 1910

Mr R R Smith
Suffolk.
Va.

Dear Sir,

Our delay in making
our return to you earlier, was, because
we could not locate H. R. Myers, he
has been away from the S. A. L. R R.
some time and is now Traveling Sales-
man for an Out of Town firm, We
~~deposited~~ the check and remit you
50¢ in stamps. Hoping this will
be satisfactory I remain

Respect.

John L. Patterfield, Supt.
per Paul Latonche rep.

M.B.

Kindly return stamps to Robt. H. Withers
and oblige

L

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

May 21st, 1910.

Robt. W. Withers, Trustee

vs.

National City Bank of Washington, D. C. , Bank of Richmond,
 National Exchange Bank of Baltimore, Md., Bank of Dendron, W. R.
 Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree
 Miss Emma W. Taylor, E. Britt, J. E. Bowen J. F. Wilroy, T. H.
 Debnam, Jeremiah Heen, George W. Skinner, J. C. Drewry, trading as
 J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor,
 R. C. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Darden
 C. J. Woodward Mary Antoinette Woodward, J. C. Woodward, W. R.
 Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward J.
 Davis Woodward, C. E. Vick, F. C. Mitchell and Robt. W. Withers.

Memorandum.

The clerk will issue process in chancery against the defendants, to appear at First June Rules, 1910.

Robt. W. Withers,

p. q.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

National City Bank of
 Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
 more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
 J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Bvitt, J. E.
 Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
 J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
 Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
 C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
 W. R. Sykes, Mrs W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
 Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against then
 in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day ofMay 1910 in the 13th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

1910 May
Due, legal and sufficient service of the
within summons is hereby accepted.
Mary Antoinette Woodward.

Robt. W. Withers. p. q.

Copy for
Mary Antoinette Woodward.
vs. } IN CHANCERY.

19.....

Rules.
Monday.

NANSEMOND CIRCUIT COURT.
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PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

National City Bank of
 Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
 more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
 J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Bytt, J. E.
 Bowen, J. P. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
 J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
 Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
 C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
 W. R. Sykes, Mrs W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
 Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13^{4th} year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

1910 May
Due legal and sufficient service of the
within summons is hereby accepted.
James C. Shindland,

Robt. W. Withers. p. q.

Copy for

J. C. Woodward.

vs.

}

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 134th year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By R. M. Watkins

1910 May
But, legal and sufficient service of the
within summons is hereby accepted.
Mrs E. J. Woodward,

Robt. W. Withers..... p. q.

Copy for

C. J. Woodward.....

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. BRitt, J. E. Bowen, J.
F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry,
trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F.
Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. w.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.
Sykes, Mrs. W. T. GRizzard, T. E. Peete, Ben. P. Woodward, J. Davis
Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonweath.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

1910 May 26"
Due legal and sufficient service of the
within summons is hereby accepted.

1 E. B. L.

Robt. W. Withers. p. q.

Copy for

T. E. Peete

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dandron, W. R. Myers, G. A. Harris, John W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J.
F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner, J. C. Drawry
trading as J. C. Drawry & Co., R. C. Harrell, W. J. Pond, Chas. F.
Taylor, R. O. Chamler, J. S. Hite, John King, T. J. Smith, C. W.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.
Sykes, Mrs. W. T. Grizzard, T. E. Pate, Ben. P. Woodward, J. Davis
Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer
a Bill, in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

R. R. Smith
By M. H. Morris

1910 May

Due, legal and sufficient service of the within
summons is hereby accepted.

W. R. Sykes

Robt. W. Withers..... p. q.

Copy for

W. R. Sykes.

vs.

} IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Denron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. B. Hite, JOHN King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitthell and Robt. W. Withers.

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 First Monday in June, 1910, to answer
a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

R. R. Smith
By M. M. Watkins

1910
Due, legal and sufficient service of
the within summons is hereby
accepted.
E. A. Rountree

Robt. W. Withers. p. q.

Copy for

E. A. Rountree.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Delmar, W. R. Myers, G.A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzari, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt W. Withers.

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 First Monday in June, 1910, to answer

Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 134th year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. Withers

1910 May -

Due, legal and sufficient service of the within summons is hereby accepted.

John W. King

Robt. W. Withers. p. q.

Copy for _____

John King.

vs. } IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Wood-
ward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward,
J. Davis Woodward, C. B. Vick, E. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 134th year of the Commonwealth.

A copy—Teste:

Teste:

Clerk.

Clerk.

By R. R. Smith
By M. M. Withers

1910 May 27
Due legal and sufficient service of the
within summons is hereby accepted.

National City Bank of Washington, D.C.
By W. S. McNeill, Atty.

Robt. W. Withers.....p. q.

Copy for

National City Bank of
Washington, D. C.

vs. } IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C. Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen,
H. F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skimer, J. C.
Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas.
F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them.

in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

~~A copy~~ Teste:

CLERK

Teste:

CLERK.

R. R. Smith
By M. M. Harrison

1910 May
Due, legal and sufficient service of the within
summons is hereby accepted.
G. W. Skinner

Robt. W. Withers..... p. q.

Copy for

George W. Skinner.

vs.

}

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~National City Bank of~~
~~Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-~~
~~more, Md., Bank of Dendron, W. R. Myers, O. A. Harris, John W. Pond,~~
~~J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.~~
~~Bowen, J. P. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner,~~
~~J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,~~
~~Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,~~
~~C. W. Darden, O. J. Woodward, Mary Antoinette Woodward, J. C. Wood-~~
~~ward, W. R. Sykes, Mrs. F. T. Grizzard, T. E. Peete, Ben P. Woodward,~~
~~J. Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.~~

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 First Monday in June, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 134th year of the Commonwealth.

~~A copy~~ Teste:

Teste:

CLERK.

CLERK.

R. R. Smith
By M. M. Harris

1910 May
Due legal and sufficient service of the
within summons is hereby accepted

W. W. Stewart

Robt. W. Withers. p. q.

Copy for

G. A. Harris.

vs. } IN CHANCERY.

19

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~National City Bank of~~
~~Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-~~
~~more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,~~
~~J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.~~
~~Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,~~
~~J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harroll, W. J.~~
~~Pond, Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J.~~
~~Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C.~~
~~Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Poete, Ben P.~~
~~Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W.~~
~~Withers~~

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 First Monday in June, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness R. R. SMITH. Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 13 4th year of the Commonwealth.

~~A copy~~ Teste:

CLERK

Teste:

CLERK.

1910 June

Due, legal and sufficient service of the within
summons is hereby accepted.

M. J. Davis

Robt. W. Withers p. q.

Robt. W. Withers, Trustee

vs.

IN CHANCERY.

National City Bank of
Washington D.C. v. Robt. W. Withers

1910

June

Rules.

First

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 85

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen,
H. F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner, J. C.
Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas.
F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. Watkins D.C.

Robt. W. Withers. p. q.

Copy for

J. C. Drewry, trading as

J. C. Drewry & Co.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

1910 May
Due, legal and sufficient service of the
within summons is hereby accepted
J. C. Drewry & Co.
June 11 - 1910

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of

Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dehdron, W. R. Myers, G.A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. O. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt W. Withers.

to appear at the Clerk's Office of the Circuit Court of Nansmond County, at the Rules to be
 held for the said Court, on the First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 21st day ofMay, 19 10, in the 134th year of the Commonwealth.~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

Robt. W. Withers..... p. q.

Copy for.....

J. S. Hite.....

vs.

}

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

1910 May
Due, legal & sufficient service of the within
summons is hereby accepted
J. S. Hite

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. O. Drewry, trading as J. O. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. C. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against Them
 in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

1910 May
Due, legal and sufficient service
of the within summons is
hereby accepted

Edwin G. Atwood
J. J. Mulvey
By Atty. M. M. Maitland
attorneys

Robt. W. Withers. p. q.

Copy for

E. Britt.

vs. } IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dehdron, W. R. Myers, G.A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. O. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. C. Mitchell and Robt W. Withers.

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 First Monday in June, 1910, to answer

Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 134th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

R. R. Smith
By M. M. Harrison

1910 May 27th
The legal dept' sufficient service of the
within summons is hereby accepted.

W. H. H. H. H.

Robt. W. Withers. p. q.

Copy for

C. W. Darden

vs.

}

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

~~National City Bank of~~
~~Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,~~
~~Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.~~
~~Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen,~~
~~J. F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner, J. C.~~
~~Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas.~~
~~F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, G. W.~~
~~Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.~~
~~Spikes, Mrs. W. T. Rizzard, T. E. Peete, Ben. P. Woodward, J. Davis Wood-~~
~~ward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.~~

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them

in the said Court by Robt. W. Withers, Trustees

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of May, 19 10, in the 13 4th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. [Signature]

1910 May 31st

Due, legal and sufficient service if the within
summons is kindly accepted.

Chas. F. Taylor

Robt. W. Withers. p. q.

Copy for

Chas. F. Taylor.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Detman, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 134th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. Watkins

Robt. W. Withers. p. q.

Copy for

T. J. Smith

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

1910 May
This book & sufficient service of the within
summons is hereby accepted.
T. J. Smith

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~National City Bank of~~

~~Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-~~
~~more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,~~
~~J. C. Gurley, E. A. Rountree, Miss Fane W. Taylor, E. Britt, J. E.~~
~~Bowen, J. F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner,~~
~~J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,~~
~~Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,~~
~~C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Wood-~~
~~ward, W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward,~~
~~J. Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.~~

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

R. R. Smith
By M. M. Williams

1910 May 27th

Due, legal and sufficient service of this
with in numerous to hereby accepted.

Walter H. Long, Clerk of Baltimore
City Clerk of Baltimore

Atty

Robt. W. Withers. p. q.

Copy for
National Exchange Bank of
Baltimore, Md.
vs. } IN CHANCERY.

19.....

Rules.
Monday.

NANSEMOND CIRCUIT COURT.
PROCESS BOOK, No.....
PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J.
F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry,
trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F.
Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.
Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. P. Woodward, J. Davis
Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer
 a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 13 4th year of the Commonweath.

A copy—Teste:

Teste:

Clerk.

CLERK.

1910 May 24th
Due legal and sufficient service of the
within summons is hereby accepted

Wm. H. Withers

Robt. W. Withers. p. q.

Copy for

Robert W. Withers.

vs.

IN CHANCERY.

19

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

National City Bank of
Washington, D. C. Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, Hohn W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen,
J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C.
Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas.
F. Taylor, R. O. Chandler, J. S. Mite, John King, T. J. Smith, C. W.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 13th year of the Commonwealth.

A copy Teste:

Teste:

CLERK.

CLERK.

By R. R. Smith
M. M. Watkins D. C.

1910 May
Due, legal and sufficient service of the within
summons is hereby accepted.

Jeremiah Keen

Robt. W. Withers. p. q.

Copy for

Jeremiah Keen

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

National City Bank of
 Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
 more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
 J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
 Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
 J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
 Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
 C. W. Darden, J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
 W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
 Davis Woodward, C. B. Vick, F. C. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer

Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13. 4th year of the Commonwealth.

~~A copy~~—Teste:

CLERK.

Teste:

CLERK.

1910 May

Due, legal and sufficient service of the
within summons is hereby
accepted.

John Bowen

Robt. W. Withers. p. q.

Copy for

J. E. Bowen.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

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 First Monday in June, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 134th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. Darden

1910 May
Due, legal and sufficient service of
the within summons is hereby
accepted.
J. C. Gurney
for Robt. W. Withers
his atty in fact.

Robt. W. Withers. p. q.

Copy for

J. C. Gurney.

vs. } IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
 Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
 more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
 J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
 Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
 J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
 Chas. F. Taylor, R. O. Chandler, J. S. Hite, JOHN King, T. J. Smith,
 C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
 W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
 Davis Woodward, C. B. Vick, F. G. Mithell and Robt. W. Withers.

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 **First** Monday in **June, 1910**, to answer
 a Bill in Chancery, exhibited against **them**
 in the said Court by **Robt. W. Withers, Trustee**

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this **21st** day of
May, 19 **10**, in the 13**4th** year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. Harkins *R. C.*

1910 May 27

Due, legal and sufficient service of the
within summons is hereby accepted.

The Court of New York, Inc.
5/27/10
Clerk

Robt. W. Withers. p. q.

Copy for

Bank of Dendron.

vs.

IN CHANCERY.

19

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. F. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers,

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 First Monday in June, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

~~A copy~~ Teste:

Teste:

CLERK.

CLERK.

R. R. Smith
By M. M. Harrison D.C.

1910 May
Due, legal and sufficient service of the
within summons is hereby accepted.

B. Woodward

Robt. W. Withers. p. q.

Copy for

Ben. P. Woodward.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~National City Bank of~~
~~Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,~~
~~Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.~~
~~Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen,~~
~~J. F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner, J. C.~~
~~Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas.~~
~~F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W.~~
~~Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.~~
~~Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. P. Woodward, J. Davis Wood-~~
~~ward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.~~

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 First Monday in June, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 1910, in the 134th year of the Commonwealth.

A copy Teste:

Teste:

Clerk

CLERK.

R. R. Smith
By M. M. Harris

1910 May
Due legal and sufficient service of the
within summons is hereby accepted.

W. C. Harrell

Robt. W. Withers..... p. q.

Copy for.....

R. C. Harrell.....

vs.

}

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of

CLERK.

1910 May
Due, legal and sufficient service of the within
summons is hereby accepted.

J. H. Ashman

Robt. W. Withers. p. q.

Copy for

T. H. Debnam.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Balti-
more, Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond,
J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E.
Bowen, J. P. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner,
J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond,
Chas. P. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward,
W. R. Sykes, Mrs W. T. Grizzard, T. E. Peete, Ben P. Woodward, J.
Davis Woodward, O. B. Vick, F. G. Mitchell and Robt. W. Withers.

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May, 19 10, in the 13 4th year of the Commonwealth.

A copy Teste:

Teste:

CLERK

CLERK.

By R. R. Smith
M. M. Harrison

1910 May
Due, legal and sufficient service of the within
summons is hereby accepted.

J. Davis Woodward

Robt. W. Withers..... p. q.

Copy for

J. Davis Woodward.....

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

THE COMMONWEALTH OF VIRGINIA.

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~~Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,~~
~~Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.~~
~~Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen,~~
~~J. E. Wilroy, T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C.~~
~~Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas.~~
~~F. Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W.~~
~~Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.~~
~~Sykes, Mrs. W. T. Grizzard, T. E. Peete, Ben. P. Woodward, J. Davis Wood-~~
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CLERK.

Teste:

CLERK.

R. R. Smith
By M. M. Harris D.C.

1910 May
Due, legal and sufficient service of the within
summons is hereby accepted.

J. W. Chandler

Robt. W. Withers. p. q.

Copy for

R. O. Chandler.

vs.

IN CHANCERY.

19

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE

Alias Summons.
CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

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Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley,
E. A. Reuntree, Miss. Emma W. Taylor, E. Britt, J. E. Bowen, J. P. Wilroy,
T. H. Debnan, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler,
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell
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June, 1910, ~~19~~ , in the 13 4th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

..... p. q.

.....

vs. } IN CHANCERY.

.....

19.....

..... Rules.

..... Monday.

NANSEMOND CIRCUIT COURT.

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E. A. Reuntree, Miss. Emma W. Tayler, E. Britt, J. E. Bowen, J. F. Wilroy,
T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Tayler, R. O. Chandler
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell
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in the said Court by Robt. W. Withers, Trustee,

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of
June, 1910, ~~12~~ in the 13.4th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

..... p. q.

vs. } IN CHANCERY.

.....

19.....

..... Rules.

..... Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.

PAGE.....

Alias Summons.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

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E. A. Reuntree, Miss. Emma W. Taylor, E. Britt, J. E. Bowen, J. F. Wilroy,
T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell
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A copy—Teste:

Teste:

CLERK.

CLERK.

..... p. q.

.....

.....

vs. } IN CHANCERY.

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19.....

..... Rules.

..... Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

Pluries Summons.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

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E. A. Rountree, Miss. Emma W. Taylor, E. Britt, J. E. Bowen, J.E. Wilroy,
T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drawry, trading as
J. C. Drawry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R.O. Chandler
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W.T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F.G. Mitchell
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in the said Court by Robert W. Withers, Trustee,

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June, 1910, 12 , in the 134th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

_____ p. q.

vs. } IN CHANCERY.

19.....

..... Rules.

..... Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

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Pluries Summons.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

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E. A. Rountree, Miss. Emma W. Taylor, E. Britt, J. E. Bowen, J.F. Wilroy,
T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. P. Taylor, R.O. Chandler,
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W.T. Grizzard,
T. E. Peets, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F.G. Mitchell
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a Bill in Chancery, exhibited against them.

in the said Court by Robert W. Withers, Trustee,

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Witness. R. R. SMITH, Clerk of our said Court, at his office, this 20th day of
June, 1910, 19 , in the 13 4th year of the Commonwealth.

A copy—Teste :

CLERK.

Teste :

CLERK.

..... p. q.

vs. } IN CHANCERY.

.....

19.....

..... Rules.

..... Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

Alias Summons.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ^{Sussex} NANSEMOND COUNTY—GREETING:
We command you, as at another time we have commanded you, that you summon:

~~YOU ARE HEREBY COMMANDED TO SUMMON~~ National City Bank of
Washington, D.C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley,
E. A. Rountree, Miss. Emma W. Taylor, E. Britt, J. E. Bowen, J. F. Wilrey,
T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler,
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F. G. Mitchell
and Robt. W. Withers.

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 June, 1910,

a Bill in Chancery, exhibited against them

in the said Court by Robt. W. Withers, Trustee,

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of
June, 1910, in the 134th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

By R. R. Smith
M. M. Harris, D.C.

Alias Summons.

Robt. W. Withers p. q.

Robt. W. Withers, Trustee

vs. }

IN. CHANCERY.

National City Bank of
Washington D.C. & others.

1910

June

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 85

Read 6/17/10

Executed on this
the 15th day of June
1910, by delivering a
true copy of this
written to J. W. Pond
who being found in
Wakefield, Sussex Co., Va.
in my district.

J. W. Presson Dep't
For J. D. Price, Sheriff
Sussex Co., Va.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON National City Bank of
Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C.
Gurley, E. A. Rountree, Miss Emma W. Taylor, E. Britt, J. E. Bowen, J.
F. Wilroy, T. H. Debnan, Jeremiah Keen, George W. Skinner, J. C. Drewry,
trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F.
Taylor, R. O. Chandler, J. S. Hite, John King, T. J. Smith, C. W.
Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R.
Bykes, Mrs. W. T. Grizzard, T. E. Poete, Ben. P. Woodward, J. Davis
Woodward, C. B. Vick, F. G. Mitchell and Robt. W. Withers.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
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a Bill in Chancery, exhibited against them
 in the said Court by Robt. W. Withers, Trustee

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 21st day of
May, 19 10, in the 13 4th year of the Commonwealth.

A copy Teste:

CLERK.

Teste:

CLERK.

R. R. Smith
R. W. Withers

1910 May
Due, legal and sufficient service of the
within summons is hereby accepted.

Wm. H. Grizzard.

COMPILED BY J. H. DOWNS, JR., 1910

ALBANY, N. Y. J. H. DOWNS, JR., 1910

Robt. W. Withers. p. q.

Copy for

Mrs. W. T. Grizzard.

vs.

IN CHANCERY.

19.....

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No.....

PAGE.....

Alias Summons.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

Sergeant the City of Richmond
TO THE ~~SHERIFF~~ OF NANSEMOND COUNTY—GREETING:

We command you, as at another time we have commanded you, that you summon:

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Washington, D.C., Bank of Richmond, National Exchange Bank of Baltimore,
Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley,
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J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Tayler, R.O. Chandler,
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
T. E. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, F.G. Mitchell
and Robt. W. Withers.

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in the said Court by Robt. W. Withers, Trustee,

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 10th day of
June, 1910, ~~NK~~, in the 13 4th year of the Commonwealth.

~~A copy~~—Teste:

CLERK—

Teste:

CLERK.

R. R. Smith
By M. M. Watkins D.C.

Alias Summons

Robt W. Withers p. q.

Copy for

vs.

} IN CHANCERY.

W. R. Myers.

Master in

Chancery

U.S. RR.

1910

June

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 85

1576 Sando

Bond Book

Pluries Summons.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

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

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Md., Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J.C. Gurley,
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in the said Court by Robert W. Withers, Trustee,

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 20th day of
June, 1910, in the 13 4th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

Not finding H. R. Myers at his usual place
of abode 1002 Perry St. Washington Hard
Richmond Va executed June the 21st/910
by delivering a Copy to his wife a member
of his family over the age of 16 years and
explaining to her the purport of the same

John L. Latterfield
City Seryt.

See Paul

509

by Paul Latruche Richmond Va
Dept.

Quires Summons.

Robt W. Withers p. q.

Robt W. Withers, Trustee

IN CHANCERY.

VS.

National City Bank of
Washington, D.C. & others.

1910

Rules.

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 85

Recd 5/2/10

Alias Summons.

CHANCERY SUMMONS.

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Sergeant the City of Richmond
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E. A. Rountree, Miss. Emma W. Taylor, E. Britt, J. E. Bowen, J. F. Wilroy,
T. H. Debnam, Jeremiah Keen, George W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W. J. Pend, Chas. F. Taylor, R.O. Chandler,
J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard,
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And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 10th day of
June, 1910, NK, in the 13 4th year of the Commonwealth.

A copy—Teste:

CLERK

Teste:

CLERK.

R. R. Smith
By M. M. Watkins D.C.

Executed in the City of Richmond Va. June 13/90
by delivering a copy of the within Summons
to F. G. Mitchell as herein directed
W.R. Myers can not be found in our
bailiwick.

John L. Patterson
City Supt.

Richmond Va

By Paul Latorche

rept

{ Fee 50¢ }
Paid

Alias Summons

Robt. W. Wither

p. q.

Robt. W. Wither, Trustee

IN CHANCERY.

VS.

National City Bank of
Washington D.C. vs. Wither

1910

June

Rules.

June

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE

85

Recd 6/20/10

Copy of Costs

Taxed in the Suit of:

P. 9.

Robt. H. Hithers, Trustee,

vs.

National City Bank of Washington D. C. et al.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax

1 50

Clerk

15 51

Sheriff

Attorney

15 00

Commissioner

Printer, for Order of Publication, etc.

10 00

Fee for taking depositions

5 00

Date of Judgment or Final Decree

191

Paid 7/31/12. Paid by Writ Tax paid May 31, 1910
J. E. Luntz, Clerk. Bal.

\$1.50 \$47.01

\$45.51

J. C. Bentley

.1912 July 31. Received of H. Lawrence Brooke, Special Commissioner one hundred (\$100.) dollars in full payment for reports made by me as Commissioner in Chancery in the suit of Robert W. Withers, Trustee v. National City Bank of Washington, D.C. et als.

Bradford Kilby
Commissioner in Chancery.

Received from

Suffolk, Va. July 31st

1912

H. Lawrence Brooke, Special Commissioner

Fifty and no/100

Dollars

Fee for services rendered plaintiff in suit of Robt W. Withers

Trustee, vs National City Bank of Washington, D.C. et als.



50.00

Robt W. Withers

Attorney

BELL PHONE 2420

NORFOLK, VA.,

191

M.

FORGERY
HEALTH
ACCIDENT
PLATE GLASS
BURGLARY
LIABILITY AND
LIFE
INSURANCE

To **LOWERY D. FINLEY, Dr.**

SURETY BONDS, - INSURANCE

CITIZENS BANK BUILDING

COURT
CONTRACT
OFFICIAL
AND
FIDELITY
BONDS

DATE	POLICY NO.	COMPANY	CHARACTER OF INSURANCE	TERM	AMOUNT	PREMIUM
1912 7/29	→	7th St. Bldg	Bond as Sp. Cash in the sum of with 5 months waive of Bond as per P. 11/12	12	2500	10 00

Premiums are cash and payable within 30 days following
date of issue of policy, certificate or renewal receipt.

MAKE REMITTANCES PAYABLE TO LOWERY D. FINLEY, AGENT,

DEPOSITED IN

NATIONAL BANK OF SUFFOLK,

By *Laurence B. Spaulding*
Suffolk, Va. 7/31/12 191

ALL PAPERS CREDITED SUBJECT TO PAYMENT
 ENDORSE ALL PAPERS AND LIST SEPARATELY

CURRENCY

SILVER

GOLD

CHECKS AS FOLLOWS.

1st Bank of Suffolk \$ *1344 97*

B. H. Teller
Trustee
Bank of Suffolk

It is expressly understood and agreed between the National Bank of Suffolk and the depositor using this ticket that all items payable out of this city, whether entered as cash or not, are received merely to be transmitted for collection; that the said bank is authorized to select agents, who shall be the agents of the depositor, to collect the same; and that the said bank shall in no event be responsible to the depositor for the insolvency, or for any negligence, acts, or misconduct of such agents.

TOTAL \$ *1344 97*



INCORPORATED UNDER THE LAWS OF THE

STATE OF VIRGINIA.

No 15

Shares 50

THE MERCHANTS AND TRUCKERS BANK, Incorporated.

CAPITAL STOCK, \$100,000.00.

THIS CERTIFIES THAT

Fifty

W.R. Myers

is the owner of

Fifty Shares of One Hundred Dollars each of the Capital Stock of

The Merchants and Truckers Bank, Incorporated, fully paid and non-assessable, transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the Seal of the Corporation at Suffolk, Virginia, this _____ day of _____ A.D. 1900

H.J. Tower
CASHIER.

W.R. Myers
PRESIDENT.



SHARES

\$100

EACH

CERTIFICATE

FOR

50

SHARES

OF THE

Capital Stock

OF

The Merchants and Truckers Bank,

Incorporated.

ISSUED TO

R. R. Myers

DATED

August 6, 1906

To the Bearer Hereof

Hereby sell, assign and transfer

unto
Shares of the Capital Stock represented by the within
Certificate, and do hereby irrevocably constitute and appoint
to transfer the said Stock on the books of the within named
Corporation with full power of substitution in the premises.

Dated Feb 3, 1907

In presence of

W. W. Myers

W. W. Myers

NOTICE. THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR WITHOUT
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER

D. TUCKER BROOKE,
EX-JUDGE CORPORATION COURT.

H. LAURENCE BROOKE

BROOKE & BROOKE,
ATTORNEYS AND COUNSELLORS AT LAW,
435-437 LAW BUILDING,
NORFOLK, VA.

August 12th, 1912.

Received of H. Laurence Brooke, Special Commissioner,
the sum of Four Hundred and forty-one and 34/100 (\$441.34)
Dollars, in full of dividend of .088268 on certificate No.
15, of the capital stock of the Merchants & Truckers
Bank of Suffolk, Va., of the par value of Five Thousand
(\$5000.00) Dollars.

James H. Corbett, atty.
for John L. Williams & Sons

GENERAL POWER OF ATTORNEY.

I know all men by these presents that I A. R. Myers, of
Suffolk, Va., have made, constituted and appointed, and by
these presents do make, constitute and appoint President M. Cashier, of
The National City Bank of Washington, my true and lawful attorney, for me and in my name,

Fifty Shares Stock of the Merchants & Traders Bank of Suffolk, Va.
place and stead to Hypothecate, Transfer, Sell or Assign +
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 I might or could do if acting personally. And I hereby ratify and
confirm all lawful acts done by my said attorney in virtue hereof.

Witness the following signature and seal, this 22 day of July 1907

Suffolk, Va. A. R. Myers [SEAL.]

INCORPORATED UNDER THE LAWS OF THE

STATE OF VIRGINIA.

Shares 50

THE MERCHANTS AND TRUCKERS BANK, Incorporated.

CAPITAL STOCK, \$100,000.00.

THIS CERTIFIES THAT

W. R. Myers is the owner of
Fifty Shares of One Hundred Dollars each of the Capital Stock of

The Merchants and Truckers Bank, Incorporated, fully paid and non-assessable,
transferable only on the books of the Corporation by the holder
hereof in person or by Attorney upon surrender of this Certificate
properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be
signed by its duly authorized officers and to be sealed with the Seal of the Corporation
at Suffolk, Virginia, the *6th* day of *August* A.D. 190*6*

CASHIER.

PRESIDENT.

\$100

CERTIFICATE

FOR

— 50 —

SHARES

OF THE

Capital Stock

OF

The Merchants and Truckers Bank,
Incorporated.

ISSUED TO

DATED

August 6, 1906

To Whom It May Concern,

Hereby sell, assign and transfer

unto _____
Shares of the Capital Stock represented by the within
Certificate, and do hereby irrevocably constitute and appoint
to transfer the said Stock on the books of the within named
Corporation with full power of substitution in the premises.

Dated _____

1906

Signature of _____

NOTICE. THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE. IN EVERY PARTICULAR WITHOUT
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER

D. TUCKER BROOKE,
EX-JUDGE CORPORATION COURT.

H. LAURENCE BROOKE

BROOKE & BROOKE,
ATTORNEYS AND COUNSELLORS AT LAW,
435-437 LAW BUILDING,
NORFOLK, VA.

August 12th, 1912.

Received of H. Laurence Brooke, Special Commissioner,
the sum of Four Hundred and forty-one and 34/100 (\$441.34)
Dollars, in full of dividend of .088268 on certificate No.
14, of the capital stock of the Merchants & Truckers
Bank of Suffolk, Va., of the par value of Five Thousand
(\$5000.00) Dollars.

Brooke & Brooke, Attys for
National Exchange Bank of Balt. Ind.

Know all Men by these Presents,

That.....
 for value received have granted, bargained, sold, assigned and fully and irrevocably transferred, and do by these presents grant, bargain, sell, assign and fully and irrevocably transfer for all purposes unto.....
 shares
 of the Capital Stock of the.....
 standing in..... name on
 the books of.....

And..... do hereby constitute and appoint.....
 to be..... true and lawful attorney
 irrevocable, for..... and in..... name and stead to sell, hypothecate or
 dispose of in any manner and for any purpose, assign, transfer and set over to any person or
 persons the whole or any parts of said stock, at once or from time to time, and for that
 purpose to make all necessary acts of assignment or transfer, and with power to substitute
 one or more persons in..... stead, as to the whole or parts of said stock, with all
 the powers herein mentioned.

..... hereby ratify and confirm all acts that..... said attorney or any
 substitute or substitutes under..... shall lawfully do by virtue hereof.

In witness whereof.....
 have hereunto set..... hand and seal this..... day of
 A. D. 19.....

Signed, sealed and delivered in the presence of

Suppach 7th June 1908

W. R. Myers 

"Exhibit B"



INCORPORATED UNDER THE LAWS OF THE

STATE OF VIRGINIA.

Shares 50

THE MERCHANTS AND TRUCKERS BANK, Incorporated.

CAPITAL STOCK, \$100,000.00.

THIS CERTIFIES THAT

Fifty

W. A. Myers

is the owner of

Shares of One Hundred Dollars each of the Capital Stock of

The Merchants and Truckers Bank, Incorporated, fully paid and non-assessable, transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the Seal of the Corporation at Suffolk, Virginia, this 7th day of August A.D. 1906

H. J. Down
CASHIER.

W. A. Myers
PRESIDENT.



SHARES

\$100

CASH

CERTIFICATE

FOR

50

SHARES

OF THE
Capital Stock

OF

The Merchants and Truckers Bank,
Incorporated.

ISSUED TO

W. R. Myers

DATED

August 4, 1906

To Have Received *Money well assign and transfer*

with
Shares of the Capital Stock represented by the within
Certificate, and do hereby irrevocably constitute and appoint
to transfer the said Stock on the books of the within named
Corporation with full power of substitution in the premises.

Dated *1906*

Signature of

NOTICE. THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE. IN EVERY PARTICULAR WITHOUT
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER

D. TUCKER BROOKE,
EX-JUDGE CORPORATION COURT.

H. LAURENCE BROOKE

BROOKE & BROOKE,
ATTORNEYS AND COUNSELLORS AT LAW,
435-437 LAW BUILDING,
NORFOLK, VA.

August 12th, 1912.

Received of H. Laurence Brooke, Special Commissioner,
the sum of Four Hundred and forty-one and 34/100 (\$441.34)
Dollars, in full of dividend of .088268 on certificate No.
44, of the capital stock of the Merchants & Truckers
Bank of Suffolk, Va., of the par value of Five Thousand
(\$5000.00) Dollars.

The full amount + \$ in
by R.W.B.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee, Complainant.

vs {

National City Bank of Washington, D.C.,
et als. - - - - - Defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the report of H. Laurence Brooke, Special Commissioner, together with the vouchers for his disbursements and the three stock certificates described in the said report, all this day filed, and was argued by Counsel. To which said report and vouchers therewith filed no exception being taken, and the said vouchers being examined and found correct the same, together with the three said stock certificates, are ordered to be and are hereby accordingly filed.

And it further appearing to the Court that the said Special Commissioner has deposited to the credit of this cause, in the National Bank of Suffolk, Virginia, the sum of \$788.99; and it further appearing to the Court that of this said sum of \$788.99 the sum of \$778.94² ought to be paid to the present holders of the certificates of stock of the Merchants & Truckers Bank formerly of Suffolk, Virginia, at the rate of .088268 cents for each and every dollar of the par value thereof, as hereinafter set out, it is hereby further adjudged, ordered and decreed that the said National Bank of Suffolk, Virginia, is directed to pay out of the said fund of \$788.99 to each and every one of the holders of the stock certificates of the said Merchants & Truckers Bank, numbered as hereinafter set out, the amounts hereinafter set out, when and upon a sight draft

with the stock certificate thereto attached, numbered as hereinafter set out, is drawn upon the said National Bank of Suffolk, Virginia, by the present holders of the said stock certificates, for a sum equal to .088268 cents for each and every dollar of the par value of the said certificates, as follows:-

No. of certificate - No. of shares - Par Value - Amt. of draft.

74-----	5-----	\$500.00	----	\$ 44.13
10-----	1-----	100.00	----	8.83
24-----	1-----	100.00	----	8.83
3-----	1-----	100.00	----	8.83
7-----	2-----	200.00	----	17.65
9-----	1-----	100.00	----	8.83
12-----	2-----	200.00	----	17.65
16-----	2-----	200.00	----	17.65
28-----	2-----	200.00	----	17.65
34-----	2-----	200.00	----	17.65
43-----	2-----	200.00	----	17.65
17-----	2 1/2-----	250.00	----	22.06
22-----	2 1/2-----	250.00	----	22.06
31-----	2 1/2-----	250.00	----	22.06
40-----	2 1/2-----	250.00	----	22.06
18-----	2-----	200.00	----	17.65
50-----	3-----	300.00	----	26.48
20-----	1-----	100.00	----	8.83
52-----	2-----	200.00	----	17.65
21-----	1-----	100.00	----	8.83
23-----	1-----	100.00	----	8.83
25-----	1-----	100.00	----	8.83
29-----	2-----	200.00	----	17.65
37-----	2-----	200.00	----	17.65
39-----	2-----	200.00	----	17.65
41-----	5-----	500.00	----	44.13
47-----	1-----	100.00	----	8.83
58-----	1 1/4-----	125.00	----	11.03
60-----	1-----	100.00	----	8.83
63-----	2-----	200.00	----	17.65
61-----	1-----	100.00	----	8.83
62-----	2-----	200.00	----	17.65
63-----	1-----	100.00	----	8.83
65-----	1-----	100.00	----	8.83
66-----	1-----	100.00	----	8.83
67-----	1-----	100.00	----	8.83
68-----	12-----	1200.00	----	105.92
69-----	2-----	200.00	----	17.65
70-----	1-----	100.00	----	8.83
71-----	1-----	100.00	----	8.83
73-----	5-----	500.00	----	44.13
75-----	1-----	100.00	----	8.83
84-----	1-----	100.00	----	8.83

Total:- 88 1/4 ---- \$8825.00 ---- \$778.92

And it is further adjudged, ordered and decreed that this

this decree be published for a period of *one week* in the
Suffolk Herald of the City of Suffolk ~~and for the period of~~
~~in the Virginian Pilot of the City of Norfolk, Virginia.~~

And all further directions are reserved.

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY, VIRGINIA.

Robt. W. Withers, Trustee.

vs

National City Bank of Washington,
D.C., et als.

Decree of distribution to stock-
holders.

Enter:-

Octo. 29. 1912.

James L. Moore,

Entered in Chancery
Order Book No. 4-

Page 533.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee, Complainant.

vs{

Report of Special Commissioner.

National City Bank of Washington, D.C.,
et als. - - - - - Defendants.

The undersigned Special Commissioner, in the above cause, begs leave to report to the Court as follows:-

That in accordance with the terms of a decree entered in this cause on the day of , 1912, he has distributed the said sum of \$2344.97 in the following manner:-

- (1). That he has paid to G. E. Bunting, Clerk of this Court, the costs of this suit, amounting to \$45.51, has taken his receipt therefor and files the same herewith.
- (2). That he has paid to Bradford Kilby, the Commissioner in this cause, his fees for services rendered as said Commissioner, amounting to \$100.00, has taken his receipt therefor and files the same herewith.
- (3). That he has paid to Robt. W. Withers, Attorney for Robt. W. Withers, Trustee, plaintiff herein, his fee for professional services rendered the said plaintiff in this cause, amounting to \$50.00, has taken his receipt therefor and files the same herewith.
- (4). That he has paid to Fidelity & Deposit Company of Maryland, the cost of the surety bond of the Special Commissioner herein, which, instead of amounting to \$12.00 as set out in said decree, amounted to \$10.00, and he has taken its receipt therefor and files the same herewith.
- (5). That he has deposited to the credit of this cause, together with the sum hereinafter set out in paragraph

7 hereof, the sum of \$10.00, for the purposes set out in said decree.

- (6). That in accordance with the directions of this Court he has retained the sum of \$26.45 for the payment of State and City taxes for the year 1913, on this fund, in accordance with the provisions of an Act of the General Assembly, Approved March 14th, 1912, which said act makes the said Special Commissioner liable for these taxes.

That there then remained in the Special Commissioner's hands for distribution to the holders of the certificates of stock of the Merchants & Truckers Bank, Suffolk, Va., the sum of \$2103.01, as follows:-

Amount of check received from Robt. W. Withers, Trustee - - - - -		-\$2344.97
To. G. C. Bunting, Clerk - - - - -	\$ 45.51	
Bradford Kilby, Commissioner - -	100.00	
Robt. W. Withers, Attorney - - -	50.00	
Fidelity & Deposit Co. of Md. -	10.00	
Deposited to credit of cause as set out in 5th paragraph hereof-	10.00	
State and City taxes for 1913 -	26.45	241.96
	<u>\$241.96</u>	
		\$2103.01

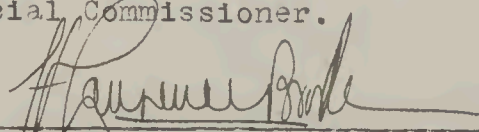
That the said Special Commissioner was unable to find the stock-books of the said Bank, the same being apparently lost or destroyed, but there was found among the papers of Robt. W. Withers, Trustee, a list purporting to contain the stock-holders of the said Bank, showing the certificate numbers, names of the holders, their residence, the number of shares so held and the par value thereof, the total number of shares issued and showing the total paid up capital stock of said Bank to be \$23,825.00, which said list is herewith filed. That pursuant to the directions of this Court the said Special Commissioner took as conclusive that the said amount of \$23,825.00 was the total paid up capital stock of the said Bank, and that thereupon, each and every one of the present holders of the certificates of stock of said Bank being entitled to receive the

sum of .088268 cents for each and every dollar of the par value thereof, the said Special Commissioner paid to John L. Williams & Sons, through their attorney Jas. H. Corbitt; National City Bank of Washington, D.C., through their attorneys McNeill, Hydgins and Ozlin, Richmond, Va.; and National Exchange Bank of Baltimore, Md., through their attorneys Brooke & Brooke, Norfolk, Va., the holders respectively of certificates numbered 15, 44 and 14, of fifty shares each and each of the par value of \$5000.00, the sums of \$441.34 respectively, which said amount of \$441.34 is .088268 cents for each and every dollar of \$5000.00, the par value of the said certificates. That the said Special Commissioner took the receipts of the said attorneys for the said amounts and took up the said certificates of stock numbered 15, 44 and 14, which said receipts and said certificates of stock are filed herewith.

(7). That the said Special Commissioner has deposited to the credit of this cause the sum of \$778.99, for distribution to the holders of the other certificates of stock of said Bank, and the sum of \$10.00, as set out in paragraph 5 hereof, which makes the aggregate deposit to the credit of this cause of the sum of \$788.99, as follows:-

Amount for distribution to certificate holders - - - - -	\$2103.01
To John L. Williams & Sons, -	\$441.34
National City Bank - - - -	441.34
National Exchange Bank - -	441.34
	<u>1324.02</u>
	\$1324.02
	\$ 778.99
Amount mentioned in paragraph 5 - -	10.00
	<u>\$ 788.99</u>

Your said Special Commissioner, therefore, respectfully requests that his accounts, vouchers be examined and approved and that he be discharged as Special Commissioner.


Special Commissioner.

List of the Stock Holders of the Merchants & Truckers Bank.

No. of Certificate,	Name of Stock Holder.	Residence.	No of Shares.	Amount.
14	W. R. Meyers,	Richmond, Va.	50	\$5000.
15	W. R. Meyers,	" "	50	5000.
44	W. R. Meyers,	" "	50	5000.
74	W. R. Meyers,	" "	5	500.
10	G. A. Harris,	Suffolk, Va.	1	100.
24	G. A. Harris,	" "	1	100.
3	G. A. Harris,	" "	1	100.
7	John W. Pond,	" "	2,	200.
9	J. C. Gurley,	Norfolk, Va.	1	100.
12	E. A. Rountree,	Hobbsville, N.C.	2	200.
16	Miss Emma W. Taylor,	Union, N. C.	2	200.
28	" " " "	" "	2	200.
34	" " " "	" "	2	200.
43	" " " "	" "	2	200.
17	E. Britt,	Mapleton, N.C.	2 1/2	250.
22	E. Britt,	" "	2 1/2	250.
31	E. Britt,	" "	2 1/2	250.
40	E. Britt.,	" "	2 1/2	250.
18	J. E. Bowen,	Norfolk, Va.	2	200.
50	J. E. Bowen,	" "	3	300.
20	J. F. Wilroy,	Beamon, Va.	1	100.
52	J. F. Wilroy ,	" "	2	200.
21	T. H. Debnam,	Suffolk, Va.	1	100.
23	Jeremiah Keen,	" "	1	100.
25	George W. Skinner,	" "	1	100.
29	J. C. Drewry & Co.,	Richmond, Va.	2	200.
37	R. C. Harrell,	Suffolk, Va.	2	200.
39	W. J. Pond,	Wakefield, Va.	2	200.
✓ 41	Chas. F. Taylor,	Suffolk, Va.	5	500.
47	R. O. Chandler,	" "	1	100.
58	J. S. Hite,	" "	1 1/4	125.
60	John King,	" "	1	100.
63	" "	" "	2	200.
61	T. J. Smith,	" "	1	100.
62	C. W. Darden,	Franklin, Va.	2	200.
63	C. J. Woodard,	Branchville, Va.	1	100.
65	Mary Antoniett Woodard,	" "	1	100.
66	J. C. Woodard,	" "	1	100.
67	W. R. Sykes,	" "	1	100.
68	Mrs. W. T. Grizzard,	" "	12	1200.
69	T. E. Peete,	" "	2	200.
70	Ben P. Woodard	" "	1	100.
71	J. Davis Woodard,	" "	1	100.
73	C. B. Vick,	Margarettsville, Va.	5	500
75	F. G. Mitchell,	West Virginia,	1	100
84	Robert W. Withers,	Suffolk, Va.	1	100

238-1/4\$23825.00

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY, VIRGINIA.

Robt. W. Withers, Trustee.

vs |

National City Bank of Washington,
D.C., et als.

Report of Special Commissioner.

1912 Octo. 29th filed J.M.

BROOKE & BROOKE,
ATTORNEYS AND COUNSELLORS AT LAW,
435-437 LAW BUILDING,
NORFOLK, VA.

Robt. W. Withers, Tr.

vs. 1 VOUCHERS & Stock Certificates - Special Commissioner.

National City Bank of Washington, D.C., et als.

Rec'd in Clerk's Office
14/12/12. H. B. Smith, Clerk

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

LONG DISTANCE PHONE 99

Dec. 2, 1910.

Mr. Bradford Kilby,
Attorney at Law,
Suffolk, Va.

Dear Sir:

If you will send this paper to Mr. W. S. McNeill, Atty.
201 American National Bank Building, Richmond, Va., he will
probably accept service.

Very truly,

James H. Corbitt
J.

Dec. 6, 1910.

Mr. W. R. Myers,
Durham, N. C.

Dear Sir:-

Kindly accept service of the enclosed commissioner's notice by signing your name just under the words on the back of the same reading as follows: "Sufficient and legal service of the within notice is hereby accepted". I sent the notice to Richmond at first, but was informed since that you are now living in Durham, N.C.

Send the notice to me by return mail, after signing the same in the manner indicated.

Yours very truly,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee.

vs. | In Equity.

National City Bank of Washington, D. C., et als.

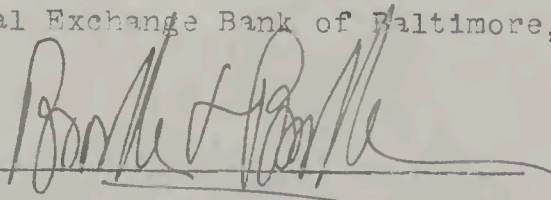
Exception taken by the National Exchange Bank of Baltimore, Maryland, one of the defendants in the above entitled cause, to the report of Bradford Kilby, a Commissioner in Chancery of this Court, to whom this cause has referred by two orders heretofore made herein on November 23rd, 1910, and July 19th, 1911, respectively, which said report is dated April 27th, 1912.

For that the said Commissioner has allowed the Bank of Den-dron, Virginia, to participate and share in the distribution of the funds in the hands of the plaintiff ratably with this de-fendant and the other defendants mentioned in the said report.

Wherefore this defendant does except to the said report of the said Commissioner and appeal therefrom to the judgment of this Court.

National Exchange Bank of Baltimore, Md.

by

A handwritten signature in dark ink, appearing to be "B. M. & B. M.", written over a horizontal line.

Its attorneys.

Filed - July 6th, 1918.
L. E. Bunting,
Clerk

To Robert W. Withers, Trustee-----Complainant.

vs. IN CHANCERY.

National City Bank of Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md. Bank of Dendron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, E. A. Rountree, Miss Emma W. Taylor E. Britt, J. E. Bowen, J. F. Wilroy, T.H. Debnand, Jeremiah Keene, George R. Skinner, J. C. Drewry, trading as J. C. Drewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. C. Chandler, J. S. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. R. Sykes, Mrs. W. T. Grizzard, T. A. Peete, Ben P. Woodward, J. Davis Woodward, C. E. Vick, F. G. Mitchell, and Robert W. Withers, John L. Williams, John Skelton Williams, H. Lancaster Williams, L. M. Williams, and E. L. Bemiss partners trading as John L. Williams and Sons,
-----Defendants.

You are hereby notified that on the 4th day of September 1911, at my office in Suffolk, Virginia (at which time and place you are required to attend) I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 19th day of July, 1911, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

First-To whom the dividends on the stock of W. R. Myers in the Merchants and Truckers Bank of Suffolk, Virginia, should be paid.

Second:- Any other matters specially stated deemed pertinent by himself, or which may be required by any person to be so stated.

And it is ordered that the time and place of taking the accounts herein directed be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in Suffolk, Virginia, prior to the taking of said account, which publication shall be equivalent to personal service of such notice on the parties to this cause. And this cause is continued.

Given under my hand as Commissioner in Chancery of said court the 4th day of August, 1911.

Commissioner in Chancery.

To Robert W. Withers, Trustee-----Complainant.

vs.

IN CHANCERY.

National City Bank of Washington, D. C., Bank of Richmond, National Exchange Bank of Baltimore, Md. Bank of Dandron, W. R. Myers, G. A. Harris, John W. Pond, J. C. Gurley, B. A. Rountree, Miss Mary W. Taylor E. Britt, J. E. Bowen, J. F. Wilroy, T.M. Debraud, Jeremiah Keene, George W. Skinner, J. C. Brewry, trading as J. C. Brewry & Co., R. C. Harrell, W. J. Pond, Chas. F. Taylor, R. O. Chandler, J. B. Hite, John King, T. J. Smith, C. W. Darden, C. J. Woodward, Mary Antoinette Woodward, J. C. Woodward, W. M. Sykes, Mrs. W. T. Grissard, H. M. Peete, Ben P. Woodward, J. Davis Woodward, C. B. Vick, W. G. Mitchell, and Robert W. Withers, John L. Williams, John Skelton Williams, E. Lancaster Williams, L. M. Williams, and W. L. Bemiss partners trading as John L. Williams and Sons, -----Defendants.

You are hereby notified that on the 4th day of September 1911, at my office in Suffolk, Virginia (at which time and place you are required to attend) I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 12th day of July, 1911, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

First-To whom the dividends on the stock of W. R. Myers in the Merchants and Truckers Bank of Suffolk, Virginia, should be paid.

Second:- Any other matters specially stated deemed pertinent by himself, or which may be required by any person to be so stated.

And it is ordered that the time and place of taking the accounts herein directed be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in Suffolk, Virginia, prior to the taking of said account, which publication shall be equivalent to personal service of such notice on the parties to this cause. And this cause is continued.

Given under my hand as Commissioner in Chancery of said court the 4th day of August, 1911.

Commissioner in Chancery.

To Robert W. Withers, Trustee-----Complainant.

vs. IN CHANCERY.

National City Bank of Washington, W. C., Bank of
Richmond, National Exchange Bank of Baltimore, Md.
Bank of Brandon, W. H. Myers, C. A. Harris, John W.
Bond, J. C. Gurley, E. A. Lountree, Miss Anna W. Taylor
E. Britt, J. A. Bowen, J. P. Wilroy, T. M. Debnard,
Jeremiah Keene, George C. Skinner, J. C. Brewry, trad-
ing as J. C. Brewry & Co., R. C. Harrell, W. J. Bond,
Chas. F. Taylor, M. C. Chandler, J. H. Hite, John
King, T. J. Smith, C. V. Darnes, C. J. Woodward, Mary
Antoinette Woodward, J. C. Woodward, W. H. Sykes, Mrs.
W. T. Grisard, T. H. Peete, Ben F. Woodward, J. Davis
Woodward, C. B. Vick, W. G. Mitchell, and Robert
W. Withers, John L. Williams, John Skelton Williams,
H. Lancaster Williams, L. M. Williams, and E. L. Benins
partners trading as John L. Williams and sons,
-----Defendants.

You are hereby notified that on the 4th day
of September 1911, at my office in Suffolk, Virginia
(at which time and place you are required to attend)
I shall take, state and settle the following accounts
which are to be taken, stated and settled and reported
to Court in pursuance of the decree of the Circuit
Court of Hanover County, Va., rendered the 19th day
of July, 1911, in the suit in chancery pending in
said court to which you are parties plaintiff and
defendant, to-wit:

First--To whom the dividends on the stock
of W. H. Myers in the Merchants and Traders Bank
of Suffolk, Virginia, should be paid.

Second:- Any other matters specially stated
deemed pertinent by myself, or which may be required
by any person to be so stated.

And it is ordered that the time and
place of taking the accounts herein directed be published
once a week for four successive weeks in the Suffolk
Herald, a newspaper published in Suffolk, Virginia,
prior to the taking of said account, which publication
shall be equivalent to personal service of such notice
on the parties to this cause, and this cause is
continued.

Given under my hand as Commissioner in
Chancery of said court the 4th day of August, 1911.

Commissioner in Chancery.

In the Circuit Court of Hansemond Co. Virginia

Robt. W. Withers Trustee

vs.

National City Bank of Baltimore et al.

Robt. W. Withers Trustee excepts to so much of the report of Commissioner Bradford Kilby, filed in this cause on the day of May 1912 as holds that the true stockholders of the Merchants Trust Co. of Suffolk Va^c are those persons holding certificates of stock of said bank and not those persons whose names appear as stockholders on the books of the Corporation, for reasons appearing in writing and filed by the commissioner with his report.

Respectfully Robt. W. Withers p. 9.

To Robert W. Withers, Trustee,
Complainant.
vs. IN CHANCERY.

National City Bank of Washington,
D. C., Bank of Richmond, National
Exchange Bank of Baltimore, Md.
Bank of Dendron, W. R. Myers, G. A.
Harris, John W. Pond, J. C. Gurley,
E. A. Rountree, Miss Emma W. Taylor
E. Britt, J. E. Bowen, J. F. Wilroy,
T. H. Debnam, Jeremiah Keene, Geo.
W. Skinner, J. C. Drewry, trading as
J. C. Drewry & Co., R. C. Harrell, W.
J. Pond, Chas. F. Taylor, R. O. Chand-
ler, J. S. Hite, John King, T. J. Smith,
C. W. Darden, C. J. Woodward, Mary
Antoinette Woodward, J. C. Wood-
ward, W. R. Sykes, Mrs. W. T. Griz-
zard, T. E. Peete, Ben P. Woodward,
J. Davis Woodward, C. B. Vick, F. G.
Mitchell, and Robert W. Withers, John
L. Williams, John Skelton Williams,
R. Lancaster Williams, L. M. Williams
and E. L. Bemiss, partners, trading as
John L. Williams and Sons,
Defendants.

You are hereby notified that on the
4th day of September 1911, at my office
in Suffolk, Virginia (at which time
and place you are required to attend)
I shall take, state and settle the fol-
lowing accounts which are to be taken
stated and settled and reported to
Court in pursuance of the decree of
the Circuit Court of Nansemond coun-
ty, Va., rendered the 19th day of July,
1911, in the suit in chancery pending
in said court to which you are parties
plaintiff and defendant, to-wit:

First. To whom the dividends on
the stock of W. R. Myers in the Mer-
chants and Truckers Bank of Suffolk,
Virginia, should be paid.

Second. Any other matters special-
ly stated deemed pertinent by him-
self, or which may be required by any
person to be so stated.

And it was ordered in said decree
that the time and place of taking the
accounts therein directed be publish-
ed once a week for four successive
weeks in the Suffolk Herald, a news-
paper published in Suffolk, Virginia,
prior to the taking of said account,
which publication shall be equivalent
to personal service of such notice on
the parties to this cause.

Given under my hand as Commis-
sioner in Chancery of said court the
4th day of August, 1911.

BRADFORD KILBY,
Commissioner in Chancery.

Aug. 11-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., April 18, 1912

*I hereby certify that the order of which the annexed is a
copy has been published in THE SUFFOLK HERALD in the
manner prescribed by law—once a week for four successive weeks.
beginning Aug 11 1911 and ending*

Sept 1, 1911.

W. J. Kendrick
Editor Herald

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF VIRGINIA.

In the matter of

J. B. Philhower & Son,
Bankrupt.

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In Bankruptcy.

To the creditors of J. B. Philhower & Son, of Suffolk,
Virginia, in the county of Henric, and district aforesaid,
bankrupt:

NOTICE is hereby given that on the 9th day of November,
A. D., 1911, the said J. B. Philhower & Son was duly adjudicated
bankrupt; and that the first meeting of their creditors will be
held in the office of W. H. Crumpler, at Suffolk, Virginia, on
the 2nd day of December, A. D., 1911, at 10 o'clock A. M., at
which time the said creditors may attend, prove their claims,
and a trustee, examine the bankrupt, and transact such
business as may properly come before said meeting.

W. H. Crumpler,

Referee in Bankruptcy.

November 15th, 1911.

Virginia,

Circuit Court for the County of Nansemond, to-wit:

Robert W. Withers, Trustee, Complainant.

v.

National City Bank of Washington, D.C. et als. Defendants.

Commissioner's Office,

Suffolk, Va. April 27, 1912.

To Honorable James L. McLeMore, Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 19th. day of July 1911 in the suit in chancery pending in said court between Robert W. Withers, Trustee, Complainant, v. National City Bank of Washington, D.C. et als, Defendants, the undersigned Bradford Kilby, one of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 4th. day of August 1911, your commissioner gave notice to the parties to said suit, that he would proceed on the 4th. day of September 1911 at his office in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That your commissioner caused to be published the time and place of taking the accounts directed in said decree ~~to be published~~ once a week for four successive weeks in the Suffolk Herald a newspaper published in Suffolk, Virginia, prior to the taking of said accounts, which publication, as provided in said decree, was equivalent to personal service of such notice on the parties to said suit. A copy of the publication of said notice, together with the editor's certificate that it was published as required in said decree is returned herewith and made a part of this report.

The agreed statement of facts and briefs of counsel are also returned herewith and made a part of this report.

From the said agreed statement of facts and briefs and information otherwise obtained, your commissioner reports as follows:

(I)

That the dividends on the stock which stood on the books of the Merchants and Truckers Bank of Suffolk, Va. in the name of W. R. Myers at the time of the deed of assignment made by said Bank, should be paid to the holders of said certificates of stock. The holders of said certificates of stock are as follows:

National City Bank of Washington D.C., one certificate of stock for \$5000.

John L. Williams and Sons, Assignee of
^ ~~Bank of Richmond~~, Richmond, Va. one certificate of stock for \$5000.

National Exchange Bank of Baltimore, Md. one certificate of stock for \$5000.

Bank of Dendron, Dendron, Va. one certificate of stock for \$500.

(2)

There are no other matters specially stated deemed pertinent by your commissioner or required by any person to be so stated.

Your commissioner is requested by Mr. Robert W. Withers, Counsel for the plaintiff in this cause to note an exception to the above ruling and to pass the papers on to the court for its decision.

Respectfully submitted this 27th. day of April 1912.

Bradford Kilby
Commissioner in Chancery.

Commissioner's fee: \$25.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY
VIRGINIA.

Robert W. Withers, Trustee,

v.

National Exchange Bank of Baltimore, Md. et als.

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FACTS AGREED.

That sometime prior to the 16th day of April, 1909, the date of the deed referred to as Exhibit A in complainant's bill, the Bank of Richmond had had pledged with and assigned to it fifty (50) shares of One Hundred Dollars (\$100.00) each, Certificate No. 15, of the capital stock of the Merchants & Truckers Bank standing in the name of W. R. Myers, by him endorsed in blank, with a power of attorney executed by the said W. R. Myers in blank endorsed thereon authorizing the transfer of the same on the books of the corporation, as collateral for a large cash loan; that said certificate attached to a properly executed power of attorney with full power to hypothecate, transfer, sell or assign said stock was then handed over to and was held by the said Bank of Richmond as security for said cash loan; that said security represented fully paid and non-assessible stock having been so issued on August 6th, 1906, and in fact that the said stock had been actually paid for by the said W. R. Myers; that the said Bank of Richmond was at all times without notice, actual or constructive, of any lien, encumbrance or any prior equity whatever held against the said stock by anyone at all or by the said complainant in particular; prior to April 16th, 1909; that the said Bank of Richmond therefore was a bona fide assignee for value; that while being a bona fide assignee for value, the said large cash loan not being paid to the said Bank of Richmond at maturity, the said Bank of Richmond, by virtue of the power of attorney attached to

the said certificate, in order to apply the proceeds from the sale towards the liquidation of the said loan, sold said certificate with the endorsements thereon heretofore set forth at public auction in Richmond, Virginia, on the 25th day of August, 1909; that at the said sale John L. Williams, John Skelton Williams, R. Lancaster Williams, L. M. Williams and E. L. Bemiss, partners, trading as John L. Williams & Sons became the purchasers of said certificate and are now the holders of same; that said John L. Williams & Sons ^{had} ~~have been at all times~~ with notice of some debt due by the said W. R. Myers to the said corporation or to the complainant, Robert W. Withers, Trustee; the said John L. Williams & Sons are, therefore, bona fide assignees for value with the notice aforesaid; that the said fifty (50) shares of stock represented by the said certificate still stands on the books of the Merchants & Truckers Bank in the name of W. R. Myers aforesaid; that Robert W. Withers, Trustee, has in his hands for distribution a certain sum of money, to-wit, \$, that all of the creditors and depositors of the said Merchants & Truckers Bank have been paid in full by the said Trustee; that the total amount of the capital stock subscribed and paid for of the Merchants & Truckers Bank is \$; and that the holders of the said stock and certificates therefor have received no portion of the amount represented by the said shares.

That the said By-laws of the Merchants and Truckers Bank, a corporation organized and chartered under the laws of Virginia, expressly provide that the shares of said corporation can be transferred only by a surrender of an outstanding certificate and the issuance of a new certificate and by entry on the books of the corporation; that on said certificate of stock held as aforesaid by Jno. L. Williams & Sons, partners, etc., there is printed the following clause: "This certifies that W. R. Myers is the owner of fifty shares of one hundred dollars each of the capital stock of The Merchants and Truckers Bank, Incorporated, fully paid and non-

assessable, transferable only on the books of the corporation by the holder hereof in person or by attorney upon surrender of this certificate properly endorsed;" that said certificate was never presented to the said corporation or to Robt. W. Withers, trustee, as aforesaid, for transfer on the books of the corporation either by Bank of Richmond, Jno. L. Williams & Sons or others.

That on the 16th day of April, 1909, the Merchants & Truckers Bank, through its corporate officers, transferred, conveyed and assigned to Robt. W. Withers, trustee, all of its land, personal property, equities, claims, demands, choses in action and all other property or property rights in trust, first for its creditors, and, second, for its stockholders; that at and before said conveyance and assignment the said Robt. W. Withers, trustee, had no notice of any pledge, hypothecation, sale or transfer of any of the shares of stock then appearing on the books of the corporation in the name of W. R. Myers, though he subsequently acquired knowledge of the same; that by virtue of said conveyance and assignment the said Robt. W. Withers, trustee, succeeds to and is entitled to any and all property, equity set-off, choses in action or other rights held owned or enjoyed on or before the 16th day of April, 1909, by the said Merchants and Truckers Bank, Incorporated. That on the 16th day of April, 1909, said W. R. Myers was heavily indebted to said Bank; that he is insolvent, and that after realizing on all other securities held by said bank, the said Myers is still indebted to said Bank or its successors in a sum far in excess of any dividend or payment due by said trustee on all the stock standing in said Myers name on the books of the corporation.

*Robt. W. Withers Atty for
Robt. W. Withers Trustee
James H. Corbett, Atty for
John L. Williams & Sons*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robert W. Withers, Trustee

vs.

National City Bank of
Washington, D. C. et als.

Agreed Statement of Facts.

On the 16th day of April, 1909, the Merchants & Truckers Bank, through its corporate officers, transferred, conveyed and assigned to Robt. W. Withers, trustee, all of its land, personal property, equities, claims, demands, choses in action and all other property or property rights in trust, first for its creditors, and, second, for its stockholders; that at and before said conveyance and assignment the said Robt. W. Withers, trustee, had no notice of any pledge, hypothecation, sale or transfer of any of the shares of a stock then appearing on the books of the corporation in the name of W. R. Myers, though he subsequently acquired knowledge of the same; that by virtue of said conveyance and assignment the said Robt. W. Withers, trustee, succeeds to and is entitled to any and all property, equity set-off, choses in action or other rights held owned or enjoyed on or before the 16th day of April, 1909, by the said Merchants and Truckers Bank, Incorporated. That on the 16th day of April, 1909, said W. R. Myers was heavily indebted to said

Bank; that he is insolvent, and that after realizing on all other securities held by said bank, the said Myers is still indebted to said Bank or its successors in a sum far in excess of any dividend or payment due by said trustee on all the stock standing in said Myers name on the books of the corporation.

Therefore, to wit: on July 23, 1907, the said W. R. Myers, being then solvent, applied to and obtained from this defendant a cash loan in the sum of five thousand (\$5000.00) dollars, for which a promissory note of the said Myers, in the said sum, was taken by this defendant, on which said note a large amount, to wit: three thousand nine hundred and sixty (\$3960.00) dollars, with interest, remains due and unpaid, and on which judgment was confessed, on the ____ day of Jan., 1910, by the said Myers, through his duly authorized attorney, in the Law and Equity Court of the City of Richmond, Virginia, but which judgment, on execution, was returned "no effects".

On July 23, 1907, the said W. R. Myers, in order to obtain the said loan, pledged with and assigned to this defendant the fifty (50) shares of capital stock, certificate No. 44. The said certificate, attached to a properly executed power of attorney, with full authority to hypothecate, transfer, sell or assign said stock, was at the time handed over to and is now held by this defendant as collateral security for said cash loan; and the said certificate represents fully paid up capital stock, having been so issued, August 6, 1906, to the said W. R. Myers. That the said fifty (50) shares of stock, represented by the said certificate, still stand on the books of the Merchants & Truckers Bank in the name of W. R. Myers aforesaid.

said

That the ~~said~~ By-laws of the Merchants and Truckers Bank, a corporation organized and chartered under the laws of Virginia, expressly provided that the shares of said corporation can be transferred only by a surrender of an outstanding certificate and the issuance of a new certificate and by entry on the books of the corporation; that on said certificate of stock held as aforesaid by The National City Bank of Washington, D.C. ~~the National City Bank of Washington, D.C.,~~ there is printed the following clause: "This certifies that W. R. Myers is the owner of fifty shares of one hundred dollars each of the capital stock of The Merchants and Truckers Bank, Incorporated, fully paid and nonassessable, transferable only on the books of the corporation by the holder hereof in person or by attorney upon surrender of this certificate properly endorsed"; that said certificate was never presented to the said corporation or to Robt. W. Withers, trustee, as aforesaid, for transfer on the books of the corporation either by the National City Bank of Washington, D. C. or by any one else.

As to notice; the plaintiff, at the date of his appointment and of the said assignment to him, was entirely unaware of the said transactions between W. R. Myers, and this defendant, at the date of the loan and until the plaintiff's present bill was filed, was and is without notice, actual or constructive, of any lien, encumbrance, set-off, or any equity whatever held against the said W. R. Myers or the said stock by any one at all, including this plaintiff.

That Robert W. Withers, Trustee, has in his hands for distribution a certain sum of money, to wit, \$, that all of the creditors and depositors of the said Merchants & Truckers Bank have been paid in full by the said Trustee; that the total amount of the capital stock subscribed and paid for of the Merchants & Truckers Bank is \$; and that the holders of the said stock and certificates therefor have received no portion of the amount represented by the said shares.

The question, therefore, is: to whom shall the dividend on these 50 shares be paid, -

- (1) To the present holder of the certificate, -
- (2) Or to the plaintiff, to be applied on Myers' debt to the insolvent bank?

Robert W. Withers atty for
Robert W. Withers Trustee

W. S. McNeill, atty. for The
Nat'l City Bank of Washington, D.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Robt. W. Withers, Trustee.

v/.

National Exchange Bank of Baltimore, Md.
et als.

Facts Agreed by and between the plaintiff and
the National Exchange Bank of Baltimore, Md.

That on the 23rd day of June, 1908, W. R. Myers, President of the Merchants & Truckers Bank of Suffolk, Virginia, obtained from the National Exchange Bank of Baltimore, Maryland, a cash loan of \$3500.00; That he, the said W. R. Myers, made and delivered to the said National Exchange Bank of Baltimore, Md., at the same time with the transaction aforesaid, a certain promissory, negotiable note, made by the said W. R. Myers, payable 90 days after the date thereof, at the Banking house of the said National Exchange Bank of Baltimore, Md., in the sum of \$3500.00 and bearing interest, after maturity, at the rate of six per centum per annum; That at the same time as aforesaid the said W. R. Myers also delivered to the said National Exchange Bank of Baltimore, Md., with a properly executed power of attorney attached thereto, a certain certificate of stock, numbered 14, for fifty shares of the capital stock of the said Merchants & Truckers Bank of Suffolk Va., of the par value of \$100.00 for each and every share, which said certificate of stock had been issued to the said W. R. Myers by the said Merchants & Truckers Bank of Suffolk, Va., on the 7th day of August, 1906, and was fully paid and non-assessable; as collateral security, however, for the repayment by him, the said W. R. Myers, of the loan aforesaid, which said note, power of attorney and certificate of stock ^{or several thereof,} are filed herewith and are

to be read as a part of this agreed statement of facts; That the said fifty shares of stock represented by the said stock certificate numbered 14 still stand on the books of the Merchants & Truckers Bank of Suffolk, Va., in the name of W. R. Myers; That the said note for \$3500.00 was successively renewed by the said W. R. Myers at various times and became due and was not paid, and still is due and unpaid on the 22nd day of March, 1909, and no part thereof has been paid; That the said W. R. Myers is now insolvent and is indebted to the Merchants & Truckers Bank of Suffolk, Va., in the sum of \$; That the said National Exchange Bank of Baltimore, Md., had no notice, at the time that it loaned the said sum of money to the said W. R. Myers and took the said stock certificate as collateral security for the repayment thereof, of the existence of any claim against, interest in, title to, equity in or lien against the said shares of stock and that it had no notice of the claim to any such lien, equity, claim, interest or title until the filing of the bill in this suit by the said Robt. W. Withers, Trustee; That the said National Exchange Bank of Baltimore, Md., had no knowledge of any of the provisions of the charter or by-laws of the said Merchants & Truckers Bank of Suffolk, Va., at the time of the transaction aforesaid with the said W. R. Myers, and still has no knowledge of any of the said provisions; That the said Robt. W. Withers, Trustee, has in hand for distribution a certain sum of money, viz: \$; That all the creditors of the said Merchants & Truckers Bank of Suffolk, Va., have been paid in full by the said trustee; That the amount of the capital stock subscribed and paid for of the said Merchants & Truckers Bank of Suffolk, Va., is \$; and that the holders of the said stock have received no portion of the amount represented by the said shares. It is further agreed that the deed

of assignment to Robt. W. Withers, Trustee, by the said Merchants & Truckers Bank, of Suffolk, Va., or a true copy thereof, and the by-laws of the said bank be read as a part of this agreed statement of facts. It is further agreed that the said National Exchange Bank of Baltimore, Md., is still the holder, as aforesaid, of the said stock certificate numbered 14, and had no knowledge of the indebtedness, if any, of the said W.R. Myers to the said Merchants & Truckers Bank at the time of the transaction aforesaid nor until the filing of the said bill by the said trustee,

That at the time of the execution and delivery of the deed of assignment from the Merchants and Truckers Bank to Robt. W. Withers, Trustee, the said Trustee had no notice of the said debt due by Myers to said Natl Exchange Bank or the delivery of said certificate of stock #14 to it.

National Exchange Bank of Baltimore, Md.

By

Bond & Smith

Its attorneys.

Robt. W. Withers
Trustee

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA.

Robert W. Withers, Trustee,

v.

National City Bank of Washington, D. C., National
Exchange Bank of Baltimore, Md., John L. Williams
& Sons et als:

AGREED STATEMENT OF FACTS TO SUPPLEMENT THE AGREED
STATEMENTS OF FACTS MADE BETWEEN THE PLAINTIFF AND
EACH OF THE ABOVE NAMED DEFENDANTS.

It is further agreed that the original or a certified copy of the deed of assignment dated April 16th, 1909, from Merchants & Truckers Bank to R. W. Withers, Trustee, the by-laws of the said Merchants & Truckers Bank, the stock certificates held by the above named defendants with all endorsements thereon made by W. R. Myers, the notes and powers of attorney signed by him in connection with the questions in issue between the plaintiff and the above named defendants may be submitted to the Court as evidence by any party in interest, and, in the event of any conflict between the facts as shown on the face of these papers and the agreed statements of fact heretofore signed, the facts as shown on the papers above enumerated shall control those set forth in the agreed statements heretofore entered into.

*Robert W. Withers Atty for
Trustee Robert W. Withers
James H. Corbitt, Atty. for
John L. Williams & Sons
W. S. McNeill, Atty. for the
Nat'l City Bank of Washington, D.C.*

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA.

Robert W. Withers, Trustee,	:	
vs.	:	Note of Argument and List of
National City Bank et als.	:	Authorities for the National
	:	City Bank of Washington, D. C.
	:	

STATEMENT OF THE CASE.

The case presented by this bill, by this defendant's answer, and by the agreed facts, briefly stated, is:

On April 16, 1909, the plaintiff was made trustee of the insolvent bank. At that time 50 shares of the capital stock of the bank stood on the bank's books in the name of W. R. Myers. The plaintiff had no notice that the said 50 shares had in fact theretofore been transferred for value to this defendant, in the manner set forth in the facts, and the stock certificate shows on its face how, so far as the company is concerned, stock may be transferred. Further the said Myers was, on April 16, 1909, indebted to the insolvent bank, is still so indebted, and is himself insolvent. There is now in the hands of the trustee a dividend fund ready for distribution among stockholders, all debts having been paid.

Therefore the question presented is: to whom shall the dividend on these 50 shares be paid?: To the present holder of the certificate, viz: this defendant; or to be applied on Myers' debt to the insolvent bank?

1.

First, one should note what would be the effect of applying this dividend to Myers' debt?

It is to be remembered that the insolvent bank has paid all of its debts, it now owes no money, and therefore there is no question of creditors to come in or create any confusion.

Further, it is to be remembered that this bank is no longer to do business. Its affairs are being wound up, and therefore there is no question of benefitting this bank as an institution doing business for or with the public. To the bank, as such, it is immaterial to whom this money shall go.

Doubtless no contention will be made that the plaintiff, receiver or trustee, is in any better position than his predecessor, the Merchants and Truckers Bank. The law in that regard seems clear.

The appointment of a receiver or trustee vests in the court no general authority to displace vested contract liens:

Kneeland v. Amer. L. & T. Co.,	136 U. S.	89
Thomas v. Western Car Co.,	149 U. S.	95
Virginia etc. Coal Co., v. Cent. Ry. Co.	170 U. S.	355

A receiver or trustee can acquire no other, greater, or better interest than the debtor had in the property:

Philadelphia etc. Bk. v. Yardley, 165 U. S. 634

He stands in the shoes of the insolvent (Devendorf v. Beardsley, 23 Barb. 656), and can set up no rights against claims which the debtor could not have set up (34 Cyc. 388), and takes the property subject to the same equities and liens as he finds it in the hands of the person or corporation out of whose possession it is taken (34 Cyc. 193 and cases cited).

See also:

Boyle v. Townes,
Beverly v. Brooke,
Bank v. Hupp,
Thornton v. Bank,
Bristow v. Bldg. Co.,
Hulings v. Jones,

9 Leigh 158
4 Gratt, 188
10 Gratt, 23, 38
76 Va. 433
91 Va. 27
60 S. E. 874 (W. Va.)

In that view of the case, notice or no notice to the receiver or trustee would appear an immaterial factor, if, at the date of his appointment, this defendant was already a bona fide assignee for value of the stock in question.

Hence the controversy, if there be one, lies between stockholders who stand on exactly the same footing, except that the one class has its names on the books of the company and the other has not. The effect therefore of applying this dividend to Myers' debt would be to prefer the former class of stockholders at the expense of the latter.

This is a result which, certainly on its face , does not appear to be a fair one, but it may correctly be urged that results do not count, if opposed by a positive rule of law. One should then turn to the law on the point.

II.

It is submitted that, at common law, a bank has no lien on the stock of its stockholders:

New Orleans Bk. Assn. v. Wilts,	10 Fed.	330
Boyd v. Redd,	120 N. C.	335 (27 S.E. 35)
Gemmell v. Davis,	75 Md.	546
Fitzhugh v. Bank,	3 T. B. Mon. (Ky)	126
Farmers Bk. v. Wasson,	43 Ia.	336

It is admitted that, by a proper charter or general statute so worded, a shareholder may be prevented from selling his stock while being indebted to his bank:

Bohmer v. City Bank,	77 Va.	445
Cecil Nat. Bk. v. Watsontown Bk.,	105 U. S.	217

And, if such a stockholder sells the stock anyway, the assignee would acquire only an equity, subject to the bank's lien:

Ince. Co. v. Cullom,	49 Ala.	558
Bank v. N. Y. etc. Ry. Co.,	13 N. Y.	599

Moreover, it is admitted, according to the preponderance of authority, that a bank, through a proper by-law to the same effect, may likewise create in its own favor a lien on the stock of such a stockholder, and such a by-law will bind all mala fide purchasers of such stock, i. e., all purchasers with notice, express or implied:

Ince. Co. v. Bank,	63 Ala.	585
Tuttle v. Walton,	1 Ga.	43
Leggett v. Bank,	24 N. Y.	283
Heart v. State Bank,	77 N. C.	111
Brent v. Bank,	10 Pet. (U. S.)	596
Bohner v. City Bank,	77 Va.	445

See, however, Nesmith v. Washington Bank, 6 Pick. 324 and Plymouth Bk. v. Norflok Bank, 10 Pick. (Mass) 454, where the Court doubts that such a lien can be created through a by-law.

But, if the purchaser be bona fide, i. e., ignorant of the existence of the by-law, he takes free and clear of the bank's lien:

Evansville Bk. v. Met. Bk.,	2 Biss. (U. S.)	527
Merchants Bk. v. Shouse,	102 Pa. St.	488
Driscoll v. West etc. Mfg. Co.,	59 N. Y.	96
Ince. Co. v. Bank,	63 Ala.	585

Therefore, in order to have any efficacy, there must be such a by-law and it must be brought home to the purchaser. In the case at bar, not only is there no notice to this defendant, but also there is no by-law to that effect, nor does it appear from the record that Myers was indebted to plaintiff's predecessor when this defendant acquired the stock in question.

For, first, a by-law which provides that no transfer can be made by an indebted stockholder and that the certificates of stock shall contain this notice does not apply to an assignee of stock as collateral security, who simply knows that the stock is transferable at the office of the company:

Holly Springs Bk. v. Pinson, 58 Miss 421 (38 Amer. Rep. 330)

Secondly, nowhere in this record is there any by-law disallowing an indebted stockholder the right to assign his stock at will.

Thirdly, such a lien, at best, will not cover stock transferred before the indebtedness was incurred:

Reese v. Bk. of Com.,	14 Md.	271
Callanan v. Edwards,	32 N. Y.	483
Conant v. Reed,	1 O. St.	298

Nothing in the record shows when Myers became indebted to plaintiff's predecessor, and the burden is upon the plaintiff to show that Myers was so indebted at the time the stock was assigned to this defendant, otherwise, even if there were such a by-law, no avail thereof could be made by the plaintiff against this defendant. Whereas the facts show that this defendant became the assignee of the stock on July 23, 1907, and, so far as appears, Myers was not indebted to plaintiff's predecessor until April 16, 1909.

But, to put the case as strongly as possible in favor of the plaintiff, let it be assumed that: (1) Myers was indebted in July, 1907, to plaintiff's predecessor; and (2) this defendant was sufficiently notified as to the company's requirement concerning transfers of its capital stock. Still, according to the law in this Commonwealth, plaintiff's predecessor (and consequently the plaintiff) would have no lien assertible against this defendant.

III.

That statement necessitates an examination and review of the Virginia decisions and statutes.

As early as 1884, a clear-cut line of distinction between two classes of cases, was established in this State. That is to say, a great deal depends upon the kind of debt due by a stockholder to a corporation. If the debt is for stock not fully paid up, that is one thing. If the debt arises from any other source, that is a very different thing.

In Petersburg Savings & Ince. Company vs. Lumsden, 75 Va. 327, it was held,

That by statute (of 1860) a lien is created upon the stock of each stockholder for the balance due upon his shares of stock, and, if assigned, the lien is not discharged.

That rule is unquestionably a sound one, and seems to be law to-day. See Code of Va., Sec. 1105 e (57).

But the Petersburg case goes on at pp. 333/4 to hold, neither the statute nor a by-law of the company gives any lien to the company on the stock of a stockholder for any other debt from him, than that which is due for unpaid stock.

In this regard and more definitely expressed, that case held: the Code of 1860, c. 57, secs. 21, 22 provided that, if payments on stock subscriptions were not made as required by the president and directors, the stockholder's shares might be sold at public auction after notice, and out of the proceeds shall be paid the charges on the shares, with interest, and the surplus, if any, paid to the delinquent stockholder. Still, the Court said, these statutes gave the corporation no lien on the stock of a subscriber for any debts other than unpaid subscriptions, and hence an indorser on a note for such subscriptions was entitled to have the stock applied in payment thereof, in preference to other debts due from the stockholder to the company, notwithstanding one of its by-laws provided that the interest of any stockholder shall be liable for the payment of all debts which may be due from him to the company.

This latter ruling fits exactly the case at bar. The plaintiff's bill alleges, and the answer of this defendant admits, and the agreed facts show, that the stock in question was fully paid up when the certificate was issued. Therefore the debt now held against Myers is not of the kind on which a lien is given against a stockholder's stock, but is another or "other debt", which even a by-law, if unknown, could not reach. This latter point has already been noted and comes up again later with respect to the reading on the face of the certificate.

It would seem to follow that this defendant, being Myer's bona fide assignee for value, is in the precise position of the indorser in the Petersburg case, and comes in ahead of the plaintiff, unless the rule in the Petersburg case has since been changed by decision or statute.

The decisions, since rendered in Virginia in so far as applicable at all, are however in accord with the Petersburg case:

Shenendoah Valley Ry. Company vs. Griffith,	76 Va.	913
Massey vs. Yancey,	90 Va.	626
Gold vs. Paynter,	101 Va.	714

The only case that could possibly be construed to lean the other, ~~way~~ is:

Bohmer and Isterloh vs. City Bank of Richmond, 77 Va. 445

In that case the bank received its charter by act of the legislature (Acts 1869-70, p. 488), and in that charter was this provision:

"The bank shall have a lien prior to all others upon any stock held by a stockholder for any debt of said stockholder to said bank".

Held, the Act of 1870, incorporating this bank, superseded the general law as to chartered companies, providing for the transfer of stock, and gave the bank the prior lien.

The case however cannot apply to the one at bar, for the reason that no such special charter power is pleaded or shown in the facts, nor in truth is there any such charter or power.

Moreover in the Bohmer case, as the lien was created by statutory law, every purchaser was held to have notice of it. There could, therefore, be no bona fide purchaser of such stock. Consequently, not only did the bank have a lien, but the purchaser also knew of it. Neither of those facts appears or exists in the case at bar.

From the foregoing, it would seem that, so far as the adjudicated cases (both outside of and within the State) go,, and are in point, the law is wholly in accord with the contention of this defendant in this matter.

For further investigation, however, there remains a consideration of the Acts of the Virginia Assembly, with respect to this question.

IV.

The Code of 1904, Sec. 1105 e (20), (21), (22), (57), (58) and (59), shows the pertinent clauses of the Virginia Act Concerning Corporations. These statutes, it is submitted, establish even more clearly the doctrines set forth in the hereinbefore cited cases; and bear out unbrokenly the contention of this defendant in the case at bar.

Clauses 20, 21, 22 deal with the right to vote on or for the shares issued, and enact that, in the absence of anything to the contrary (e. g., charter, amendment, by-law, contract etc.), the person in whose name the share stands on the books of the company, shall be the proper voter.

Clause 57 deals with assignments on the books, and is of interest here to show that the rule in the Petersburg case (i. e. the sharp distinction between assignments of stock fully paid for and of that not paid for), is unwaveringly adhered to, now indeed by legislative enactment.

Where the requirement of registration of the transfer on the books of the company (as in this case) is established, not by statute but in the by-laws merely, such by-laws are regarded as merely arrangements of the corporation for its own convenience in regulating the payment of dividends etc., and not as affecting strangers:

Sargent v. Essex etc., Corp.,

9 Pick. (mass.) 202

Clause 58 deals with ownership, and enacts merely that, so far as the corporation itself is concerned, the person whose name appears on the company's books shall be deemed the owner of the shares set against his name.

Now, the question is: Does that statute give the corporation a lien on such stock whenever that person becomes, in the ordinary course of business, a debtor of such corporation; or, does the statute only protect the corporation in sending out notices of stockholders' meetings, in paying dividends, in issuing new shares for lost certificates, in levying assessments (where legal and proper) in paying the right person at dissolution, and the like?

No Virginia decision exactly answering those questions, has been found by this defendant. But see, *Downing v. Thompson*, 103 Va. 58 (48 S. E. 506).

There is no wonder that the former question remains undiscussed in the books, for the idea of creating a lien in any such manner is too strained to merit serious consideration. A statute purporting to give a lien, in addition to those known to the common law, must, like all other innovations or derogations of the common law, be clear and definite in its terms to that effect. Surely no such construction of clause 58 can be seriously maintained.

This is especially true where Clause 59 and the whole trend of the decisions in other States answer the second question above in the affirmative. The corporation needs to be protected in those particulars, and the Virginia Statutes clearly recognize that necessity, and go no further.

The usual share certificate contains on its back a printed assignment or indorsement and also a power of attorney in blank (and so it is on the certificate here in question). This is signed by the person to whom the shares are issued. In this manner, by the usages of business, of which the courts take judicial notice, the certificate may be passed from hand to hand indefinitely. When it reaches the hands of someone who wishes to assume the legal rights of a shareholder, so as to be entitled to vote at corporate elections and to receive dividends, he fills up the blanks, and has the stock transferred to him on the books of the company:

Brisbane v. Ry. Co.,	25 Hun (N. Y.) 438
10 Cyc. pp. 594-595, and cases cited.	
Becher v. Flouring etc. Co.,	1 Fed. 276

Any other rule in law would be so surprizing and disconcerting in the business world, even a layman would be confident that no bank would lend money on corporation shares if the title of the lender would be subject to the eventuality that the borrower was at the time indebted to the bank issuing the stock.

This position does not necessitate the assumption that stock certificates are negotiable instruments in the full sense of the term. Such instruments, however, do possess a quasi-negotiability dependent upon the customs of merchants and the convenience of trade:

Land Co. v. Dennis,	85	Ala	565 (2 L. R. A. 836)
Shaw v. Spencer,	100	Mass	382
Nat. Bk. v. Richards,	6	Mo. App.	454
Davis v. Hanly,	12	Ark.	645
Gregory v. Wendell,	39	Mich.	337

This more or less dim line of semi-negotiability has quite naturally produced a conflict of authority as to the rights of a bona fide assignee of a stock certificate, who purchased from a holder against whose ownership there was in fact an outstanding lien. There are decisions both ways, but the rule generally recognized and applied in America, is that such assignee may get a greater interest in the certificate (consequently in the shares represented by it), than the original owner had:

Winter v. Light Co.,	89	Ala.	544
Stinson v. Thornton,	56	Ga.	377
Williams v. Fletcher,	129	Ill.	356
Walker v. Ry. Co.,	47	Mich.	338
Turnpike Co. v. Ferree,	17	N.J. Eq.	117
Weaver v. Barden,	49	N. Y.	286
Westinghouse v. Nat. Bk.,	196	Pa. St.	249
Johnston v. Laflin,	103	U.S.	800

The theory underlying this doctrine is that statutory or other provisions that the shares shall be transferable on the books of the company, are for the benefit of the company merely:

Springs Co. v. Harris,	20 Mo.	382
Joslyn v. St. Paul etc. Co.,	44 Minn.	183
Smock V. Henderson,	4 Wils. (Ind.)	241

The whole doctrine of the respective rights and priorities existing between the creditor corporation and the bona fide assignee of unregistered corporate shares, is fully discussed and amply supported by cited authority in 10 Cyc. pp. 632-640, on the latter of which pages, this language is used:

"It is also a sound view that where the corporation issues certificates stating that the shares are paid up, and without reserving a lien _____ on the face of the certificates, it ought to be estopped from asserting a lien against an innocent purchaser or pledgee without notice".

Clause 59 enacts into law in Virginia that the transactions in this case put a good title, both legal and equitable, into this defendant. This title is not reduced, or weakened, or made subject to any lien, by the proviso concerning Clauses 57 and 58, for the reason that those latter clauses do not give any prior lien on paid up stock to the corporation, but go only to protect the company with respect to paying dividends etc.

Reduced to a brief summary, the contentions of this defendant are:

(1) To prefer the corporation in this case is in reality to give priority to one class of stockholder over another, when there is no just claim of the superiority of the one over the other. (2) The present plaintiff, as receiver or trustee, is in no better position than his predecessor, the bank. (3) At common law, a bank has no lien on the stock of its stockholders. (4) There is, in this case, no general law, no charter provision, no by-law, and no contract, to create any lien in favor of the bank. (5) Even if there were such by-law or contract lien, no notice thereof is brought home to this defendant, either expressly or by implication. (6) It does not appear in the record that the bank was a creditor at the time or before this defendant acquired the stock in question. (7) It does appear that said stock was fully paid up, and that the bank's claim against its stockholder is for a general debt, in no way protected by any lien statutory, by-law, contractual, or otherwise. (8) The Petersburg case and Sec. 1105 e of the Code are conclusive with respect to the law in Virginia. (9) The requirement of registration, appearing on the face of the certificate, is intended for the convenience of the company, and not to create any lien, which latter can be done only in an express or very clear manner. (10) Certificates of stock are not absolutely negotiable, but do have so much negotiability as is necessary to perfect an assignment in good faith and for value. (11) Any other rule would be disastrous commercially, and this rule is the law generally in America.

For these, and other mentionable, reasons, it is submitted that this defendant is entitled, both legally and equitably, to whatever manner of benefit, preference, or dividend there may have accrued and may accrue to certificate 44, against funds in the hands of the receiver or trustee in this cause.

Respectfully submitted,

W.S. McNeill

*Att'y. for Nat'l City Bank
of Washington, D.C.*

Brief of Robt. W. Withers.

Robert W. Withers, Trustee,)
vs.)
National Exchange Bank, et al.)

1. Definitions. As used in this note, the Merchants and Truckers Bank will be called the Corporation; the National City Bank of Washington, D. C., the National Exchange Bank of Baltimore, John L. Williams & Sons, and the Bank of Dendron will be called the Holders, or the Holders of the Certificate; W. R. Myers will be called the Assignor, and R. W. Withers the Trustee.

2. Distinguish.

A. This is not a controversy between W. R. Myers and his assignees of his stock certificates, nor between successive assignees of the same stock. The court is not called on to decide their respective rights as between themselves in this stock.

B. The holders of the certificates are not asking and have not asked the corporation to issue new certificates to them and to enter their names as stockholders on the books of the corporation. They are not now asking to be allowed to become complete stockholders by registration, etc., but their claim is that they are already complete stockholders as to the corporation, and became so the moment the stock certificates were delivered to them with the powers of attorney. Even if the holders should now ask for new certificates and registration, it could not be allowed them, and, if physically accomplished, would not enlarge their rights,

Because:

- (1) There exists no active organization or officers to make the transfer and issue new certificates.
- (2) The rights of the parties became fixed as of the sixteenth of April, 1909, when the assets of the corporation were conveyed to the trustee upon specific trusts.
- (3) Neither the court nor the trustee has the power to alter the cestuis que trust as defined by the deed of assignment.

C. The corporation, or the trustee standing in its shoes, claims no specific lien on the stock to satisfy debts due the corporation by its stockholders.

3. The issue. On April 16, 1909, the corporation conveyed all of its assets and rights to the trustee in trust, first, for its creditors, and, second, for its stockholders. All the creditors having been paid in full, and there remaining a balance in the hands of the trustee, he filed his bill asking aid of the court in discharging his trust, and specifically for directions as to who are to be considered stockholders of the corporation and entitled to share in the proceeds in his hands. W. R. Myers appears on the books of the corporation to be the owner of two hundred shares of stock. At the time of the conveyance to the trustee, neither the corporation or the trustee had notice that Myers had assigned his stock to the present holders as collateral security for his debt. The trustee acquired knowledge of these assignments long after the sixteenth of April, 1909. It is claimed by the corporation and trustee that those persons only whose names appear on the books of the corporation as stockholders are entitled to share in the trust funds; it is claimed by the holders of the certificates that the assignment of the stock to them with power of attorney, etc., makes them stockholders, and as such they

are entitled to share in the trust fund. It is practically admitted that, if Myers is to be treated as a stockholder, the trustee has the right to set off the dividend or payment due Myers, against the debt Myers owes the corporation; on the other hand, if the present holders are to be treated as stockholders under this trust, the trustee has no such right as set-off against them. The court is therefore called upon to decide whether Myers or the holders, as to the corporation or trustee, is to be treated as the owner or owners of this stock, and in deciding this question it will be found to turn upon the question of what is best evidence, as to the corporation, of its stockholders: possession of the certificate, or the stock book of the corporation.

4. This is a controversy between the corporation as represented by the trustee who, it is admitted in the agreed statement of facts, is entitled to all the rights and stands in the place of the corporation, on the one side, and those claiming to be stockholders by virtue of the possession of certain stock certificates, on the other. By the trust deed the corporation directed the trustee to pay the residue in his hands pro rate among its stockholders. This deed speaks as of the sixteenth of April, 1909, and the word "stockholders" as therein can refer only to the then stockholders as known to the corporation, that is, the stockholders of record.

5. At Common Law, a person in whose name shares of stock stand on the books of the corporation is deemed the owner thereof as regards the corporation. This is a rule made for the benefit of the corporation, and is universally approved by all courts. In *Happin vs. Buffum*, 11 Am. Rep. 291, it is said, "The object of the stock book and of requiring transfers of stock to be recorded by the corporation is for the protection of the corporation, to enable it to know

who are its members, who are entitled to dividends, and for no purpose is it more important than to enable it to know who are entitled to vote in case of election."

In re Aug. Printing Co., 26 Am. St. Rep. 639, it is said, "The language in re St. Lawrence Steamboat Company, 44 N. J. L. 529, is equally emphatic on the proposition that the record determines the question who are stockholders in their dealings with the corporation, which embraces the payment and receipt of dividends and the voting of stockholders' meetings for directors and for other purposes. The general rule is that the books of the corporation are the best evidence of the persons who are entitled to the rights and privileges of stockholders in the management of the affairs of the corporation.

The case of Donally vs. Herndon, 23 S. E. R. 646 (W. Va.) is in point. This case holds that where no notice of the pledge or transfer of stock has been given the corporation, it may rely on its books for information as to who are stockholders. To the same effect see Bank of Utica vs. Smalley, 14 Am. Dec. 526; U. S. vs. Cutts, 1st Summ. 138; Bohmer vs. Bank, 77 Va. 449; 2 Cook on Corpr. par. 375, 379, 381 and 488.

Under the Virginia statutes.

Whatever may be the common or statute law in other states, or what may have been the common law in Virginia, the statutes in our state now settle the law on this subject. The rights of the parties in this controversy will be determined by the construction placed on our Virginia statute.

The act concerning corporations, chap. 5, par. 59, provides: "If any person shall for a valuable consideration sell, pledge, or otherwise dispose of any of his shares of stock to another and deliver to him the certificate for such shares with the power of attorney, authorizing transfer of such shares on the books of the corporation, the title of the former (both

at law and in equity) shall ~~vest~~ in the latter, so far as may be necessary to effect the purpose of the sale, pledge, or other disposition, not only as between the parties themselves but also as against the creditors of and subsequent purchasers from the former, subject, however, to the provisions of par. 57 and 58 of this chapter."

Par. 58 reads: A person in whose name shares of stock stand on the books of the corporation shall be deemed the owner thereof as regards the corporation." Our old statute code par. 1133 omitted these saving words as to the corporation, but the amendment of 1902-3, p.482, our present statute, inserted them, thus showing a deliberate intent on the part of the Legislature to keep such transfers, under these circumstances, invalid as to the corporation until registered. Cook on Corp. par 488. The present holders of Myers' certificates have only such rights therein as are given them by par. 59 supra. What rights are given to these holders by this statute? It appears as a fact that all the present holders of these certificates except John L. Williams & Sons, whose rights will be separately considered, acquired and still hold the same as a pledge or collateral security for Myers' debt. It should be carefully noted that par. 59 gives to such transferees the title to this stock only "so far as may be necessary to effect the purpose of the pledge." What is the purpose of this pledge? The collateral note of Myers, which is secured by this stock, the common law and the statute laws of Virginia (2491) all give the pledgee of property the same right with reference thereto. The holder of collateral security, upon default in payment of the debt, may sell the security or pledge and apply the proceeds of sale to the liquidation of the debt. This is his only right. This is the purpose of the pledge. Every lawyer knows, and it certainly needs no citation of authority to establish the proposition, that a mortgagee, a pledgee, a pawnee or a bailee with a

common law lien, does not become vested with the title of the property pledged upon default of the payment of the debt secured.

All of these parties except John L. Williams & Son still hold this stock as pledgees; they have never sold the stock to enforce the pledge, they have never bought the stock, either from Myers or at a sale of the stock as collateral. Being still pledgees of the stock, how can they claim to be stockholders or the beneficial owners of these shares? If the corporation were still going and had declared a dividend on the stock, certainly it would be paid to Myers who appears on the books as the owner of the stock, and never to the pledgees of his stock. Such pledgees have only a special property in the stock, that is, the right given them by contract to sell the stock and apply the proceeds to the past due debt.

The pledgee does not and never can acquire the beneficial ownership in the stock except and until it has been sold in accordance with the terms of the pledge and bought in by the pledgee. He acquires ownership then by virtue of the purchase and not by virtue of the pledge. That the pledgor continues the owner of the stock until a sale has been made under the terms of the pledge is made clear by section 22 of the Act Concerning Corporations, which declares, "the pledgor shall be held to be the owner and entitled to the right to vote ~~the~~ the stock," unless by special contract he grants it to the pledgee.

Nor does our statute (sec. 59) give the pledgee of stock any other or higher right in it. This statute vests in the pledgee the title of the pledgor in the stock only "so far as may be necessary to effect the purpose of the pledge;" that is, it vests such title only for the purpose of enforcing the pledge by sale. The purchaser of such pledged stock sold in accordance with the terms of the pledge, acquires all the

title the pledgor had therein; but the pledgee, who has power to sell the stock, acquires no beneficial title therein, but does acquire rights in the proceeds of the sale.

It follows that three of the four banks claiming to be stockholders in the Merchants & Truckers Bank, the Bank of Dendron, the National Exchange Bank of Baltimore, and the National City Bank of Washington, D. C., are in fact pledgees of Myers' stock, and as such are not the beneficial owners of the shares. The deed of trust from the Merchants & Truckers Bank to Withers, Trustee, requires the trust funds in hand to be paid to "the stockholders of said bank," and the court is called on in these proceedings to determine who are the stockholders. It very clearly appears that the three banks above named are not stockholders but pledgees of Myers' stock, hence they are not entitled to share in the trust funds.

As to John L. Williams & Son who purchased fifty shares of Myers' stock at a sale by the Bank of Richmond, with whom they had been deposited as collateral security for Myers' debt, it clearly appears from the agreed facts that these purchasers had notice or the means of notice of the equity of set off then vested in the corporation (M. & T. Bank) or in the trustee for it. It is to be remembered that Jno. L. Williams & Son bought this stock long after the deed of assignment from the Merchants & Truckers Bank to the trustee was executed, and long after they had notice of Myers' debt due the Merchants & Truckers Bank, which gives rise to the equity of set off vested in that corporation. Hence Jno. L. Williams & Son acquired the title of Myers to these shares with notice of the equity in said shares vested in the corporation. Nothing is better settled in the law than, "he who acquires the legal title to property with notice of an equity in that property in another, takes such legal title subject to the outstanding equity." See Pomeroy Eq. Jurisp. title

"Notice." Bispham's Equity, "Notice."

We come now to the last point to be considered - but the point which, in my judgment, covers the whole case. The issue before this court is; Who are the stockholders in the Merchants & Truckers Bank who are entitled to share in the trust funds held for them by the trustee? On the side of the corporation it is contended that W. R. Myers is the owner of the stock in dispute; on the other hand, the pledgees of some of Myers' stock and a purchaser at a sale of some of his shares held on pledge, contend that by virtue of section 59 of the Act Concerning Corporations they are vested with Myers' title to said stock and that they stand in his stead as stockholders.

It is true that section 59 vests Myers' title to the stock in the pledgees of said stock "so far as necessary to effect the purposes of the pledge," not only between the parties but also as against the creditors of or subsequent purchasers from Myers.

It may be contended by the holders of the certificates that the Merchants & Truckers Bank is a mere creditor and that such transfer of stock is declared good against creditors. But the Merchants & Truckers Bank is not a mere creditor; it claims no title or lien on the stock by virtue of being a mere creditor. Indeed the sole issue before the court is whether Myers is to be considered the stockholder by the corporation. The rights of the Merchants & Truckers Bank grow out of the fact that it is the corporation whose stock is involved, not because it is a creditor of Myers. The word "creditor" in the statute clearly refers to a mere creditor who by levy or attachment seeks to acquire a lien by these processes on his debtor's stock which has been transferred to another in the mode set out in section 59. This the Merchants & Truckers Bank is not seeking to do. All that

it is here contending for is that Myers is to be treated as the owner of this stock by the corporation. The court is not called on to determine the rights of the Merchants & Truckers Bank as a mere creditor of Myers; it is called on to decide the bank's right as a corporation to treat those only as stockholders whose names appear as such on the books of the corporation.

But section 59 has a very important qualification at its end, when it provides that that section is, "subject, however, to the provisions of sections 57 and 58 of this section."

Section 58 is entitled, "Owner of stock determined by books of corporation," and reads, "a person in whose name shares of stock stand on the books of the corporation shall be deemed the owners thereof as regards the corporation." This section, it seems to me, clearly settles the issue in this case. The sole question before this court is: Who is to be treated as the owner of Myers' stock - Myers, in whose name it stands on the books of the corporation, or the holders of the unregistered certificates? Section 58 of the code answers: "The owner of the stock is determined by the books of the corporation."

The two sections when read together plainly mean that an unregistered transfer of shares, with power of attorney authorizing the transfer on the books of the company, passes the legal title to said shares as against the transferor and his creditors and subsequent purchasers from him, but does not pass such title as to the corporation itself. As to the corporation, the transferee, whether purchaser or pledgee, becomes a stockholder only after the power of attorney is exercised and the shares transferred on the books of the corporation. And this is most reasonable and necessary for the

protection of the corporation, who knows and can only treat those as stockholders whose names appear on its books. Nor should this right of the corporation be affected by any kind of notice, first, because the statute says nothing about notice changing this right of the corporation - the statute is plain and emphatic that the corporation looks only to its books to determine its stockholders; and, second, because the transferee has no right to impose by a mere verbal notice the risk and burden on the corporation of making a mistake as to its stockholders, when he has it in his power to exercise his power of attorney and have the shares transferred to him on the books of the corporation. If he does not choose to do so, he can blame only himself for any loss he may suffer thereby. A certificate of stock is not a negotiable instrument (A. & E. Ency. of L., 2^d Ed., title Corporations). One who buys or lends money on such certificates takes them subject to equities (Id.). If these parties have lent money on worthless securities, they have only themselves to blame. Had they wished to become stockholders they should have had the shares transferred to them on the books of the corporation.

Respectfully submitted:

Robt. W. Withers,

p.q.

Robert W. Withers, Trustee
v. } In Chancery
National City Bank
of Washington D.C. et als,

Report of Bradford
Kilby Commissioner in
Chancery under decree
of July 19, 1911.

Filed - Apr. 29, 1912. A.L. Smith, Secy.

Bradford Kilby

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