1897-001
Nansemond Co. (Suffolk)

Chancery Causes: Atlantic & Danville Railway Co vs Solomon Edwards et al

Clerk

Simmons	50
Dixon	50
Rock	18
Ely	10
Rock	18
Rule	30
Bell	15
Ey	45
Brad	75
Rule	30
Rehm	25
Dixon	26
Jan Clark	20
Copy	20
filing sup	25
Ey	50
Rock	18
Abst	25
Rock	25
	635 Error 25
Shff	150
Jay	45
Atty	1500
	$2435

Summons with instruction ✓ 50
Copy for Solomon Edwards ✓ 20
" " Reading by J.P. ✓ 25
" " W. & Whitfield Creek ✓ 25
Receipt from Sheff ✓ 18
City ✓ 10
Docketing ✓ 18
1st Rule ✓ 50
filing 1st ✓ 15
" Ey & B.C. ✓ 45
Bond ✓ 75
2nd Rule ✓ 50
Notary return ✓ 25
Seal ✓ 25
Jur Cost ✓ 20
Copy ✓ 20
filing away papers ✓ 20
Ey ✓ 50
Rec ✓ 10
Abst ✓ 20
Docketing Cs Ct ✓ 20

660
635
25
85
765
635
120

76
65 6
635
21

25

660
635
25

Mingo & Savage State 1.29 } for 1892
County 1.66 }

State 1.30 } for 1893
County 1.47 }

130
65
13
5
68
73
129
10
1290
6
786
84
166
10
1660
6
9960
8
1007
145
707
78

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Solomon Edwards R L Daughtrey a Justice of the Peace and W E Whitfield Constable

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in January 1896, to answer a Bill in Chancery, exhibited against them in the said Court by The Atlantic and Danville Railway Company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 2nd day of January, 1896, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A P Gomer, CLERK.

Memo. An injunction is granted in accordance with the prayer of the bill in this case ~~against~~ enjoining & restraining the defendants Solomon Edwards R C Daughtrey justice of the peace and W E Whitfield constable their agents attorneys at law and all other persons from proceeding to enforce by levy garnishment or other proceeding against the property of the said The Atlantic and Danville Railway Company the judgment rendered Dec 18th 1895 in favor of the said Solomon Edwards and especially enjoining and restraining the said W E Whitfield Constable from selling the property of the said The Atlantic and Danville Railway Company heretofore levied upon by him to satisfy said judgment and he is hereby directed to restore the property so levied upon to the Custody and possession of the said The Atlantic and Danville Railway Company. But before this injunction shall take effect the said The Atlantic and Danville Railway Company or some one for it shall enter into and acknowledge a bond with good security before the Clerk of the Circuit Court of Nansemond County in the penalty of twenty five dollars conditioned to pay all such costs and damages as may be awarded against it in case this injunction is dissolved.

A S Watts judge of
the Court of Hustings of the
City of Portsmouth

To the Clerk of the Circuit Court
of Nansemond Co

A Copy Teste. A P Gomer Clerk

I A P Gomer Clerk of the Circuit Court of Nansemond County do hereby Certify that the bond required by the above Order has been given with good security and approved by me.

Teste: A P Gomer Clerk

M. S. Holcutes p. q.

The Atlantic and Danville Railway Co

vs. } In Chancery.

Solomon Edwards and others

1896

January ---- Rules.

April ---- Monday.

Nansemond Circuit Court.

Process Book No. ----

Page ----

Know All Men by These Presents, That we Cephas A Pelles and Charles A Heausey

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Twenty Five DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

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

Sealed with our seals, and dated this 2nd day of January in the year of our Lord one thousand eight hundred and ninety-Six, and in the 120th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS, SUCH, That whereas by a Chancery Cause pending in the Circuit Court of Nansemond County between The Atlantic and Danville Railway Company a Corporation Complainants and Solomon Edwards & Daughtrey a justice of the Peace and W E Whitfield Constable Defendants and injunction is granted the Complainants to restrain the defendants their Attorneys at Law agents and all other persons from proceeding to enforce by levy garnishment or other proceedings the property in the bill mentioned. But before this injunction shall take effect The Atlantic and Danville Railway Company or some one for it shall enter into and acknowledge a bond with good security before the Clerk of the Circuit Court of Nansemond County in the penalty of twenty five dollars Conditioned to pay all costs and damages as may be awarded against it in case this injunction is dissolved

Cephas A Pelles SEAL

C A Heausey Jr SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 2nd day of January 1896

The above bond was executed and acknowledged by the obligors (the surety justifying on oath as to his sufficiency) and recorded.

Teste:

A Copy Teste A P Gomey Clerk

A P Gomey CLERK.

Chephus A Pettus
To Injunction Bond
The Commonwealth

1896
January 2nd

A Copy
Recorded in Bond
Book No 1 Page 105

Tax $1.50 Paid

In the Court of Hustings for the City of Portsmouth, — In vacation.

The Atlantic and Danville Railway Company, a corporation,
v.
Solomon Edwards, etals
} In Chancery.

An injunction is granted in accordance with the prayer of the bill in this case, enjoining + restraining the defendants Solomon Edwards, R. C. Daughtrey, justice of the peace, and W. E. Whitfield, Constable, their agents, attorneys at law, and all other persons, from proceeding to enforce, by levy, garnishment or other proceeding against the property of the said The Atlantic and Danville Railway Company the judgment rendered Dec. 18, 1895, in favor of the said Solomon Edwards, and especially enjoining and restraining the said W. E. Whitfield, Constable, from selling the property of the said The Atlantic and Danville Railway Company heretofore levied upon by him to satisfy said judgment, and he is hereby directed to restore the property so levied upon to

the custody and possession of the said The Atlantic and Danville Railway Company. But before this injunction shall take effect, the said The Atlantic and Danville Railway Company, or some one for it, shall enter into and acknowledge bond, with good security, before the Clerk of this Court of Nansemond County, in the penalty of twenty five dollars, conditioned to pay all such costs and damages as may be awarded against it in case this injunction is dissolved.

A. L. Watts

judge of the Court of Hustings for the city of Portsmouth

To the clerk of the circuit court of Nansemond Co.

The Atlantic and Danville Railway Company
v.
Solomon Edwards & als.
In Chancery.
Order granting injunction

W. A. FENTRESS,
Attorney.

ATLANTIC AND DANVILLE RAILWAY COMPANY.
OFFICE OF ATTORNEY.

ALFRED P. THOM, RECEIVER.

Portsmouth, Va., Jan. 2nd, 1896. 189

P. T. Cohoon, esq., agt.,

Suffold, Va.,

My dear sir:

Inclosed herewith I hand you papers in a matter of some little importance as to which I must ask of you immediate action. Last month a man named Solomon Edwards obtained a judgment at Holland for a hog killed by our engine and execution on the judgment was levied on our scales at that station and they wre to be sold to-morrow morning. I have to-day obtained an injunction to prevent the sale. The proper orders must issue from the office of the clerk of the Circuit Court of Nansemond. This is Mr. Gomer, I think. I enclose the bill for injunction, together with Judge Watt's order granting it. You will please take this at once to Mr. Gomer and see that he issues the necessary papers at once. These papers must be put immediately in the hands of Sheriff Baker or, if he is not available, of one of his deputies, as the orders must be served on constable Whitfield either to-night or to-morrow morning early.

Mr. Gomer will require you to give or to furnish bond for $25 for the company. This you should easily be able to get. If necessary, give your own bond and I guarantee to save you harmless.

Please attend to this promptly and if any trouble wire me. After 4 p.m. I will be in Portsmouth, next to telegraph office. Wire me there if everything all right.

Yours, very truly, W. A. Fentress Atty.

THE ATLANTIC AND DANVILLE RAILWAY COMPANY.

OFFICE OF ATTORNEY.

Norfolk, Virginia, April 21st, 1897.

Hon. R. R. Prentis,

Judge Circuit Court of Nansemond,

Suffolk, Va.,

Dear sir:

In December, 1895, Solomon Edwards had a claim against this company for stock killed, $6.00, and had a warrant issued against "E. Joyner, Agent" of the company at Holland, Va., and served on him. I could not attend the trial, because of a conflicting engagement and asked for a continuance. This was refused, the case was tried and judgment given for the plaintiff. The warrant was clearly illegal and I cautioned the constable not to levy execution. He disregarded this and levied on our scales. I had an injunction issued by Judge A. S. Watts, of Portsmouth, and served by the Sheriff of Nansemond. The suit was docketed in your court and is there still pending.

In July, 1896, the claim of Edwards was put in the hands of Mr. S. E. Everett, a new warrant issued properly, judgment for plaintiff and this satisfied. Nothing was done in the injunction suit and the suit is just cumbering your docket and doing no good. We had to give bond for $25 and this was given by Mr. P. T. Cohoon, our agent at Suffolk, who had to make a deposit of that amount which deposit is still being held. Naturally, he would like to have his money released. The suit should be dismissed at the cost of the defendants. I would give an order for its dismissal

Norfolk, Virginia,

at our cost, but do not think it right that we should be put to further cost in the matter. That the facts stated in the bill (A. & D. Ry. Co. vs. Edwards et als. is the case) are true can be verified by Mr. Everett, who is thoroughly coversant with the case.

Nothing is to be gained by holding the case on the docket, not even a gain by the clerk or sheriff, because I suppose the costs can hardly be made out of the defendants.

I shall be very glad for Cohoon's sake, if you will have an order entered dismissing the case at defendants costs.

Yours, truly,

M. D. Pontrea

"Exhibit C"

F. 15.

ATLANTIC & DANVILLE RAILWAY CO.

TELEGRAM,

SENT BY	REC'D BY	TIME
J. W. Wy		339

From Norland 1/30 189

Was

Shoon just Sun Whitfield
the says he is commanded by
Justice Daughtry to make the
money out of Leis property
said no one gave him indemnifying
bond but he shall proceed in
the matter as directed on no 2 E J

"Exhibit A"

STATE OF VIRGINIA—COUNTY OF NANSEMOND, To wit:

To Wm E Whitfield, Constable of Said County:

YOU ARE HEREBY COMMANDED TO SUMMON E. Joyner Agt for A & D. R. Road Co

if to be found in your district, to appear at Holland at 11 Oclk A m in said county, on the 18th day of Dec, 1895, before me, or such other Justice as may then be there to try this warrant, to answer the complaint of Solomon Edwards

upon a claim for money, for the sum of Six ($6) Dollars, due by Apl 1st

And then and there make return of this warrant.

Given under my hand this 7th day of Dec, 1895

R. C. Daughtry J. P. SEAL

Recd 12/7-95.

3.20 P.M.

E. Joyner

A.T.&O. Ry Co

~~Southern Express Company~~

EXPRESS FORWARDERS.

Holland Va 1/7/93 1895

Chas O. Haines Esq
Supt T.C.E.
Norfolk Va

Dear Sir—

Constable Whitfield made levy on our Safes and advertised them for Sale Janry 3rd to Satisfy the Judgmnent favor Solomon Edwards.

Yours truly

E. Joyner
agent

Exhibit B"

Ryp
Wm Tenbroeck Esq
Attorney
Upon these papers
C.O.K.

The Atlantic & D Railway Co
V.S. In Chancery.
Solomon Edwards &c
The defendant not appearing ~~before~~
~~the Court~~ it is ordered that this cause
be dismissed, at the costs of the
defendant Solomon Edwards.

A & D Rway
vs
Solomon Edwards

Enter 1 Apl 22/97

Robert D. Rennie

In the Court of Hustings for the City of Portsmouth — In vacation.

To the Hon. A. S. Watts, Judge of the said Court:

Your orator, The Atlantic and Danville Railway Company, a corporation duly organized and existing under the laws of the State of Virginia, showeth unto your honor the following case:

On the 7th of December, 1895, R. C. Daughtrey, a justice of the peace for Nansemond County, Virginia, issued a certain warrant in favor of one Solomon Edwards, against E. Joyner, Agent for A. & D. R. Road Co., returnable for trial at Holland, in said county Dec. 18, 1895, the said warrant being for the sum of six dollars, the original summons issued by magistrate Daughtrey being herewith filed, marked "Exhibit A." On the said 18th day of December judgment was granted on the said warrant, in favor of the said plaintiff therein, and execution issued. Dec. 23, 1895, Constable W. E. Whitfield, of said County, levied the said execution on certain scales belonging to your orator and advertised the said scales for sale Jany. 30, 1896, at Holland, Va.,

all of which appears by a letter from the said E. Joyner, Agent, ~~as aforesaid~~ from your orator to C. O. Haines, Superintendent, dated Dec. 23, 1895, the original letter being herewith filed, marked "Exhibit B."

Your orator respectfully represents to your honor that the said judgment is against the said E. Joyner, not against your orator, and the judgment creditor must look to him and not to your orator for satisfaction of the claim; that the levy on your orator's property is entirely illegal and unauthorized, there being no contention that the property levied on belong to any person other than your orator. Your orator protested against the said levy and proposed sale and telegraphed to constable Whitfield cautioning him against sale of the property levied on. To this telegram an answer was received Dec. 30, 1895, stating the constable's determination to proceed with the sale, irrespective of the said protest, although no indemnifying bond has been given. The original telegram of reply is herewith filed, marked "Exhibit C."

In consideration whereof, and forasmuch

as your orator is remidiless, save in a court of equity, it prays that the said Solomon Edwards, R. C. Daughtrey, justice of the peace, and W. E. Whitfield, Constable as aforesaid, may be made parties defendant to this bill and required to answer the same, but an answer under oath is waived; that the said Solomon Edwards, R. C. Daughtrey, justice of the peace, and W. E. Whitfield, Constable as aforesaid, their agents, attorneys at law, and all other persons, be enjoined from proceeding to enforce the said judgment by levy, garnishment, or other proceeding against the property of your orator, that especially the said W. E. Whitfield, Constable as aforesaid, and all others for him, be enjoined from selling the property of your orator under the levy heretofore made; that proper process issue and all proper orders be made; and that such other further and general relief may be afforded your orator as in the premises may be just and right.

And your orator will ever pray etc.

The Atlantic and Danville Railway Company,

by W. A. Fontress, its Counsel.

City of Portsmouth, to-wit:

I, Wm G. Maupin Jr a Notary Public for the City aforesaid in the State of Virginia, do certify that N. A. Fentress, Counsel for The Atlantic and Danville Railway Company, this day personally appeared before me, in my city aforesaid, and made oath that the statements contained in the foregoing bill are true to the best of his knowledge and belief.

Given under my hand this 2nd day of January 1896

Wm G. Maupin
Notary Public.

The Atlantic and Danville Railway Company
v.
Solomon Edwards &al.

In Chancery.

Bill and Exhibits.

The Atlantic & Danville Railway
Against &c &c
Solomon Edwards & others

1896 Jany 2nd. Process issued returnable to January Rules 1st Monday.

" " 6th. Process returned Executed on defts Bill and Exhibits filed and decree nisi vs defendants.

" " 20th Decree Nisi Confirmed and cause set for hearing.

A & D Railway
D. J. Chauncy Rules
Solomon Edwards