

X-6741

(COPY)

THE FIRST NATIONAL BANK

New Bern, N. C.

Oct. 9, 1930.

Comptroller of the Currency,
Treasury Department,
Division of Insolvent National Banks,
Washington, D. C.

Subject: Request of Creditors for Receiver to Bring Suit against
Federal Reserve Bank of Richmond.

Dear Sir:

Your Receiver is enclosing a copy of a document which was served upon him today, asking for a reply in ten days time. This is demand made by W. J. Lucas, Jr., and J. W. Lucas, administrators of the Estate of W. J. Lucas, deceased, and Mrs. Kate S. Lucas, wife of W. J. Lucas, deceased, brought by Attorneys Whitehurst and Barden and W. B. R. Guion.

The document speaks for itself and your Receiver asks for instructions if he should reply within ten days.

Respectfully,

(Signed) Raymond E. Schumacher

Raymond E. Schumacher,
Receiver.

RES: JEW

Enclosure - 1.

(COPY)

File No. 1362

NORTH CAROLINA

CRAVEN COUNTY

TO R. E. Schumacher, Esquire, Receiver of the First National Bank of New Bern,
North Carolina.

Dear Sir:

In behalf of the estate of W. J. Lucas, who was a stockholder in the National Bank of New Berne, predecessor of the First National Bank of New Bern, and who was likewise a depositor in the First National Bank of New Bern, and in behalf of said estate jointly with Mrs. Kate S. Lucas, wife of said W. J. Lucas, deceased; and of all other stockholders of the National Bank of New Berne and depositors and creditors of the First National Bank of New Berne, and any other persons, firms or corporations similarly situated, request and demand is hereby made upon you that you forthwith institute proceedings in a Court of competent jurisdiction against the Federal Reserve Bank of Richmond for the return to you to be handled for the benefit of those persons making the demand and all other persons similarly situated, of all notes, bills of exchange, drafts, bonds, evidences of indebtedness, warehouse receipts or other items of security which have been or may have been deposited with the said Federal Reserve Bank of Richmond as security for any indebtedness due from the National Bank of New Berne to the said Federal Reserve Bank of Richmond and/ or from the First National Bank of New Bern other than notes denominated eligible notes, drafts, etc. within the meaning and term of the Federal Reserve Act which were discounted or purchased by the Federal Reserve Bank without collateral security.

And in addition thereto, that in said proceeding you will demand the return of the items of the character received from the First National Bank of New Bern and/ or the National Bank of New Berne by the Federal Reserve Bank of Richmond not held in accordance with said Federal Reserve Act and when said items are shown to have been collected or if the return of same cannot be had, that you demand for the benefit of the creditors of said First National Bank of New Bern and the National Bank of New Berne, the cash proceeds received by the Federal Reserve Bank of Richmond from said items so collected or which they failed to return.

This demand is made upon you in order that you shall obtain for collection and distribution among the creditors of the institution for which you are Receiver said items unlawfully obtained and held by the Federal Reserve Bank of Richmond for the benefit of the creditors of the said First National Bank of New Bern and/ or the creditors of the National Bank of New Berne.

You are further notified that should you fail to comply with this demand and immediately institute said proceedings within a reasonable time of this notice, that the persons making the demand will, in their own right, institute said proceedings.

You will kindly advise within ten days whether it is your purpose to institute said action for the recovery of the assets improperly and unlawfully held by the Federal Reserve Bank of Richmond otherwise your failure so to advise will be deemed a refusal by you to comply with this notice.

This 9th day of October, 1930.

W. J. Lucas, Jr. and J. W. Lucas,
Administrators of the Estate of W. J. Lucas.

Kate S. Lucas

By Whitehurst & Barden

W. B. R. Guion

Attorneys.

Served 10/9/30
Jas. S. Bryan, Constable.