1897-07 Southampton County Chancery. Bogart, Mary E. (assignee et als) Vs Seaboard & Roanoke R.R. Co.

Suit to have a special commissioner appointed to Transfer R.R. stock from Husband's name to hers (since she has paid for same) and other matters done the same by commissioner.

of the Portsmouth Insurance Co.

Pretlow, S.B. (adm.)
of
Bogart, J.H.
" , Janie D.
" , W.D
Harry L.
by
McLemore, J. L.
(G.A.L.)

In Chancery.

Bogash, &c., &c.,

vs. } Bill & Exhibits.

S. & R. R. R. Co., et als.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

To the Honorable R. R. Prentis, Judge of the Circuit Court of Southampton -

Humbly complaining sheweth unto Your Honor your complainant, Mary E. Bogart, assignee of the Portsmouth Insurance Company, that, on or about the 24th day of May 1893, J. H. Bogart, late of Southampton County, Va., departed this life intestate, leaving your complainant, his widow, and the following children as his heirs-at-law, to-wit: Laney D. Bogart, W. O. Bogart, and Henry L. Bogart, all infants under twenty one years of age; that at a county Court held in and for said county on the day of 1893, S. B. Pulley qualified as administrator of said J. H. Bogart, dec'd., as will appear from a copy of the grant of administration herewith filed as Exhibit A, and prayed to be read as a part of this bill; that at the time of the death of the said J. H. Bogart, he was indebted to the Portsmouth Insurance Company in the sum of $500 - as evidenced by negotiable note for that amount herewith filed as Exhibit B. and prayed to be read as a part of this bill, and, also, in the further sum of $900 - as evidenced by negotiable note for that amount

[illegible] said stock of the
herewith filed as Exhibit C., and prayed to be
read as a part of this bill; That as col-
lateral security to the said note for $500- the
said J.H. Bogart pledged and placed with said
Portsmouth Insurance Company one debenture
bond of the Seaboard and Roanoke RailRoad
Company, No. 332. for $500-, which is herewith
filed as Exhibit D. and prayed to be read as
a part of this bill, and as collateral
security to the said $900- note, he, the said
J.H. Bogart pledged and placed with said
Portsmouth Insurance Company twelve shares of
$100- each in the Capital stock of the Sea-
board and Roanoke RailRoad Company,
a certificate of same, No 774 being herewith
filed as Exhibit E. and prayed to be
read as a part of this bill; That after the
death of said J.H. Bogart, and after maturity
of the said notes, no part of the same
having therefore been paid, your Com-
plainant paid off the same to the said
Portsmouth Insurance Company, and said
Portsmouth Insurance Company thereupon assigned
and transferred the said notes, together with
the said collateral securities thereto, to your
Complainant, as will appear from the endorsement
on said notes, and, also, by the said collateral
securities, which are herewith filed as Exhibits

D and E; that the said debenture bond for $500-
shows upon its back an assignment of $500-
of said bond to your complainant by the Portsmouth
Insurance Company, by W.H. Williams, secty. and atty.
in fact for J.H. Bogart, but the same was made under
misapprehension of the rights of the party making it,
as will appear from affidavit of said W.H. Williams,
filed among the papers in this cause, and, therefore,
the said assignment amounts to nothing; that
sometime after the said notes, together with the
said collateral securities, were then assigned
and transferred to your Complainant, to-wit,
on the 21st day of July 1894, your Complainant,
after due notice, under and by virtue of authority
of law governing collateral securities, and, also,
by request of said O.B. Pretlow, admr. of J.H.
Bogart, decd., offered the said collateral secu-
rities for sale by public auction to the highest
bidder, for cash, at Franklin Va., at which said
sale your complainant became the purchaser
of the said debenture bond of the S. & R.R.R. Co.,
marked Exhibit D., in the sum of $300- and,
also, of eleven of the said shares in the Capital
stock of the Seaboard and Roanoke Rail Road
Company in the sum of $32.00 per share, aggregating
$352.00 for the said eleven shares; that your Com-
plainant has fully paid the said purchase price
of $300- for said debenture bond, and of $352.00 for

the said eleven shares in the capital stock of the Seaboard and Roanoke Rail Road Company, by placing the said amounts as credits upon the said notes, to which the said debenture bond and the said shares of the capital stock of the Seaboard and Roanoke Rail Road Company were collateral security, as will appear by the endorsements of said credits upon the said notes; that since having thus become the purchaser and owner of the said debenture bond and the said eleven shares in the capital stock of the Seaboard and Roanoke Rail Road Company, your complainant has sought to have the same transferred to her upon the books of the said Seaboard and Roanoke Rail Road Company, but her efforts in this regard have been unavailing, as the said Seaboard and Roanoke Rail Road Company claim that the transfer should be made by said D. B. Preston, admr. of J. H. Bogart, dec'd., and this the said D. B. Preston, admr. of J. H. Bogart dec'd., as aforesaid, declines to do, claiming and contending that as the matter has not come into his hands in the course of his administration upon the estate of said J. H. Bogart, dec'd., it is a matter with which he has nothing to do; that your complainant has, therefore, been and still is unable to have the said debenture bond and the said shares of stock in the Seaboard and Roanoke Rail Road Company transferred to her upon

the books of the said Company, and has, thereby, been, and she is prevented from collecting and receiving such dividends as may be due her on account of the same, or of otherwise using or disposing of the same. In tender consideration whereof, and inasmuch as your Complainant is without remedy in the premises, save in a Court of Equity where such matters are properly cognizable, your Complainant prays that the Seaboard and Roanoke Rail Road Company, S.B. Pretlow, admr. of J.H. Bogart decd., Laney D. Bogart, W.O. Bogart and Harry L. Bogart may be made parties defendant to this bill and required to answer the same, though answer under oath is hereby waived; that some proper person be appointed as guardian ad litem for the infant defendant to protect their interests in this suit; that Your Honor will either appoint a special Commissioner to make the transfer, to your complainant of the said debenture bond and the said eleven shares in the capital stock of the Seaboard and Roanoke Rail Road Company on the books of the said Company, or direct and compel the said S.B. Pretlow, admr. of J.H. Bogart, decd., to make such transfer and, also, compel

the said Seaboard and Roanoke Rail Road Co. to suffer such transfer to be so made upon the books of the said Company, and for all such other, further relief as the nature of the case may require & to Equity shall seem meet -

And your Complainant will ever pray &c.

L. B. Prince
W. J. Sebrell } S.C.

In Southampton County Court: June Term 1895.

Mary E. Bogart, Widow of John H. Bogart, decd. having relinquished her right to the Administration of the Estate of her late husband in favor of S.B. Prillow: On motion of S.B. Prillow, who made oath according to law, and together with J.D. Prillow as his security who justified on oath as to his sufficiency, entered into and acknowledged a bond in the penalty of Sixteen Thousand Dollars, conditioned as the law directs; which bond is ordered to be recorded ~~to be recorded~~, certificate is granted the said S.B. Prillow for obtaining letters of Administration on the estate of the said John H. Bogart, decd. in due form.

And on the further motion of said Administrator, Dr. W.H.L. Goodman, Dr. J.A. Bryant, J.D. Prillow, J.A. Gay and L.R. Edwards are hereby appointed appraisers, any three of whom may act, who being duly qualified, will appraise the Estate of the said decedent, and return the same under their hands as the law directs.

A Copy

Teste: B.A. McLemore C.C.
By A.B. Urquhart Jr. D.C.

Bogart, Assignee

V.S. } Statement of Rules

S & R.R.R. Co. et als.

Mary E. Bogart, assignee of the Portsmouth Insurance Company Plaintiff

vs } In Chancery

Seaboard and Roanoke Railroad Company, a Corporation duly Chartered under the laws of Virginia, S. B. Prentiss, Admr. of J. H. Bogart dec'd, Janie D. Bogart, W. O. Bogart, and Harvey L. Bogart, (the last three infants by J. L. McLemore Gdn. ad litem. Defendants

1895. 27th Aug. Process Iss'd. to 1st Sept. Rules.

1895. 1st Sept. Rules, Process returned executed, Bill and exhibits filed. J. L. McLemore appointed Gdn. ad. litem to infant defendants, & Decree Nisi vs adult defendants.

1895. 2nd Sept. Rules, Bill taken for confessed as to adult defendants & Cause set for hearing as to them.

Make copy of this & attach this to one note & copy to other - Have both signed by Mrs. Bogart, & have her, also, sign the credit on back of 2 notes -

Estate of J.H. Bogart, dec'd.,
In account with Mrs. M. E. Bogart,

1894 Aug. 21	To 1 note, due June 3rd/93, assigned by Portsmouth Ins. Co --	900.00
	Int: on same to date -	65.70
	To 1 note, due June 5th/95, assigned by Portsmouth Ins. Co.	500.00
	Int: on same to date -	36.33
	" advertising sale Norfolk Landmark -	6.75
	" " " Blackwater Courier -	1.00
	" paid L.A. Gay, auctioneer -	4.00
		$1513.78

Cr:

1894 Aug. 21	By sale 1 share S.&R.R.R.Co. stock, sold as collateral security & bought by J.C. Parker and W.H. Dabney -	40.00
	By sale 11 shares S.&R.R.R.Co. stock, sold as collateral security & bought by Mrs. M.E. Bogart	352.00
	" sale Debenture bond S.&R.R.R.Co., sold as collateral security & bought by Mrs. M.E. Bogart.	300.00
		$692.00

Bal: due M.E. Bogart = $821.78

This statement is correct, and this balance of $821.78 has been proved before W.H. Prentis, Comr. of accounts of Southampton, as a debt against Estate of J.H. Bogart, dec'd., and $604.97 paid in part satisfaction thereof by O.B. Prentis, admr. J.H. Bogart dec'd., as will appear by credit endorsed on $900. note -

Mrs. M. E. Bogart.

Estate of J. H. Bogart decd.,

In account with Mrs M E Bogart,

1894
Aug. 21

To 1 note due June 3/93 and assigned by Portsmouth Dns. Co.		900.00
Interest on same to date —		65.70
To 1 note due June 5/95 & assigned by Portsmouth Dns. Co.		500.00
Interest on same to date		36.33
" Advertising sale Norfolk "Landmark"		6.75
" " " Blackwater "Courier"		1.00
" Paid L. A. Gay, Auctioneer,		4.00
		$ 1513.78

Cr.

1894
Aug. 21

By Sale 1 share S&RRR Co. Stock sold as collateral security, & bought by J. B. Parker and W. H. Dabney		40.00
By Sale 11 Shares S&RRR Co Stock sold as collateral security & bought by Mrs M E Bogart		352.00
" Sale Debenture Bond S&RRR Co sold as collateral security & bought by Mrs M E Bogart		300.00
		$ 692.00
Bal. due M E Bogart		$ 821.78

This Statement is correct and this balance of 821.78 has been proved before W. H. Pretlow Comd. of Accounts of Southampton as a debt against Estate of J. H. Bogart, decd., and $604.09 paid in part satisfaction thereof by S. B. Pretlow Admr. J. H. Bogart, decd, as will appear by Credit endorsed on $900 — note.

Mrs. M. E. Bogart.

Bogart Mary E. assignee.

vs } Summ. In chy.

S + R.R.R. Co. et als.

1895. 1. Sept. Rules

Sheriff

Executed by delivering a copy of this Writ to D. B. Kellow Agent of J. H. Bogart & Co. and did a copy to J. D. McDonald Solicitor ad litem Aug 27/95.

J. W. Williams

Sheriff

(2)

Prince + Sabrevois p.q.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Seaboard and Roanoke Rail Road Company, a Corporation duly chartered under the laws of Virginia, S. B. Prentis, Admr. of J. H. Bogart- dec'd, Jenny D. Bogart-, W. O. Bogart- and Henry L. Bogart-, the last three infants by J. L. McLemore G'd. ad litem,

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the ~~first~~ Monday in Sept. 1895 ~~next,~~ to answer a Bill in Chancery exhibited against them in our said Court by Mary E. Bogart- Assignee of the Portsmouth Ironman Company.

And this ~~they~~ you shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. R. Gay, Clerk of our said Court, at the Courthouse, this 27th day of August, 189[illegible], in the 120th year of the Commonwealth.

TESTE: L. R. Gay, C. C.

Bogart Mary E. assignee

vs } Summ. In chy.

S & R.R.R. Co. et als.

1895. 1. Sept. Rules

Lis. Let.

Executed on the 28th day of August 1895 by delivering a copy hereof to John H. Sharp, Treasurer of the Seaboard and Roanoke Railroad Company, in the City of Portsmouth Va. wherein is the place of business of the of the said John H. Sharp and wherein the ~~said John H. Sharp~~ resides. Wm. ~~Smith~~ Boyle

City of Portsmouth ~~Va~~

~~Portsmouth Va~~ Sept 5 95.

THE COMMONWEALTH OF VIRGINIA, Sergt. of Portsmouth City,

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~, GREETING:

WE COMMAND YOU TO SUMMON Seaboard and Roanoke Rail Road Company, a corporation duly chartered under the laws of Virginia, S. B. Prulow, Admr. of J. H. Bogart- decd, Jamey D. Bogart-, W. O. Bogart- and Harry L. Bogart-, the last three infants by J. L. McLemore G.D. ad litem.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the ~~first~~ Monday in Sept. 1895 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Mary E. Bogart- assignee of the Portsmouth Insurance Company

And this ~~they~~ he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. R. Gay, Clerk of our said Court, at the Courthouse, this 7th day of August, 1895, in the 120th year of the Commonwealth.

TESTE: L. R. Gay, C. C.

Mary E. Bogart-cplt vs

vs Petition of J. C. Parker & W. H. Dabney

The Seaboard & Roanoke R. R. Co

In this cause your petitioners J. C. Parker & W. H. Dabney respectfully represent to the Court as follows. That at the sale made by Mary E. Bogart, who was assignee of two negotiable notes executed by J. H. Bogart to the Portsmouth Insurance Co. one for $500 one for $100, of the collateral to the $500 note, which was twelve shares of the Capital Stock of the S. & R. R. Co., your petitioners became the purchasers of one share of said Stock. and they pray that your Honor will appoint some one to transfer the same to them on the books of the said Company. And as in duty bound &c.

J. C. Parker
W. H. Dabney

by J. B. Prentis ales.

L. A. GAY, Clerk.

Clerk's Office of the Circuit Court of Southampton County.

Courtland, Va., Oct. 18 1895.

Hon. J. B. Prince

Courtland Va

Dear Sir:

I hand with said Bond and certificate of shares of Stock &c. as per your request. You can prepare a receipt for same and I will be at Depot in the morning and get it.

Respectfully

L. A. Gay

Rec'd Oct 19. 1895 of L. A. Gay
Clerk of Circuit Court of Smithampton Co. one bond of Stearns for $500- dated 19 June 1889- payable to Jno: H Bryant- and numbered 332- and one certificate No: 774- for 12 shares- of $100 Each in the Capital Stock of the Stearns payable to Jno: H Bryant- which I am to hand over under decree of said Court, filed at Sept Term 1895 in chancery suit therein depending styled Bryant &c. pltfs &c. vs Bryant & Bros &c.

I. B. Spencer
Special Comm.

1895. 19. Oct. filed
L. A. Gay C.C.

Mary E. Bogart
et per &c.
vs
3
Stark Co Infirm

Answer of the
Infirmary Dfdts
by Gen adv Eden

The joint and several answer
of Jamie D. W. O. & Harry L.
Bogart - infants under 21 years
of age by J. L. McLemore their
Guardian ad litem to a bill of
complaint filed in the Circuit
Court of Southampton Co.
against themselves & others by
Mary E. Bogart. &c. &c. &c.

These respondents for answer to
said bill - or to so much thereof
as they are advised, it is material
to answer - and saving and
reserving all just benefit of exception
to said bill - say - That they
are infants & do not know
what their rights are in the
premises. They therefore submit
their rights to the protection of
the Court. Having answered
pray hence to be dismissed &c.

Guardian ad litem

Bedford, M. L.

vs.

L. H. R. R. Co. et als.

Answer of Defendant

L. B. Parkus, Admr.

1895, filed Sept 25

separate
The answer of S.B.Pretlow,Administrator of J.H.Bogart,deceased, one of the defendant to a bill of complaint filed against him and others in the Circuit Court of the County of Southampton by Mary E.Bogart,complainant.

The respondent,reserving to himself the benefit of all just exceptions to said bill,for answer thereto,or to so much there of as he is advised that it is material that he should answer, answers and says that the statement of the bill in said suit is,so far as he knows or is informed,correct.Your respondent says that when his decedent died he had prior to that time assigned the debenture bond and the shares of Railroad stock mentioned in said bill to the Portsmouth Insurance Company ,and said bond and stock never came into the possession of your respondent.He had nothing to do with them,had nothing to do with their sale by the assignee of the Insurance Co.,the complainant in the bill,and has never recieved,nor will he ever recieve,one cent from them.He did not come into possession of them when his decedent died,nor could he have done so for they were practically sold and delivered when decedent died.Such being the case your respondent declined to exercise any of the rights of ownership over said bond and stock,and he says that to transfer them on the books of the Company to the complainant would be to exercise such right of ownership.Your respondent lays no claim to said bond or stock,and therefore he has no ob-jection to having a Special Commissioner appointed by the Court to transfer said bond and stock on the books of the Company,but prays the court that it may not compel him,your respondent,to make said transfer.

This respondent denies all fraud,unlawful combination and confederacy ;and having fully answered the complainant's bill ,prays to be hence dismissed with his reasonable costs by him in this behalf expended,and he will ever pray,etc.

J.C.Parker, J.d. S. B. Pretlow Admr of J. H. Bogart

Virginia
City of Portsmouth, to wit:

I, W. H. Williams, Secretary of the Portsmouth Insurance Company do hereby make the following affidavit: That the assignment made by me on the back of a debenture bond for $500.00 Number 332, payable to J. H. Bogart, dated June 19th 1889 of the Seaboard and Roanoke Railroad Company, was made under a misapprehension of the rights of the Portsmouth Insurance Co. that the said Portsmouth Insurance Co, only held the said debenture bond as collateral security for a note due said Portsmouth Insurance Company by J. H. Bogart for $500.00 which note was paid by Mrs. M. E. Bogart after the death of J. H. Bogart and assigned to her and all that the said Portsmouth Insurance Company had a right to do was to deliver to her the collateral which the said Company did do
Given under my hand this 20th day of Sept. 1895

W. H. Williams Sec.
the Portsmouth Insurance Co.

Virginia
City of Portsmouth, to wit

I S. D. Maupin, a Notary Public of the city and state aforesaid, hereby

certify that W. T. Williams &c. whose name is signed to the writing above bearing date the 20th day of September 1895, personally appeared before me this day in my City and State aforesaid and made oath that the statements therein contained are true to the best of his knowledge and belief. Given under my hand this 20th day of September 1895

D. Kaupin. N. P.

$500.00 Portsmouth, Va., Mch. 4th, 1893.

Ninety Days after date, I promise to pay unto the Portsmouth Insurance Company or Order, negotiable and payable at the Office of Discount and Deposit of the Portsmouth Insurance Company, in Portsmouth, without offset, Five Hundred Dollars and no Cents, for value received: we, the Maker or Makers, endorser or endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

Credit the maker
Collateral security. J. N. Bozart.

The following is the endorsals on the back of the foregoing Note,

J. N. Bozart $500.00

Due 6.5.93

No. 631

Pay to Mrs. M. E. Bozart or order, without recourse

Portsmouth Insurance Co. by

W. N. Williams Sec.

This note is subject to a credit of $300.00 from sale of Debenture bond of S.V.R.R.R.Co., collateral security, which was sold and bought by Mrs. M. E. Bozart, as will appear by statement hereto annexed, Aug. 21st 1894.

Mrs. M. E. Bozart.

A Copy.

Teste: L. A. Gay C.C.

Received June 12th 1896 of L. A. Gaylord
of the Circuit Court for Southampton County
the original bond, of which the within is
a copy.

Mary E. Bogart.

Bogart P. M.
To { Copy of Bond & indorsements
for Comm'th's Attorney Co.

$500.

$900.00, Portsmouth, Va., Mch. 2nd, 1893.

Ninety Days after date, I promise to pay unto the Portsmouth Insurance Company or Order, negotiable and payable at the Office of Discount and Deposit of The Portsmouth Insurance Company, in Portsmouth, without offset, Nine Hundred Dollars, and no Cents, for value received; we, the maker or makers, endorser or endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

Credit the maker.

J. N. Bogart

A Copy.

Teste: L. A. Gay C.C.

The following is the endorsed on the back of the foregoing note:

J.N. Bogart $900.

Due 6. 3. 93.

No. 548 This note is subject to a credit of $352.00 for 11 shares of stock of S & R.R.R. Co. collaterals, sold & bought by Mrs M. E. Bogart, and $40.- one share of said stock, collaterals, bought by J.C. Parker & W.H. Dabney, as will appear by statement hereto annexed Aug. 21st. 1894.

Mrs M. E. Bogart

Pay to Mrs. M. E. Bogart or order, without recourse.

Portsmouth Insurance Co by

W.H. Williams Sec.

The within note is subject to a credit of six hundred & four dollars & $\frac{09}{100}$ ($604.$\frac{09}{100}$) paid by S.B. Prentiss, admr. of our

J. H. Bogart, a receipt for which amount is held by said S. B. Freeman Nov. 26th 1894.

Mrs. M. E. Bogart

Test L. A. Gay C.C.

Received June 12" 1896 of L. A. Gay Clerk of the Circuit Court for Southampton County the original bond of which the foregoing is a Copy

Mary E. Bogart.

J. H. Bogart
I. } bond
Southampton Co.

$900.~

Mary E. Bogart
Appeal &c.
vs
Seaboard & Roanoke
Rail Road Co &c.

1895 Sept Term

To be heard
Sept 6, 1895
Robt T. Daniel.

Entered
page 41

Mary E. Bogart. adm'x &c.

vs

Decree

Seaboard and Roanoke Rail Road Co. & others

This day this cause came on to be further heard on the bill of complainants, taken for confessed as to the defts, the Seaboard & Roanoke Rail Road Company. the answer of S. B. Paulett adm. of J. H. Bogart, files by leave & the Court in Term. the answer of the infant defts by J. L. McLemore their Guardian ad litem, with a General replication thereto, the affidavit of W. H. Williams Secty of the Portsmouth Insurance Company, the petition of Jno. b Barker, filed during the Term. the Exhibits filed and was argued by Counsel. On consideration whereof, and it appearing to the Court, that Jno. H. Bogart was at the time of his death indebted to the Portsmouth Insurance Company as recovered in the sum of $500. by negotiable note filed as Exhibit B. and in the sum of $900. by negotiable note filed as Exhibit C. and that he pledged as collateral security for the said note for $500 one debenture bond of the Seaboard & Roanoke Rail Road Company No: 332. for $500. and dated June 19. 1889. and that he also

pledged as collateral security for the note
$900. twelve shares of the one hundred
dollars each of the Capital Stock of
the Seaboard and Roanoke Rail Road
Company as is evidenced by a certifi-
cate of the same No: 774. and dated
June 19. 1889. and it further appearing
to the Court that when the said
notes for $500. and $900. became due
that they were paid off by, and assigned
to Mary E. Bogart. by the said Pati-
mutch Insurance Company, and
that the collateral pledges for each
were also delivered to her. and
that after due advertisement, in accordance with the provisions of the said agreement
the said Mary E. Bogart sold at Public
auction on the 31st day July 1894 the
said debenture bond for $500. and
the said twelve shares of stock,
in the town of Franklin Va., and
at said sale the said Mary E.
Bogart became the purchaser of
the said debenture bond and of
Eleven shares of said stock, and
that Jno. B. Parker and W. H. Dabney
became the purchaser of one of the
said twelve shares of stock.

It is therefore adjudged ordered and decreed that I. B. Price who is hereby appointed a Special Commissioner for that purpose do assign, transfer, convey and deliver to J. B. Parker and W. H. Dale ~~my~~ said one x shares of ~~the~~ ~~said~~ shares of the Capital Stock of the Seaboard & Roanoke Rail Road Company and to Mary E. Bogart the other Eleven shares of said Stock and the debenture bonds for $500, before referred to, and that the requisite transfers and assignments be made on the books of the Seaboard & Roanoke Rail Road Company on the surrender of the said certificate of Stock No 774, and of said debenture bond No 332, above referred to. And said Comm. will report to Court.

Rec'd Oct 29. 1895 of J. R. Price
Special Comr. in Chancery suit
of Bogart &c. pltfs vs. Bogart
Adm'r &c. defts pending in Circuit
Court of Southampton one certificate
for one share of one hundred dollars
in the Capital Stock of the Seaboard and
Roanoke Rail Road Co. No 1017. dated to
res-dated Oct 19. 1895. in lieu of one share
of said stock ordered to be transferred
by said Price by decree in said Chancery
suit entered at the Sept Term of said Court
1895.

J. C. Parker
W. N. Dabney

Rec'd Oct 29. 1895 of I. B. Price
Special Comr. in Chancery suit
of Bogart, &c. pltfs &c vs Bogart's
admr &c. - Now pending in Circuit
Court of Southampton, one bond of
Seaboard & Roanoke R. R. Co. for $500.
No: 475. issued to Mary E. Bogart
and dated Oct 19. 1895. and certificate
for Eleven Shares of one hundred
dollars Each in the Capital Stock
of said Company, No: 1018. issued
to Mary E. Bogart. dated 19. Oct.
1895. said bond & Shares of stock issued
in lieu of bond & Stock ordered to be
returned by said Price by decree in
said Chancery suit entered at the
Sept: Term of said Court 1895.

Mrs. Mary E. Bogart.

M. E. Bogart agipree
vs 33 Report & Corrs
L. B. Parker

Stricken

1896. 5. Feby. Filed and
Vouchers with the same
Lot. Hay b.b.

Mary E. Bogart &c. &c.
vs
Report of Comr. I. B. Purcell
Seaboard & Roanoke Rail Road Co. &c.

Pursuant to decree entered in this Cause Sept 26. 1895. Your Comr. reports that he has made the proper transfer of the bonds & stock ordered to in said decree - and has delivered to Mary E. Bogart - one bond of Seaboard & Roanoke R.R.Co for $500. No 475. issued to her - and dated Oct 19. 1895 - and certificate for eleven shares of $100 each in Capital Stock of said Company No 1018 - issued to said Bogart dated Oct 19. 1895 - and he has also delivered to J. B. Parker & W. H. Dabney Certificate for one share of $100 in Capital Stock of said Co - No 1017 - dated Oct 19. 1895, issued in their name - Receipts of the parties are herewith filed as parts of this report. Your Comr. does further state that there are now in the hands of Jno. H. Sharp Treasurer of S. & R. R.R.Co two checks for $15.00 Each - one for interest on the $500 bond due July 1. 1895 - and one for interest on same due Aug 1. 1895 - drawn on Nat'l Farmers & Planters Bank of Bast - but the Treasurer declining to deliver them without an order - I recommend to the Court that an order be entered directing the S. & R. R.R.Co to deliver said checks to I. B. Purcell Esq.

Respt Submitted.

I. B. Purcell

July 6. 1895

To Jno. G. Cir Ct.
Southampton Co. Va

Bogart assignee &c.

vs. } Statement of Costs

S. & R. R. R. Co

Bozarth assignee &c.
Vs. } Statement of Costs.
S & R.R.R. Co. et als

Summ: 25. 2 copies 26. another Summ. 25. Copy 13= .89
Receipt for both 36. Atty. 10. Docket. 18. Rule 50. = 1.14
Entering return 35. Fil. bill 15. Dft. Exhibits 15= .65
Rule 50. Copy 2. 25. Fil. petition of J.C. Parker Petitioning 15= .90
Fil. Comr Prince receipt 15. Fil. 2 answers 30. Exh. 15= .60
Fil. Comrs report 25. - 2 decrees $1.44, Law Costs 40= 2.09
Further Costs - 1 decree. 75. Fil. report 25. Fil. 2 copy papers 25= 1.25
Copy 2 bonds with endorsed 50

Aprr. 1896

Clerk $7.99
Sheff- 1.00
Surgt. Portsmouth .50
Law &c. 16.50
$25.99

Mary E. Bogart. &c. pltff &c.

vs Decree

Seaboard & Roanoke Rail Road Co &c. defts

This day this Cause came on to be further heard on the papers formerly read and the report of Comr. I. B. Prince, made in pursuance of an order entered at the Sept. Term 1895 of this Court, reporting that he had complied with the terms of said order and filing vouchers with his report to sustain the same, which report was filed Feby 5. 1896. and was argued by Counsel. On consideration whereof, and no exceptions being filed to said report, the same is confirmed. And it appearing from said report that there are now in the hands of Jno. H. Sharp Treasurer of the Seaboard and Roanoke Rail Road Company two checks for $15.00 one for interest on the $500 on the debenture bond of the said Seaboard and Roanoke Rail Road Co. No 332. which was for interest due on said bond Feby 1st 1895. and one for interest on said bond due Aug 1. 1895. ~~for~~ and that the said Treasurer declines to pay or deliver the same without an order from this Court. It is it is adjudged ordered and decreed that the said Seaboard and Roanoke Rail Co through its proper officer deliver the said checks for $15.00 Each to I. B. Prince attorney for Mary E. Bogart with proper indorsements on same. The Court doth further decree that the note of $500 due by J. H. Bogart to the Portsmouth Insurance Co. and marked as Exhibit 'B' and the note for $900 due by J. H. Bogart and marked as Exhibit

Mary E. Bojack
Appellee Pltff
vs
Deed
Seaboard R.R.Co. Deft

1896 March Term
24th.
To be entered.

Robert R. Prentis

Entered
Page 60.

E. Redelsheimer
to
Mary E. Bojack
Action brought after taking copies of
Appearing that the said Mary
Putt and her
Theophilus Putt Adame,
Paulson of the Cause -

Southampton County to-wit:

This is to certify that the clerk's fees in the suit pending in the Circuit Court of Southampton County, of Bozart Assignee vs. S P R.R. Co. have been paid.

Given under my hand this 29th. day of Sept. 1897

L. A. Gay C.C.

Bryant assignee
vs

S+R.R.Co et al

Report of I. B. Bain
Comm.

1897. 18th May filed
L. A. Gay C.C.

Mary E. Bogart Adm'x &c.
vs
Seaboard A.R.R. Co. &c.

Report of Comr. I.B. Prince

In this cause, I submit the following report; that pursuant to decree of Mch Term 1896, I collected the two checks of $15.00 each - and retained one half thereof as my part of attorneys fee and paid the other half to W. J. Sebrell, as his part of atty's fee. There is nothing further to be done in this cause except the payment of costs. Thirty dollars was the fee agreed by Mrs. Bogart to be paid for bringing this suit.

Mch 15. 1897

Respectfully submitted.
I. B. Prince
Comr.

To Jno. Cir. Ct

The above is correct.
W. J. Sebrell.

Bogart. appjnee
vs
Seaboard & Roanoke R.R. Co
and others.

1897. Sept 29.

Enter this.

Robert D. Ellis

Entd Page - 165 -

Bogart- &c.
vs
Decree.

The Seaboard & Roanoke Rail Road Co &c.
This day this cause came on to be
further heard on the papers formerly
read, and the report of Spl Comr. L.B.
Prunier filed May 18. 1897. reporting
collection of two checks of the Seaboard
and Roanoke Rail Road Company for
$15. Cts Each. and that he paid the same
as follows. one half of the amount to
himself and one half to W. J. Scherer
for their attorneys fees in bringing this
suit. and was argued by Counsel.
No Exceptions being filed to said report,
the same is confirmed.
And nothing further appearing necessary
to be done in this cause, it is ordered
to be removed from the docket.