

1898_14

Southampton County Chancery - Fagan, W. T. vs McHenry, James L. (Spec. Comm.)
et al

to subject the real estate property
to payment of debts

Pretlow, S. B. (Adm.)

Bogart, John H. (dec.)

Bogart, Mary E.

Pretlow, Jamie D.

" , R. A. (Husband)

M. W. { Bogart, Willie O.
" , Harry L.

Sebrell, J. N. Jr.
(G. A. L.)

W. T. Fagan
US
Gas L. M. Lemore Special ^{Com} _{Chas}

1898. 12" March Filed
L. A. Gay L.L.

R. E. L. WATKINS,
- - ATTORNEY-AT-LAW, - -
FRANKLIN, - - VA.

To the Honorable Robert R. Prentiss, judge of the Circuit Court of Southampton county,

Complaining sheweth unto the court, your complainant, W.T. Fagan First, that at the March rules of 1895 a certain ^{Suit} in Chancery was instituted in the Circuit court of Southampton County, wherein C. Billups was party plaintiff and S.B. Pretlow, Administrator of the goods and chattels of Jno. H. Bogart, Mary E. Bogart and Janey D. Bogart, William O. Bogart and Harry O. Bogart (the last three mentioned being infants) were parties defendant.

Second, that the object of said suit was to subject the real estate of Jno. H. Bogart to the payment of his debts.

Third, That the court ordered and decreed that the real property of the said Jno. H. Bogart be sold and appointed Jas. L. McLenore a Special Commissioner to execute said order.

Fourth, That at a sale of the real property of the said Jno. H. Bogart by the said Jas. L. McLenore, Special Commissioner, your complainant became the last and highest bidder for the following lot or parcel of land viz:

a. certain lot or parcel of land lying just outside of the corporate limits of the town of Franklin, Va., containing one sixth of an acre, and bounded as follows: beginning at a point on the south side of Fair street, where it intersects the east side of County street, then southerly along County street fifty feet; thence easterly perpendicular to County street one hundred and fifty feet to a twelve foot alley; thence northerly along said alley parallel to County street fifty feet to Fair street; thence westerly along Fair street one hundred and fifty feet to the point of beginning; it being a part of the land known as the

South Franklin Land and Improvement Companies', this being lot number twenty five on a plot of the said land recorded in the Clerk's office of the County court of Southampton County.

Fifth, Your complainant having great confidence in the sale of property ^{under direction of this honorable court} and believing that a proper title would be given to the property paid into the EXHIB hands of this court the sum of \$...., which amount is recited in the deed ^{stipulated by Special Commissioner Jas. L. McLennore to your complainant} a copy of which is hereto annexed marked exhibit 'A' and prayed to be read as a part of this bill.

Seventh, Your complainant states that at the time of sale he did not know of any defect in the title to said land, and that he knew that it was customary to warn purchasers at sales when ever any defect existed in the title ^{to} the property sold, and that at this sale he did ^{not} hear ~~HE~~ any expression which would lead him to doubt the genuineness of the title of the said Jno. H. Bogart to the before described land.

Eighth

Eighth, Your complainant states that it is true, that a certain deed was executed to the said Jno. H. Bogart on the 8th day of October, 1891, by F.B. Odeon, and L. Odeon, a copy of which is hereto annexed, marked exhibit 'B' and prayed to be read as a part of this bill, but your complainant states that there is nothing on the records showing that the said F.B. Odeon and L. Odeon ever had any interest in the land which they conveyed to the said Jno. H. Bogart by the said deed.

In tender consideration whereof and for as much as your complainant is remediless in the premises, your orator prays that the said Jas. L. McLennore, Special Commissioner, S.B. Pretlow administrator, Mary E. Bogart, Nancy D. Pretlow nee Bogart, William O. Bogart and Harry O. Bogart

be made parties defendants to this bill, and required to answer each allegation, but answer on oath is hereby especially waived; that a guardian ad litem be appointed to the said William O. and Harry O. Bagart to defend their interests in this suit, who shall also answer the statements in this bill; that proper process issue; that the title to the said lot or parcel of land be perfected; that all proper orders and decrees may be made, and inquiries be directed, and that all such other, ~~SEE~~ further and general relief may be afforded your complainant as the nature of his case may require, or to equity shall seem meet. And your complainant will ever pray & c

R. E. Matthews J. G.

W. T. Fagan

State of Virginia,

Southampton County, to Wit, This day personally appeared before me the undersigned, a *Notary Public*.....

in and for said county, state of Virginia, *W. T. Fagan*, and made oath that he believes the several statements made in the foregoing bill to be true.

Given under my hand this *12th* day of *March*.....189*8*

~~*W. T. Fagan*~~
W. T. Fagan
Notary Public

W. J. Hazen
vs. } Statement of Rules
M. L. Lomax Special Laws, etc.

БИБЛИОТЕКА ИМЕНИ С. П. КОЖИНА

H. J. Fagan

Plaintiff

vs.

J. C. McLeamore Special Commissioner

S. B. Prillow Adm'r of John H. Bogart dec'd,

Mary E. Bogart, Janice B. Prillow

and R. A. Prillow her husband, Willie

O. Bogart and Harry L. Bogart, the

last two infants, by J. N. Sebrule Jr.

their Guardian ad-litem

Defendants

In

Chancery

1898. 2nd March. Process Issued to 1st. Mich. Rules

1898. 1st. March Rules. Process returned executed, as

to Adm'r defendants,

Bill and Exhibits not filed.

J. N. Sebrule Jr. appointed Guardian

ad-litem to infant defendants

1898. 2nd March Rules. Bill and Exhibits filed.

Decree nisi vs Adm'r defendants

1898. 3rd March Rules. Bill Taken for confessed

as to adm'r defendants and

Cause set for hearing as to them.

Fagan W. D.

vs. Statement of Cook

McLennan Spl. Comm. etc.

Fagan W. T.
vs. } Statement of costs
McLennan Special Commr et al.

Serv. 25. 6 copies 78, receipt 18- atty. 10 = 1.31
Docket 18. Rules p. 15. Entering return 35 = 2.03
Fil. bill 15. Do En 15. Copy En. p. 1, 10 = 1.40
Fil. answer 15. replication 15. Deceit 36 = .66
Tax costs 40. Filing away papers 25 = .65

5/16/98 p.d. L. A. Gay Clerk \$6.55
Paid W. Williams Shff. 3.00

Law 12. 16.50
\$25.55

April 6th. 1898.

Attest: L. A. Gay

Jagan W. J.

vs. Deere

W. L. Moore, Special Comr.

Enter.

1898. April 6th.

Robert R. Hunt.

W. J. Fagan

vs.

W. L. Moore, Spice Commission et al.

This day this cause came on to be heard upon the bill exhibits filed; the demurrer of the defendant to the plaintiffs bill, filed during the term, and was argued by Counsel. On consideration whereof the Court is of the opinion to sustain the demurrer, and doth thereupon order that the plaintiffs bill be dismissed and that the defendants recover of the plaintiffs their cost about their defense in this behalf expended.

W. L. Moore, Spec. Quiretals
ads. 3 Deummen

W. J. Fagan

Draw done
sustaining Deummen

2830

In the Circuit Court of Southampton
County, Va. (April 14th) 1st Apl. Rule 1898

James L. M. Lomax, Spec. Comm. chas.
ads.
W. J. Fagan.

These defendants by protestation
etc. and for cause of demurrer sheweth, that said
complainant has not in his said bill shown
that he has the right to call on the defendants
concerning the subject matter of the suit; and that
for reasons appearing upon the face of the
bill of complaint, the defendant is not entitled
to the relief he prays.

Wherefore, and for divers other errors and
imperfections, these defendants demand the judg-
ment of this Court whether they shall be compelled
to make any further or other answer to the
said bill, or any of the matters and things
therein contained; and pray hence to be dis-
missed with their reasonable costs in this behalf
sustained.

Primer & Lomax pd

OFFICE OF
R. E. L. Watkins,
ATTORNEY-AT-LAW.

Practice in Southampton
and adjoining counties,
and in the courts of
North Carolina.

VS.

Franklin, Va., ... 189...

Two Exhibits Marked
"A" & "B" please
arrange and annex

Exhibit B. D.B. #42

Page 170

THE COMMONWEALTH OF VIRGINIA.

to the Sheriff of Franklin County, Georgia:

1898. 1st March Rules.

his. let.

Executed March 3^d
1898 by delivery a copy
of this Sum. to each
of the parties defendant
their names.

Wm. Williams

(6)

R. I. L. Hartman p. 9

C. ...
Lagan
D. of B. S. from 7. B.
75 } Eden ridge to J. H. Bogart
Ex. "B."

M. L. Lammie Special Commissioner of the

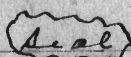
1898: 2" Mech. Ruler Filed

L. A. Gay L. L.

Know all men by these presents that we, F.B. Odion and L Odion his wife, of the City of Portsmouth, Va. for and in consideration of the sum of Forty dollars to us in hand paid, at and before the signing, sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hereby grant, bargain, and sell unto J. N. Bogart of Franklin, Va. a certain lot or parcel of land lying just outside of the Corporate limits of the said Town, containing one sixth of an acre, and bounded as follows; beginning at a point on the south side of Fair Street where it intersects the east side of County Street, thence southerly along County Street fifty feet; thence easterly perpendicular to County Street one hundred & fifty feet to a twelve foot alley; thence northerly along said alley parallel to County Street fifty feet to Fair Street, thence westerly along Fair Street one hundred and fifty feet to the point of beginning; it being a part of the land known as the South Franklin Land & Improvement Companies; this being lot Number Twenty Five on a plat of the said land recorded in the Clerk's office of the County Court of Southampton County, the same having been conveyed to the said F.B. Odion by Saml S. Parker and Chas. Parker, by deed recorded in the said Office, to have

and any to hold to the said J.H. Bogart, his
heirs or assigns forever in fee simple, with
general warranty, free from the claims of
all persons whatsoever,

Witness our signatures and seals this 8th
day of October, 1891

F. B. Odeon 

L. Odeon 

State of Virginia

City of Portsmouth, to wit:

I, Geo. A. Brooks a Notary Public for the City
aforesaid in the State of Virginia, do certify that
F. B. Odeon and L. Odeon his wife whose names are
signed to the writing above bearing date the 8th
of Oct. 1891, have acknowledged the same before
me in my City aforesaid, Given under my hand
this 8th day of Oct. 1891.

Geo. A. Brooks

Notary Public

Santhampton County, In the Clerk's Office Oct. 12th 1891.

The foregoing Deed from F. B. Odeon and wife to
J.H. Bogart was this day received and with certificate
annexed, admitted to record.

Teste: B. F. McLemore C. C.

Acopy.

Teste: L. A. Gay D. C.

Fagan
Dad of D.S. from
vs. J.L. Milmore Special
bond to Fagan.

Est. "A"

Milmore Special Bond et al.

1898. 2" Mch. Rules filed

L. A. Gay & Co.

Whereas by virtue of a decree of the Circuit Court of Southampton County entered in the Chancery Cause of Billups for re. vs Bogart Admr. et als. at the September term 1895, Jas. L. M. Lemore was appointed a Special Commissioner to make sale of the land of which the late John H. Bogart died seized in arrend Franklin Va and whereas, after duly advertising the same by posters and by notices published in the Southampton Democrat, he exposed the said property to sale at public Auction at Franklin, Va on the 16th day of November 1895ⁱⁿ separate parcels as may be seen by the report of the sale filed in the papers of this cause November 19th 1895, and whereas, at the sale so made W. J. Fagan became the purchaser of the tracts of lots known and designated as follows: 1st all of that certain lot containing $\frac{1}{2}$ of an acre more or less known as the F. B. Odion lot situated in South Franklin on South & County Streets and is the same lot purchased by deed from said F. B. Odion to John H. Bogart for which said Fagan gave \$26.⁰⁰ 2nd all of that lot in Franklin known on map of Franklin Land and Improvement Co's property as lot No. 15. Same being bounded by Norfolk, Lee & Ryland sts. & is in front of the Franklin Academy - for which said Fagan gave \$100.⁰⁰

And whereas, the said Sale was reported to
and confirmed by the Judge of the Circuit
Court in Vacation, by a decree of November
20th 1895, and the said Special Commissioner
directed to make a deed to the purchaser of
the said Tracts or lots of land when he shall
have paid the purchase money in full and
whereas, the said W. J. Fagan has paid the said
purchase price in full is now entitled to a deed
for the same, Now Therefore, this Deed made
this the 26th day of November 1895, by and between
James L. McLemore Special Commissioner, of
the first part, grantor, and W. J. Fagan of
the second part grantee, Witnesseth That for and
in consideration of the premises, and the sum of
\$131.⁰⁰ Cash in hand paid the receipt of which is
hereby acknowledged, the said party of the first
part doeth hereby grant, bargain, sell and convey
unto the said grantee, and party of the second
part, the aforesaid tracts or lots of land bounded
and described as aforesaid, together with all the
improvements thereon, with Special Warranty.
Witness the following signature and seal.

James L. McLemore 
Special Commissioner

Virginia.

In the Clerk's Office of the County Court for
Savannah County, Nov. 26th 1895.

This Deed was presented, acknowledged in this Office
by said Special Commissioner to be his act and
deed and admitted to record.

Test: B. F. McLemore C. C.

A copy.

Test L. A. Gay D. C.