

1920-017
Nansemond Co (Suffolk) Chancery Causes: Jessie B. Wilroy et al vs Rosa Wilroy Bland et al

Pope, Capps, Copeland, Jordan, Beamon, Brinkley

LAW OFFICES

Everett & Hutton

SUFFOLK, VA.

Worley
V.
Worley

Jessie B. Wilroy, et al Complainants
vs.

Rosa Wilroy Bland, et als. Defendants

\$ 2000⁰⁰

Received of S. E. Everett, Special Commissioner in the
above styled suit, the sum of Two Thousand (\$ 2,000.00)
Dollars.

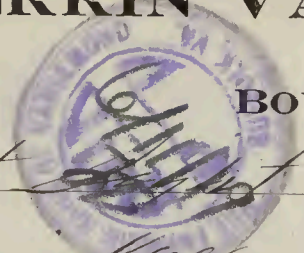
J. M. Bland

Guardian of Catherine Wilroy and Margaret
Wilroy.

PAY TO THE ORDER OF
ANY BANK OR BANKER
MEMPHIS VALLEY BANK
BOYKINS, VA
10-213

NO PROTEST
TAKE THIS OFF BEFORE PRESENTING.
CUSTOMERS DRAFT.

MEHERRIN VALLEY BANK



BOYKINS, VA. *June, 10* 19*19*

PAY TO THE

ORDER OF *Meherrin Valley Bank*

\$*2000*⁰⁰

~~\$\$\$~~ TWO THOUSAND DOLLARS ~~\$\$\$~~

DOLLARS

VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF

To *J. E. Everett Mace Pres. in*
Wiley W. Wiley. Suffolk, Va. } *J. M. Blaine*

LAO INDEPENDENCE

PAY TO THE ORDER OF
ANY BANK ON
REPRESENTATIVE
MEMORIAL VALUE
NOVEMBER 1953

100 000 000

DEPOSITED IN

NATIONAL BANK OF SUFFOLK

By *S. E. Everett Sec Comm*
Wilroy & Wilroy
Suffolk, Va., *Feb 11* 191*9*

SEE THAT ALL CHECKS ARE ENDORSED

	Dollars	Cents
<i>Currency</i>		
<i>Gold</i>		
<i>Silver</i>		

Checks as follows

PLEASE LIST EACH CHECK SEPARATELY

2671 00

Wilroy et al
OR
Wilroy et al

Hargrave, Secy

2671 00

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.

Jessie B. Wilroy, et al.

vs.

Rosa Wilroy Bland, et als

\$ 25.00

Received of S.E. Everett, Special Commissioner in the
above styled cause.

John K. Sutton
Warden Auburn Prison
infant defendants

Jessie B. Wilroy, et al

vs

Rosa Bland Wilroy, et als

\$ 40⁰⁰

Received of S.E. Everett, Special Commissioner in the
above styled cause,

*Forty dollars are credited to account of
Marion Wilroy.*

NATIONAL BANK OF SUFFOLK,

SUFFOLK, VA.

By C. Hargrave, Cash.

Jessie B. Wilroy et al.

vs

Rosa Wilroy Bland, et als

\$ 525.00

Received of S.E. Everett, Special Commissioner in the
above styled cause,



Jessie B. Wilroy, et al

VS

Rosa Bland Wilroy, et als

\$ 36.00

Received of S.E. Everett, Special Commissioner in the
above styled cause, *Thirty six dollars, including money
deposited 7 B & S, 8-10-16.*
H. B. Dymally, Clerk

FOLIO
TERMS: CASH

Suffolk, Va.,

7/18

1919

J. E. Exum spec Com
Guy

TO WEST & WITHERS, DR.

Fire, Life, Marine, Accident, Health, Employers' Liability,
and Steam Boiler Insurance and Surety Bonds

P. O. BOX 103

OFFICE NO. 936 WASHINGTON STREET

BELL PHONE NO. 10

DATE	POLICY NO.	COMPANY	PROPERTY INSURED	AMOUNT	PREMIUM
7/18		Bond as Spec. Com. to Sue Real Estate			
		Jesse B. Melroy vs Ross Melroy, Mand. Stats			10.00
		Paid Feb. 18 - 1919			
		West Withers			
		Jaw			

Jessie B. Wilroy, et al

vs.

Rosa Wilroy Bland , et als

\$

Received of S.E. Everett, Special Commissioner in the
above styled cause,

Thirty-five dollars (\$35.00), for Comisfee for report,

--

Bradford Kilby
Comm. in Chancery.

	Tax	Pre	Prv	
W of T.	6.00	2.00	X	8.00
B. & S.	3.10	2.50	<u>2.50</u>	7.10

Balance of July

~~1510~~
20
<u>1530</u>

25-	
225-	
18	
10	
100	
18	
18-	
70	
355-	order
25-	
65-	
15-	
15-	
15-	
100	
25-	
18-	
15-	
105-	
30	81
1431	7

200

Clark	14.31
	15.30
	29.61
	4.50
	34.11
	15.0
	35.61

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Jessie B. Wilroy and John F. Wilroy,.....Complainants.

vs. In Chancery

Rosa Wilroy Bland, J. ~~M~~ Bland, Grace Wilroy

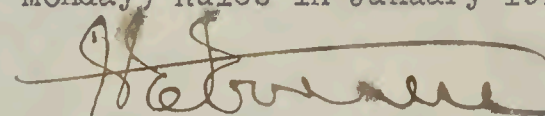
Pope, Amos Pope, James L. Wilroy, Cathrine Wilroy

and Margaret Wilroy, the last three being infants

under the age of twenty-one years.....Defendants.

T.N.Wilroy and Marion Wilroy

Issue Summons to First (First Monday) Rules in January 1919.


-----P.Q

CHANCERY SUMMONS

The Commonwealth of Virginia.

Southampton
TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon..... Rosa Wilroy Bland.....
J.W.Bland, Grace Wilroy Pope, Amos Pope, James L. Wilroy, Cathrine Wilroy,
and Margaret Wilroy, the last three being infants under the age of twenty-one
years.....

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.... 1919...., to answer.... a....
Bill in Chancery, exhibited against..... them.....
in the said Court by.... Jesse B. Wilroy and John F. Wilroy.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.... 28th.... day of
December...., 1919, in the 43rd year of the Commonwealth.

A Copy---Teste:

Clerk }

Teste:

Clerk

ORIGINAL

Executed this day of, 191 by delivering a true copy of the with-
in process to

in person, in the County of Nansemond, State of Virginia.

Sheriff

S. H. Everett p. q.

Jesse B. Wilroy et al.

vs. } In Chancery

Rosa Wilroy Bland et als.

19 19

January Rules

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page 169

Executed in Southampton County Virginia, this the 1st, day of
January 1919, by delivering a true copy hereof, to Rosa Wilroy
Bland, J. W. Bland, Grace Wilroy Pope, and Amos Pope, in person.

W. S. Bland Sheriff.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Rosa Wilroy Bland,
J.M.Bland, Grace Wilroy Pope, Amos Pope, Lames L. Wilroy, Cathrine Wilroy,
and Margaret Wilroy, the last named three being infants under the age
of twenty-one years.

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, 1919 to answer a
Bill in Chancery, exhibited against them
in the said Court by Jesse B. Wilroy and John F. Wilroy,

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 28th day of
December, 1918, in the 43rd year of the Commonwealth.

A Copy Teste:

[Signature] Clerk } [Signature] Teste: Clerk

Executed this day of, 191... by delivering a true copy of the with-
in process to

in person, in the County of Nansemond, State of Virginia.

Sheriff

p. q.

vs. } In Chancery

19.....

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Rosa Wilroy Bland,
J.W.Bland, Grace Wilroy Pope, Amos Pope, James L. Wilroy, Cathrine Wilroy,
and Margaret Wilroy, the last three being infants under the age of twenty-one
years

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 1919, to answer a

Bill in Chancery, exhibited against them

in the said Court by Jesse B. Wilroy and John P. Wilroy

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 28th day of
December, 1919, in the 143rd year of the Commonwealth

A Copy--Teste:

Teste:

Clerk

Clerk

Executed this _____ day of _____, 191____ by delivering a true copy of the with-
in process to _____

in person, in the County of Nansemond, State of Virginia.

Sheriff

p. q.

vs. } In Chancery

19_____

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No _____

Page _____

CHANCERY SUMMONS

The Commonwealth of Virginia.

Shelton
TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon *John Wilroy Bond,*

J. M. Bond, John Wilroy Bond, John Bond, James B. Wilroy, Catherine Wilroy,
and Margaret Wilroy, the last named three being infants under the age
of twenty-one years.

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, 1912*, to answer
then
Bill in Chancery, exhibited against

in the said Court by *James B. Wilroy and John F. Wilroy.*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *20th* day of

December

, 19 *12*, in the 13 *140th* year of the Commonwealth

A Copy---Teste:

G. E. Bunting

Clerk

Teste:

G. E. Bunting

Clerk

Executed this day of, 191 by delivering a true copy of the with-
in process to

in person, in the County of Nansemond, State of Virginia.

Sheriff

..... p. q.

vs. } In Chancery

19

..... Rules

..... Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

CHANCERY SUMMONS

The Commonwealth of Virginia.

Sergeant of the City of Norfolk Va.
TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon... Rosa Wilroy Bland, J.M. Bland,
Grace Wilroy Pope, Amos Pope, T.N. Wilroy, Marion Wilroy, James L. Wilroy,
Cathrine Wilroy and Margaret Wilroy, the last three being infants under
the age of twenty-one years.

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, 1919, to answer

Bill in Chancery, exhibited against them

in the said Court by Jesse B. Wilroy and John F. Wilroy

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 28th day of
December, 1918, in the 43rd year of the Commonwealth.

A Copy Teste:

Clerk

Teste:

Clerk

Not finding J N Wilroy
at the usual place of abode I executed
the within in the City of Norfolk, Va.,
this 2 day of July 1919 by de-
livering a copy hereof to
Marian Wilroy
who being then there, a MEMBER OF
THE FAMILY and over the age of 18
years, and giving information of its
purport to Jas C Riddick
Sergeant, City of Norfolk, Va.
By C. L. Quinn Deputy

Page for 1st time

C. L. Quinn

ORIGINAL

S. E. Everett,

p. q.

Jesse B. Wilroy et al.

vs. } In Chancery 216 W
J N Wilroy Freeman
Marian Wilroy
Rosa Wilroy Bland et als.

19-19

January Rules

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page 165

in person, in the County of Nansemond, State of Virginia.

Executed this 2 day of July, 1919 by delivering a true copy of the with-
in process to Marian Wilroy

Wm W. Stearns
Atty & Sheriff in
City of Norfolk
By C. L. Quinn
Deputy

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon

John William Allen, Jr.,
J. L. Allen, George William Allen, John Allen, James L. Allen, William Allen,
and Edmund Allen, the last three being infants under the age of twenty-one
years.

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 *11th* Monday in *January* 191*9*, to answer

Bill in Chancery, exhibited against *Allen*

in the said Court by *James L. Allen and John L. Allen*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *10th* day of

January, 19*19*, in the 13 year of the Commonwealth.

A Copy--Teste:

G. E. Bunting Clerk }

Teste:

G. E. Bunting Clerk

Executed this day of, 191..... by delivering a true copy of the with.

in process to

in person, in the County of Nansmond, State of Virginia.

Sheriff

p. q.

vs. } In Chancery

19.....

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.....

Page.....

Virginia , In Vacation,

In the Circuit Court of Southampton County, the
21st day of April 1915.

Catherine Wilroy, an infant over fourteen years of age,
having requested by a writing duly signed and acknowledged
before a proper Officer, that Dr J. M. Bland be appointed
her guardian, the said Dr J. M. Bland is this day appoint-
ed guardian of Catherine Wilroy an infant over the age of
fourteen years, and the Court doth appoint the said Dr J. M.
Bland guardian of Marguerite F. Wilroy an infant under the
age of fourteen years, Whereupon the said Dr J. M. Bland
together with The Aetna Accident & Liability Co, as surety,
entered into and acknowledged in the penalty of Four Thous-
and Dollars, conditioned according to law, which bond is
ordered to be recorded.

All which is hereby certified to the Clerk of this Court
to be entered in the Common Law order Book.

James L. McLemore,

Teste H. B. McLemore, Clerk

By B. M. Wills, D. C.

A Copy

Teste *H. B. McLemore* Clerk

H. B. Mc LEMORE
CLERK OF THE CIRCUIT COURT
SOUTHAMPTON COUNTY
COURTLAND, VIRGINIA

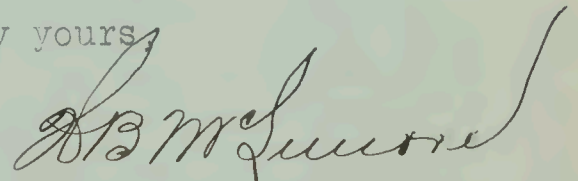
June 4th 1919

Hon. S. E. Everett,
Suffolk, Va.

Dear Sir:-

At the request of Dr J. M. Bland , you will find enclosed copy of his guardian order, which he thinks will take care of all funds now or may come into his hands, the bond not having been canceled, and with practically no funds now in his hands, this however, I am unable to verify, but believe that the facts as stated by the Dr to be true.

Very truly yours,

A handwritten signature in cursive script, reading "H B Mc LEMORE". The signature is written in dark ink and is positioned to the right of the typed closing "Very truly yours,".

H. B. Mc LEMORE
CLERK OF THE CIRCUIT COURT
SOUTHAMPTON COUNTY
COURTLAND, VIRGINIA

June 3rd 1919

S. E. Everett, Esq.,
Attorney at Law,
Suffolk, Va.

Dear Sir:-

Replying to yours of the 2nd Inst, relative to the guardianship of the Wilroy children, beg to advise, that there has been no order entered in this matter since 1915, at this time Dr Bland qualified as Guardian, and gave bond in the sum of \$ 4,000, and not knowing just what you desire in the matter, I shall awaite your orders as to making a copy of this order above referred to.

Very truly yours,

H B Mc LEMORE

Jessie B. Wilroy, et al Complainants

vs.

Posc Wilroy Bland, et als. Defendants

To the Honorable Jas. L. McIemore, Judge of the Circuit Court of
"ansemond County.

Your undersigned Special Commissioner, S. F. Everett, makes the
following report to Your Honor:

There is to the credit of the Court in this cause, Two Thousand
(\$2,000.00) Dollars in the National Bank of Suffolk, Suffolk, Virginia,
which is the shares of the infants, Catherine Wilroy and Margaret Wilroy,
wards of Dr. J. M. Bland, from the sale of the real estate. Your Commissioner
files along with this report a petition of Dr. J. M. Bland, guardian of said
infants, Catherine Wilroy and Margaret Wilroy, in which he asks the Court
to allow him to invest the Two Thousand (\$2,000.00) Dollars in Liberty
Bonds of the Fifth Issue, drawing interest at the rate of four and three-
fourths ($4\frac{3}{4}\%$) percent. The said guardian, Dr. J. M. Bland, has given a
sufficient bond in the Clerk's Office of the Circuit Court of Southampton
County, and the certificate of the Clerk of the Circuit Court of Southampton
County is herewith filed along with this report.

Your Commissioner asks that an order be entered allowing the
said Commissioner to withdraw the said Two Thousand (\$2,000.00) Dollars
from said Bank, and deliver the same to Dr. J. M. Bland, guardian of the said
infants, Catherine Wilroy and Margaret Wilroy.

Respectfully submitted,


Special Commissioner,

Jessie B. Wilroy, et al,

vs Report

Rosa Wilroy Bland, et als.

1919 June 24 filed
Jm

Jessie B. Wilroy and John F. Wilroy. Complainants
vs

Rosa Wilroy Bland, et als. Defendants

To the Hon. Jas. L. McLenore, Judge of the Circuit Court of Hansemond
County.

Your petitioner, J. M. Bland, guardian of Catherine Wilroy and
Margaret Wilroy, states that there is Two Thousand (\$2,000.00) Dollars
deposited in the National Bank of the city of Suffolk by S. E. Everett,
Special Commissioner, to the credit of the Court in the above styled case
for Your petitioner's wards, as their share from the sale of the land in
these proceedings.

Your petitioner, as guardian of said wards, believes it wise to
invest the said Two Thousand (\$2,000.00) in Liberty Bonds of the Fifth Issue,
drawing four and three-fourths percent ($4\frac{3}{4}\%$) and desires that Your Honor
enter an order directing the said S. E. Everett, Special Commissioner to turn
over the said funds to Your Petitioner and guardian of the said Catherine
Wilroy and Margaret Wilroy, and also direct your said petitioner and said
guardian to invest the said Two Thousand (\$2,000.00) in the said Liberty
Bonds of the said Fifth Issue.

Your petitioner has been to the Clerk's Office of Southampton
County and given bond necessary to handle these funds and to make the
investment.

Your petitioner will ever pray, etc.

J. M. Bland
Guardian of Catherine Wilroy and Margaret Wilroy.

1919, June

filed.
Jm

Jessie B.Wilroy, et al. Complainants
vs

Rosa Wilroy Bland, et als. Defendants

TO THE HONORABLE JAMES L.MCLEMORE,JUDGE OF THE CIRCUIT
COURT OF NANSEMOND COUNTY.

In pursuance of a decree entered on the 7th day of June,1919
Your Commissioner delivered to J.M.Bland, guardian of Catherine
Wilroy and Margaret Wilroy, the sum of Two Thousand (\$2,000.00) Dol-
lars standing to the credit of the Court in this cause,and files
voucher herewith.

There remaining nothing further to be done in this cause,Your
Commissioner asks that he be relieved of his bond and that the cause,
be stricken from the docket.

Respectfully submitted,


Special Commissioner,.

Jessie B. Wilroy, et al

vs. Final Report

Rosa Wilroy Bland, et als

Filed this 11th day

of June, 1919.

G. C. Wilroy
Chk

Jessie B. Wilroy, et al. Complainants

vs.

Rosa Wilroy Bland, et als. Defendants

This cause came on this day to be again heard on the papers formerly read, and on the report of S.E. Everett, Special Commissioner, and petition of J.M. Bland, guardian of the infants, Catherine Wilroy and Margaret Wilroy, this day filed, to which report there is no exception, and was argued by Counsel.

On consideration whereof, it is adjudged, ordered and decreed, that the said S.E. Everett, Special Commissioner, withdraw from the Bank the Two Thousand (\$2,000.00) Dollars to the credit of the Court in this case, and deliver the same to J.M. Bland, guardian of Catherine Wilroy and Margaret Wilroy, the said guardian having given sufficient bond in the Clerk's Office of the Circuit Court of Southampton County, ^{in the penalty of \$4,000} and take a voucher therefor, and that the said guardian, J.M. Bland, is directed, and is hereby authorized, to invest the Two Thousand (\$2,000.00) Dollars in Liberty Bonds of the Fifth Issue, drawing interest at four and three-fourths (4³/₄) per cent. *It is further ordered that the said guardian shall not convert said bonds or otherwise change the investment except by the consent of this Court.*

It is further adjudged, ordered and decreed that the said S.E. Everett, Special Commissioner, make a report to this Court of his proceedings under this decree, filing with the same the proper vouchers.

Jessie B. Wilroy, et al

Vs. Confirming report

Rosa Wilroy Bland, et als

Enter this 7th day of

June 1919

Jas. L. McElmore

Entered in Chancery Order

Book, No 5-

Page, No. 213

Jessie B. Wilroy, et al. Complainants
vs.

Rosa Wilroy Bland, et als. Defendants

This cause came on again this day to be heard on the papers formerly read, and on the report of S.E. Everett, Special Commissioner filed the 20th day of February, to which report there is no exception, and was argued by counsel

On consideration whereof, it appearing to the Court from said report that the said S.E. Everett, Special Commissioner, deposited in the National Bank in the City of Suffolk, Forty (\$40.00) Dollars to the credit of Marion Wilroy, wife of Thomas N. Wilroy, and Two Thousand (\$2,000.00) Dollars in said Bank to the credit of this suit for Catherine Wilroy and Margaret Wilroy, infants, and filed therewith Bank vouchers for same, and that the said Special Commissioner has paid the costs in full, and filed with said report vouchers therefore, the Court doth, adjudge, order, and decree that the said report be confirmed, and that this cause be continued for further orders.

Jessie B. Wilroy, et al
vs. Confirming Report
Rosa Wilroy Bland et als

Enter this *1st* day of
March 1919

Jack McInnis

Entered in Chancery

Order Book No *5*

Page *192*

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT
COURT OF HANSEMOND COUNTY

Jessie B. Wilroy, et al Complainants

vs

Rosa Wilroy Bland, et als. Defendants

Your Commissioner, S.E. Everett, appointed by
the decree in this cause entered the 18th day of Febru
ary, 1919, respectfully submits to Your Honor, the
following report:

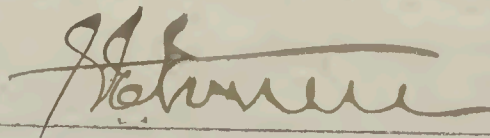
Your Commissioner executed deed conveying the
interests of Catherine Wilroy and Margaret Wilroy
and Marion Wilroy to Jessie B. Wilroy, and collected
therefore, including costs, and deposited in bank
(the voucher for which is herewith filed) \$2671.00

Your Commissioner deposited in the
National Bank of Suffolk to the credit
of Marion Wilroy, \$40.00

Costs have been paid as follows:

John K. Hutton, guardian ad litem,	25.00
S.E. Everett, Attorney	525.00
Clerk's Costs, and recording of all deeds,	36.00
Bond, (West & Withers)	10.00
Fee of Commissioner in Chancery,	35.00
Total Costs	<u>671.00</u>
The remainder in Bank to the credit of this suit,	\$2000.00

Respectfully submitted,



Special Commissioner

Jessie B. Wilroy, et al

vs. Report

Rosa Wilroy Bland, et als

Filed this 20th day of

February, 1919

G. O. Wilroy, Clerk

Jessie B.Wilroy and John F.Wilroy. Complainants
Vs.

Rosa Wilroy Bland, et als. Defendants

This cause came on this day again to be heard on the papers formerly read, and on the report of Bradford Kilby, Commissioner in Chancery, filed on the 7th day of February, 1919, to which report there is no exception, and was argued by Counsel.

On consideration whereof, and it appearing to the Court from the said report of the said Commissioner in Chancery, and from the deposition^s filed therewith, that Nine Thousand (\$9,000.00) Dollars is a fair price for the said property, and that Jessie B Wilroy had purchased the interests of all interested in said property except the two infants, Catherine Wilroy and Margaret Wilroy, and Marion Wilroy, wife of Thos.N.Wilroy; and that the said Jessie B.Wilroy has agreed to take the said property valued at Nine Thousand (\$9,000.00) Dollars, and to pay the said infants One Thousand (\$1,000.00) Dollars each, and also pay the said wife of Thos.N.Wilroy, Marion Wilroy, her dower interest as reported in the Commissioner's Report, and pay the costs of these proceedings, it is adjudged, ordered and decreed that the said report be confirmed, and that S.E.Everett who is hereby appointed a Special Commissioner for the purpose, do make and execute a good and sufficient deed of conveyance conveying the fee simple in the said property to the said Jessie B.Wilroy with covenant of Special Warranty, which said property is described as follows:

All that certain tract of land situate in Nansemond County, Virginia, near Drivers, and bounded by the lands of S.A.Williamson, C.A.Pond, R.H.Beamon, W.J.Backus and Brothers, and T.E.Trotman. Containing 193 acres, and being the same land conveyed to Richard M.Copeland, Trustee for Martha S.Capps by deed duly executed by Francis M.Capps, and recorded in the office of the Clerk of the Circuit Court on Nansemond County in Deed Book No.2, page 161

And it is further adjudged, ordered and decreed that the said S.E.Everett, Special Commissioner, receive the said sum of Two Thousand (\$2,000.00) Dollars for the said infants, Catherine Wilroy and Margaret Wilroy, and the amount due Marion Wilroy, wife of Thos.N.Wilroy, and deposit the said Two Thousand (\$2,000.) to the credit of the Court in this case for the benefit of the said infants Catherine Wilroy and Margaret Wilroy, and pay the amount due Marion Wilroy, wife of Thos.N.Wilroy, and take a voucher therefor.

That the said Commissioner shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$2,500.00 and conditioned for the faithful discharge of his duties hereunder, or of any further decree to be entered herein.

Jessie B. Wilroy, et al

Vs. Confirming Report

Rosa Bland Wilroy, et als

Thos. B. Wilroy

Enter this 18 day of

February, 1919

Thos. B. Wilroy

We consent:

*John B. Wilroy, Guardian
of Estate for nephew Chas.*

Thomas B. Wilroy

and

Wm. B. Wilroy

Wm. B. Wilroy & Son

their attorneys

*J. E. Everett, Atty. for
all parties except above.*

Entered in Chancery

Order Book, No

Page

To Jessie B. Wilroy and John F. Wilroy
and

Rosa Wilroy Bland, J. M. Bland, Grace Wilroy Pope, Amos Pope,
Thomas N. Wilroy, Marion Wilroy, James L. Wilroy, Catharine Wilroy,
and Margaret Wilroy, the last three being infants under the
age of 21 years, and John K. Hutton, Guardian ad Litem of said
infant defendants.

You are hereby notified that on the 6th. day of February 1919
at the office of S. E. Everett in the City of Suffolk, Va. between
the hours of 10 A.M. and 5 P.M., 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, settled and reported to
Court in pursuance of the decree of the Circuit Court of Nansemond
County, Va. rendered the 1st. day of February 1919, in the suit in
chancery pending in said court to which you are parties plaintiff
and defendant, to-wit:

(1) Whether the real estate in the bill mentioned can be con-
veniently divided in kind among the parties entitled to share
therein.

(2) If the same can not be conveniently divided, whether any
party will take the entire property and pay therefor to the other
parties such sums of money as their interest therein may entitle
them to.

(3) And, if the same can not be conveniently divided, and if
no party will take the entire property and pay the others for
their interests, whether the interests of those who are entitled
to the said property or its proceeds will be promoted by the sale
of the property or by allotment of part and the sale of the res-
idue.

(4) Whether there are any delinquent taxes due on said land
or any other liens.

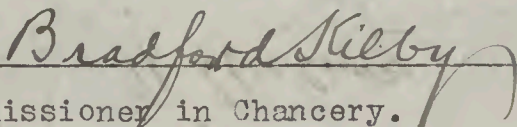
(5) The fee-simple and annual value of said land.

(6) Whether all proper parties in interest are before the
Court.

(7) Whether Marion Wilroy, as the wife of Thomas N. Wilroy,
has any estate or interest in and to the one time interest of
said Thomas N. Wilroy, and if so, what?

(8) As to whether the said lands descended per stirpes or
per capita from said Martha S. Capps to the children of her two
daughters set in the bill of complaint herein, and what the re-
spective interests of each such child is.

Given under my hand as Commissioner in Chancery of said
Court this 3rd. day of February 1919.


Commissioner in Chancery.

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

John H. Hutton
Guardian ad litem
for infant defendants

Thomas H. Wilcox
and

Marion Wilcox

of Sumner, Hutton

Attorneys
for all parties except
infants and T.H.
Wilcox and Marion
Wilcox.

Virginia,

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

Jessie B. Wilroy et al.	)	
	)	
v.	)	In Chancery.
	)	
Rosa Wilroy Bland et als.	)	

Commissioner's Office,

Suffolk, Va. Feb. 6, 1919.

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 1st. day of February 1919 in the suit in chancery pending in said court between Jessie B. Wilroy et al., Complainants and Rosa Wilroy Bland et als., Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 3rd. day of February 1919, your commissioner gave notice to the parties to the said suit that he would proceed on the 6th. day of February 1919, at the office of S.E. Everett, in the City of Suffolk, Va. between the hours of 10 A.M. and 5 P.M., to make the several inquiries required by said decree to be made by one of the Commissioners in Chancery of said Court.

That sufficient and legal service of the said notice was duly accepted by all the parties to said suit, as will appear by the endorsements on the notice herewith returned.

That on the 6th. day of February 1919, at the said office of S.E. Everett, in Suffolk, Va. between the hours of 10 A.M. and 5 P.M., your commissioner took the depositions of Walter Jordan, R.H. Beamon, W.H. Brinkley, and John F. Wilroy touching said inquiries, which depositions are herewith returned.

That from the testimony of said witnesses and from information otherwise obtained, your commissioner reports as follows:

(1)

The real estate in the bill mentioned can not be conveniently divided in kind among the parties entitled to share therein.

(2)

Jessie B. Wilroy, one of the parties will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to. She offers to pay for the farm \$9,000. and the costs of this suit. From the testimony of witnesses, your commissioner is of the opinion that this is an excellent offer and that the interests of the infant defendants is not worth more than their fractional part of said \$9000.

(3)

The interests of those who are entitled to said property or its proceeds will be promoted by the sale of the property rather than by the allotment of part and sale of the residue.

(4)

The taxes for the year 1918 are delinquent. They amount to \$37.70. There are no other liens.

(5)

The fee-simple value of this land is about \$9,000.00 and its annual value about \$600.

(6)

All proper parties in interest are before the Court.

(7)

Marion Wilroy, wife of Thomas N. Wilroy, has a contingent right to dower in the one-ninth former interest of her said husband in the land in this suit. Under section 2288b of the Code of Virginia, this contingent dower right became her separate estate, and is not barred under section 2564 of the Code of Virginia because the interest of her husband is not being sold in this suit. He conveyed his interest in said land to Jessie B. Wilroy prior to this suit, by a deed in which Marion Wilroy did not join. ~~Her~~

The age of said Marion Wilroy is twenty eight (28) years, and the present value of her contingent right of dower in the said one-ninth former interest of Thomas N. Wilroy in said land, according to the table for calculation of the same is \$38.30. This calculation is based on said one-ninth interest formerly owned by Thomas N. Wilroy being worth \$1.000.00

(8)

The said land descended per capita from Martha S. Capps to the children of her two daughters. The respective interest of each child is one-ninth. Both of the daughters of Martha S. Capps died before she did and hence the nine parties interested, her grandchildren, are all of the same generation and received their one-ninth interest at one and the same time and so take their said interests per capita.

Your Commissioner deems it pertinent to state that Jessie B. Wilroy is now the owner of all the land in bill mentioned, with the exception of the interests of Catherine Wilroy and Margaret Wilroy, the two infant defendants, and the contingent ^{of dower} right of Marion Wilroy.

There is no other matter specially stated or deemed pertinent by your commissioner, except that John K. Hutton, Guardian ad Litem of the infant defendants, Catherine Wilroy and Margaret Wilroy, was present during the taking of all depositions which are returned and made a part of this report.

Respectfully submitted this 6th day of February, 1919

Bradford Kilby

Commissioner in Chancery

Court's fee:- \$35.00

See: 2564

February 16, 1919

MR WALTER JORDAN, being duly sworn, deposes as follows:

6BY MR EVERETT. Present S.E. Everett, for adults. John K. Hutton guardian ad litem for infants.

Q. Give your name, age, residence, and occupation.

A. Walter Jordan, age 66, residence Suffolk, Va.
Occupation, Bookkeeper.

Q. Mr. Jordan, are you familiar with the Capps farm?

A. Yes, sir; been on it a hundred times, I reckon.

Q. Mr. Jordan, there are nine heirs of John C. Wilroy that are interested in this farm. Do you think it could be conveniently divided in kind among the parties entitled to share therein?

A. Oh, no, I don't think so.

Q. If it cannot be conveniently divided, will any party interested take the entire property, and pay therefor to the other parties such sums of money as their interest therein may entitle them to?

A. I understand that John F. Wilroy has purchased all of the interests of the adults in this property, and there are only two infants now interested, and he is willing to pay them their share.

Q. Mr. Jordan, what do you think would be a fair value for this farm?

A. You asked me just now what I thought it was worth, and I stated **Six** Thousand Dollars. I based this opinion on

the fact that I thought there was not over sixty acres of cleared land; but I understand the heirs claim there are about eighty acres. I based my opinion on this fact;-- that the farm is worth One Hundred Dollars per acre for the cleared land. I don't count the hill sides or the marsh, as that is worth nothing. I only count the cleared land.

Q. In other words, you mean, if there is eighty or ninety acres of cleared land, it is worth Eight or Nine Thousand Dollars?

A. I think the place is worth One Hundred Dollars an acre for the cleared land.

Q. Do you think there is eighty or ninety acres in that tract?

A. I would not think there is that much. I had an idea there was about sixty-five acres in it.

Q. Do you think that the interest of all would be promoted by the sale of the property, or by the allotment of part and the sale of the residue?

A. I believe it would be better to sell it as a whole. I think it would be to the interest of all to do so, and it will bring more now than it will ever bring again.

Q. Do you know the parties to this suit?

A. Every one of them.

Q. Are these the children of John C. Wilroy by Catherine his wife: John F. Wilroy, Rosa Wilroy Bland, J. Carl Wilroy?

They are the children by his first wife, Catherine?

A. Yes, sir.

Q. I will now name the other children; Thos.N.Wilroy, James Lacy Wilroy, Catherine Wilroy, Margaret Wilroy, Grace Wilroy Pope, Legare Wilroy.

A. Yes, I know all these except Margaret. I don't know her. These are by his last wife, Rebecca.

Q. Mr.John F.Wilroy has told the guardian of the two infant children that he was willing to pay these children One Thousand Dollars each, and pay the entire costs of this suit. This would amount to \$9,000 for the place. State whether in your opinion it would be to the best interests of the infants to accept that proposition.

A. I think it would be.

Q. Do you think there would be any probability of their interest amounting to more in case of a public sale?

A. I do not think so. I think that is fair, and a fine price for the place.

And further this deponent sayeth not.

February 6, 1919

Present, S.E. Everett, Attorney for Adults

John K. Hutton, Guardian ad litem. for Infants.

Mr. R.H. BEAMON, being duly sworn, deposes as follows:

BY MR EVERETT

Q. Give your name, age residence and occupation.

A. R.H. Beamon, 55 years of age, Nansemond County, Farmer.

Q. Are you familiar with the farm known as the Capps Farm?

A. I am

Q. I will state that this farm is now owned by Mrs. John F. (Jessie B.) Wilroy, and two infant children, Catherine and Margaret Wilroy. There were formerly nine heirs, but Mrs. Wilroy has purchased the interests of all except these two minor children. Can you state whether this land can be conveniently divided in kind among these parties now entitled to share therein?

A. I do not think so.

Q. If it cannot be conveniently divided, do you know whether any party will take the entire property and pay therefore to the other parties such sums of money as their interests therein might entitle them to?

A. I understand that Mrs. John F. Wilroy is willing to purchase the interest of these two minors, Catherine and Margaret. I understand that they have valued the farm at \$9,000.00, and that Mrs. Wilroy is willing to pay

those two children One Thousand Dollars each, and this must be net to these infants.

Q. What do you think about this price as to whether it is a fair proposition to the infant defendants or not.

A. I think that price a very fair price indeed. There is about 75 acres of this land in cultivation. There are no buildings to amount to anything, and what there is are in very bad condition. The land certainly is not worth much over \$100.00 an acre; I think that is about as high as any land around there has ever sold for. While the deed calls for 190 acres, or more in this farm, sixty-six acres (66) of it was sold to Col. Alex Savage, and has never been deducted from this 190 acres. There is about 120 or 125 acres in this tract, and about 40 acres in marsh and hillside. There is no wood.

And further this deponent sayeth not.

MR. W. H. BRINKLEY, being duly sworn deposes as follows:

BY MR. EVERETT

Q. Give your name, age, residence and occupation.

A. W. H. Brinkley, age 42, Drivers, Va., occupation, farmer

Q. Mr. Brinkley, are you familiar with the tract of land known as the Capps Farm?

A. Yes, sir, I am. In the last year or two, Mr. John F.

Wilroy has improved this farm wonderfully. Last year

he bought \$17,000.00 of stable manure, and put the biggest part of it on this farm, at least two-thirds of it. He has certainly improved the land, but of course he has not made any improvements on the buildings.

Q. The farm is now owned by Mrs. Jessie B. Wilroy; wife of John F. Wilroy, and Catherine and Margaret Wilroy. Do you think it would be to the advantage of these heirs to have the farm divided among these three at this time?

A. I do not.

Q. Do you know whether anyone would take the interests of the others and pay for the same, or not?

A. I have heard that Mrs. John F. Wilroy would buy the interest of the infants.

Q. Do you think, Mr. Brinkley, it would be the best to sell the farm as a whole?

A. I think it should be sold as a whole.

Q. What would you think would be the fee simple and annual value of the land?

A. Well, Mr. Everett, I thought about \$8,000.00 would pay for it, before I heard of any sale or anything of that kind. I judge it would rent for about \$600.00 a year.

Q. Mr. Brinkley, Mrs. John F. Wilroy has agreed to pay these two infants \$1,000.00 each for their interest. There

are nine heirs. This would be settling on a basis of \$9,000.00, and Mrs. John F. Wilroy is to pay all costs. That is, it must net the infants \$1,000.00 each. What do you think of this settlement?

- A. I think it is very fair, indeed. It is better than I would have calculated for them. Mr. Wilroy has gone to work on that property, and he has got a big crop on there at heavy expense, and I suppose that is why he has made such a reasonable offer. Otherwise, I don't see how he could afford to pay nine or ten Thousand Dollars for this farm.

And further this deponent sayeth not

MR. JOHN F. WILROY , being duly sworn deposes as follows;

BY MR. EVERETT

- Q. Give your name, age, residence and occupation.
- A. John F. Wilroy, age 38, Nansemond County, Farmer
- Q. Are you the husband of Mrs. Jessie B. Wilroy?
- A. Yes sir.
- Q. Mr. Wilroy, I understand now, in fact I know, because I have searched the records that your wife is owner of all of the Capps farm except the interests of two

minor children, Catherine and Margaret Wilroy. This is correct, is it not?

A. Yes, it is

Q. Have you had any agreement for your wife, with the guardian of these two infants, or any understanding to buy their interests?

A. Yes sir. I agreed to buy for \$1,000.00 and all fees, with their guardian, which he said would be perfectly satisfactory to them.

Q. In other words, Dr. Bland, who married your sister, is the guardian of these children, and they are living with him. He is familiar with this farm, and has recently examined the same and investigated it, and has stated to you that he would be satisfied with \$1,000.00 for their share of it?

A. Yes, sir.

Q. What kind of a crop have you on there now, Mr. Wilroy?

A. Spinach and kale.

Q. What did it cost you per acre to get this crop to where it is at this time?

A. Well, in answering your question, I would have to put it this way. I paid about \$125.00 per acre for stable manure preparing for the spinach and kale crop, but I grew a crop before I put it in spinach and kale. The

fertilizer for the spinach and kale would be about \$84.50 per ton now, using one ton to the acre. I might say I would allow one-half the amount of stable manure to the other crops, which would be \$62.50 per acre for the stable manure, and \$84.50 for the fertilizer.

Q. Is your wife, or are you for her, now willing to pay these two children \$1,000.00 each and pay the costs of this suit?

A. Yes, sir.

Q. Do you think this a fair price?

A. Yes, sir. I do think it a good price. At the same time, I do not think these children are entitled to one-ninth each, but they are my half sisters, and I own all the interests except their interests, and I am willing to waive any contentions that I have set out in my wife's bill in this case, and pay them as if they were entitled to one-ninth of the property. When I bought the interests of my sister, Mrs. Bland, I paid her as if she owned one-third of one-half; that is, I paid my sister according to her contention and my contention. Her husband is the guardian of my two half sisters, and the burden, is somewhat on them to look after them, and my wife and myself then agreed to pay the guardian, for his ward's interests, just as if they were entitled to one-ninth each. In other words, I have met the contention of

my sister's claim, and also the claim of the guardian for the wards. Of course, I have done this because they are my half-sisters.

Q. Mr. Wilroy, can you state how this property came to your wife?

A. Mrs. Martha S. Capps was my grandmother. My grandfather, Francis M. Capps, conveyed this property to her for her life, and at her death to her living children, or if she had none living, to her descendants that were living. Mrs. Capps had two daughters; the oldest, Catherine, my mother, who married John C. Wilroy, and the youngest, Rebecca, who also married my father, John C. Wilroy, after the death of my mother, and both Catherine and Rebecca died before my grandmother. During the life of Mrs. Capps, and also of my step-mother, Rebecca Wilroy, this property was sold for the debt of Rebecca Wilroy, and sold as her remainder. Mr. W. B. Shafer purchased this property, and then sold it to Cobb and Miles of New York City. After they purchased this property, my step-mother died, and therefore she never had any remainder in it, and it went to the heirs. Then Carl C. Wilroy, my brother, and myself sold our interests to Cobb and Miles, then afterwards my wife bought that interest from Cobb and Miles. I have recently bought the interest of Legare H. Wilroy, Thos. N. Wilroy and Jas. Lacy Wilroy. (When I say "I purchased" I mean my wife, all the way through) She has

also purchased the interest of Mrs. Rosa Wilroy Bland, and of Grace Wilroy Pope. In other words, she has the deed now on record for the interests of all heirs in this property, except for the interests of the infants, Catherine and Margaret.

Q. Then as I understand it, your wife owns the entire property now, and deeds are on record, except the interests of Catherine and Margaret?

A. That is correct.

Q. Have they any further interests in this suit?

A. No, they have not.

And further this deponent sayeth not

MR. W. H. BRINKLEY RECALLED

QUESTIONED BY MR. HUTTON

Q. Mr. Brinkley, you think if a man bought the farm in the open market at public Auction next week and paid \$8,000.00 he would pay enough for it?

A. I think he would pay it's full value. It would take Five or Six Thousand Dollars to put buildings on it, and that would make the farm cost too much to work profitably

Q. In other words, you think it is worth more to a man who has a home right near than to anyone else?

12..

A. Yes,sir; to put buildings on it would cost too much.

And further this deponent sayeth not

OFFICE OF
J. MONCURE BLAND, M. D.
BOYKINS, VIRGINIA

Judge James L. McLeure,
Suffolk. Va

Dear Judge:-

As guardian for Catherine and
Margaret Wilroy, and being familiar with
the property which they have an interest in,
known as the Copper Town, and being also familiar
with all facts concerning same, I have told
Mr Jas. F. Wilroy or his wife, if they would
pay me Twenty thousand Dollars to each of my words
I think it would be a fair settlement for
them and satisfactory to all. I married
Rosa Wilroy sister of Jas. F. Wilroy and have
the care of the two little girls and am,
in a way, more interested in them than any
one else. I am writing to assure you that
this settlement will be satisfactory to me
as guardian and to all parties concerned.
Very truly yours
J. Moncure Bland

Whereas Francis M. Capps, of Hansemond County, is the owner of Three Hundred and eleven acres of land in the lower Parish of Hansemond County adjoining the lands of R. H. Beamon, James Phelps, and Alex Savage and others which consists of three parcels, one of Eighteen acres more or less, one of one hundred acres more or less, and the balance of One Hundred and ninety three acres, more or less, and where as he has sold to James Batten the Eighteen acres, and to Mrs. Christ in Copeland for her life, the one hundred acres, and where as Mrs. Martha S. Capps, the wife of of said Francis M. Capps has consented to delinquish her title of right of Dower on the said Eighteen acres for the said One Hundred acres, in consideration that the said One Hundred and ninety three acres of land shall be conveyed to a trustee for said and separate use benefit and behoof during her life, and at her death to any child or children she may have during her marriage with said Francis M. Capps. This deed therefore made this 28th day of October, One Thousand Eight Hundred and Sixty Nine, between the said Francis M. Capps, of the one part, and Richard H. Copes land chosen as Trustee for the purposes herein referred to of the other part. Witnesseth, that the said Francis M. Capps in consideration of the agreement on the part of this said wife to delinquish her title or right of Dower in the other land referred to hereon and consideration of One Dollar. Does grant with general Warranty with the said Richard H. Copeland, Trustee as aforesaid the following real estate to wit; One Hundred and Ninety three acres more or less, situated in the lower Parish of Hansemond County, State of Virginia, and on which the said Francis M. Capps now resides, and bounded by the lands of Richard H. Beamon Alex Savage, James Phelps, and others, and which parcel now sold is the balance of the said Three Hundred and eleven acres after deducting the peice of Eighteen acres more or less, this day sold to James Batten and the One Hundred acres sold for her life only to Mrs Christian Copeland and which lands the Said Francis M. Capps deserved title to by the death of this father

w
m;

the death of his father Wm : S. D. Capps the same having been disigned
to him under decree of Court. Intrust and to be held by the said
Richard H. Capps and for the use and purposes following to wit: for the
sole and separate use benefit and behold of the said Martha S. Capps
during her conveyance free from the debts demands or contrial of
her said husband and to take the income and profits, use and
possession to her sole and separate use, and on the death of her husband
she surviving, then to her use benefit during her life, and at her death
whether that event may happen before or after the death of her
husband Francis M. Capps, to go to the children children of said Martha
S. Capps, or their descendants that may be living at her death. The
offspring of her marriage with said Francis M. Capps. To them and
their heirs for ever. Witness the following signature and seal

F. M. Capps. (SEAL)

Virginia.

Hansemond County to wit.

I. John R. Kelly a notary Republic in and for said County and State
do certify that Francis M. Capps a party to the foregoing writing
bearing date the 25th day of October 1869. has personally appeared
before me and acknowledged the same to be his act and deed.

Given under my hand Oct 25th 1869.

John R. Kelly.
Notary Republic.

In the Clerk's office of Hansemond County County the 27th day of
October 1869.

This deed was received and with the certificate written hereon admitted
to record (The requisite stamps of \$2.00 having been affixed and cancelled)

Fester

Peter B. Prentiss. DC.

ABSTRACT OF THE CAPPS PROPERTY

* *****1*****

W.H.Jones, Jr., W.W.Olds, Jr., Special Commissioner

To Deed

W.B.Shafer,

27th of October, 1909 ✓

Deed Book 68, page 195

*****2*****

J.Carl Wilroy and Wife

To Deed

W.B. Shafer
1st of February, 1910 ✓

Deed Book 68, page 359

*****3*****

F.A.Young, Trustee of John F.Wilroy,

To Deed

W.B.Shafer,

1st of February, 1910 ✓

Deed Book 68, page 360

*****4*****

W.B.Shafer and Wife

To Deed

H.G.Miles & Co.,

20th of January, 1912

Deed Book 74, page 149 ✓

*****5*****

Thomas N.Wilroy

(not signed by wife)

To Deed

J.B.Wilroy

11th of December, 1918

Deed Book 90, page 76 ✓

*****6*****

H.G.Miles, et als,

To Deed

Jessie B.Wilroy

11th of December, 1918 ✓

Deed book 90, page 78

*****7*****

James Lacy Wilroy,

To Deed

January 14, 1919

Deed Book 90, page 154 ✓

*****8*****

Rosa W.Bland, Grace Wilroy Pope, et als

To Deed

Jessie B.Wilroy

January 28, 1919

Deed Book 90, (page not on) ✓

Commissioner's Report.

Jessie B. Wilroy et al.

v.

Rosa Wilroy Bland et als.

In Chancery.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of February
1st. 1919.

Filed

February 7th 1919
Bradford Kilby
J.C.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Jessie B. Wilroy and John F. Wilroy Complainants
vs. Decree.

Rosa Wilroy Bland, J. M. Bland, Grace Wilroy
Pope, Amos Pope, Thomas N. Wilroy, Marion
Wilroy, James L. Wilroy, Catharine Wilroy and
Margaret Wilroy, the last three being infants
under the age of twenty -one years Defendants.

This day came Jessie B. Wilroy and John F. Wilroy, Complain-
ants, and by leave of the Court filed their bill, and on motion
John K. Hutton----- a discreet and competent attorney at law,
is assigned as the guardian ad litem to the infants, James Lacey
Wilroy, Catharine Wilroy and Margaret Wilroy, to defend their
interests in this suit; and thereupon the said guardian ad litem
filed the answer of the said infant defendants, and his own
answer on oath, to the said bill of the complainants; and Rosa
Wilroy Bland and J.M.Bland, and the said Grace Wilroy Pope and
Amos Pope, Thomas N. Wilroy, Marion Wilroy and James Lacey Wilroy,
the said James Lacey Wilroy having arrived at the age of twenty one years since the institution of the suit
the adult defendants, filed their answers to said bill; to which
several answers the complainants replied generally, and thereupon
by consent of all the parties, by counsel, this cause is set for
hearing and docketed; and by like consent came on this day to
be heard on the bill of complainants, the several answers of the
defendants to said bill as above set out, and the general repli-
cation of the complainants to said several answers, and was
argued by counsel.

On consideration whereof, the Court doth adjudge, order
and decree that the papers in this cause be referred to one of
the commissioners of this Court, who is directed to inquire
into and report:

1. Whether the real estate in the bill mentioned can be conveniently divided in kind among the parties entitled to share therein.

2. If the same cannot be conveniently divided, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3. And, if the same cannot conveniently be divided, and if no party will take the entire property and pay the others for their interests, whether the interest of those who are entitled to the said property or its proceeds will be promoted by the sale of the property or by the allotment of part and the sale of the residue.

4. Whether there are any delinquent taxes due on said land or any other liens.

5. The fee simple and annual values of said land.

6. Whether all the proper parties in interest are before the court.

7. Whether Marion Wilroy, as the wife of Thomas N. Wilroy, has any estate or interest in and to the one time interest of said Thomas N. Wilroy, and if so, what?

8. As to whether the said lands descended per stirpes or per capita from the said Martha S. Capps to the children of her two daughters set out in the bill of complaint herein, and what the respective interest of each such child is.

Jessie B. Wilroy, et als.,

vs. Reference

Rosa Wilroy Bland, et als.

Enter this 1st day of

Febry.

1919.

James M. L. Moore

do consent:

John S. Hutton, counsel for
my four defendants.

John S. Hutton, atty for
William Wilroy and Therman
J. Wilroy.

D. E. Everett atty for all other

Entered in Chancery parties

Order Book

5

Page 186.

Jessie B.Wilroy, et al. Complainants
vs

Rosa Wilroy Bland, et als,. Defendants

This cause came on ~~again~~^{again} this day to be heard on the papers
formerly read, and on the report of S.E.Everett, Special Commissioner,
filed the 11th day of June, 1919, to which report there is no except-
ion, and was argued by counsel.

On Consideration whereof, it appearing to the Court from
the said report that the said S.E.Everett, Special Commissioner,
withdrew from the Bank the Two Thousand (\$2,000.00) Dollars to the
credit of the Court in this cause, and paid the same to J.M.Bland,
Guardian of Catherine Wilroy and Margaret Wilroy, which is a complete
disbursement of the funds in this cause, the Court doth adjudge ,
order and decree that the said report be confirmed, and there remain-
ing nothing further to be done in this cause, it is ordered that the
same be stricken from the docket.

Jessie B. Wilroy, et al.

vs Final Decree

Rosa Bland Wilroy.

Enter this 2nd day of
~~January~~ February, 1920.

Jas. L. McGlennore.

Entered in Chancery

Order Book No. 5-

Page No. 247

In the Circuit Court of Nansemond County:

Jessie B. Wilroy, et al., ...Complainants
vs. Answer.

Rosa Wilroy Bland, et als., ...Defendants.

The answer of Grace Wilroy Pope and Amos Pope, her husband,
two of the defendants herein, to a bill of complaint filed
against them in the Circuit Court of Nansemond County by Jessie
B. Wilroy, et al., Complainants.

These respondents reserving to themselves the benefit of all
just exceptions to the said bill of complaint, for answer there-
to, or to such thereof as they are advised that is material they
should answer, answering say:

Grace Wilroy Pope is the daughter of Rebecca Wilroy, late
wife of John C. Wilroy, and is familiar with the bill of com-
plaint, and these respondents state that they are desirous of
having said land partitioned and are ready to co-operate with the
complainants and all concerned to have said land partitioned, or
sold, and the estate divided as early as practicable.

And these respondents further answering say that they are
advised that the interests and shares in said land descended from
the said Martha S. Capps, deceased, per capita and not per stirpes,
by reason whereof they say that the said Grace Wilroy Pope is en-
titled to an one-ninth interest or share in said land, and pray
that the commissioner, when appointed, be required by the decree
of this court to ascertain and report whether or not said land
descended per stirpes or per capita.

Grace Wilroy Pope

Amos Pope

Respondents.

H. S. [Signature]

Counsel.

Jessie B. Wilroy, et al.

vs

Rosa Wilröy Bland, et als.

Answer of Grace Wilroy Pope
and Amos Pope.

1919 Feb. 1. J. L. J. H. M.

In the Circuit Court of Nansemond County:

Jessie B. Wilroy, et al., ...Complainants
vs. Answer.

Rosa Wilroy Bland, et als., ...Defendants.

The answer of Rosa Wilroy Bland and J. M. Bland, her husband, two of the defendants herein, to a bill of complaint filed against them in the Circuit Court of Nansemond County by Jessie B. Wilroy, et al., Complainants.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to such thereof as they are advised that is material they should answer, answering say:

Rosa Wilroy Bland is the daughter of Catharine Wilroy, late wife of John C. Wilroy, and is familiar with the bill of complaint, and these respondents state that they are desirous of having said land partitioned and are ready to co-operate with the complainants and all concerned to have said land partitioned, or sold, and the estate divided as early as practicable.

And these respondents further answering say that they are advised that the interests and shares in said land descended from the said Martha S. Capps, deceased, per stirpes and not per capita, by reason whereof they say that the said Rosa Wilroy Bland is entitled to an one-sixth interest or share in said land, and pray that the commissioner, when appointed, be required by the decree of this court to ascertain and report whether or not said land descended per stirpes or per capita.

Rosa Wilroy Bland.
J. M. Bland
Respondents.

H. S. Sumner
Counsel.

Jessie B. Wilroy, et al.

vs.

Rosa Wilroy Bland, et als.

Answer of Rosa Wilroy Bland
and J. M. Bland.

1919. Feb. 1. J. M. Bland

Jessie B. Wilroy and John F. Wilroy.....Complainants.

vs.

Rosa Wilroy Bland et als.....Defendants.

The answer of Thomas N. Wilroy to a bill of complaint exhibited against him and others by Jessie B. Wilroy and John F. Wilroy in the Circuit Court of Nansemond County.

This respondent reserving to himself the benefit of all just exceptions to said bill of complaint, for answer thereto, or to so much thereof as ~~he~~ is advised it is material he should answer, answers and says that he has no interest whatever in the subject matter of this suit, he having sold any interest he may have had in the land for partion of which this suit is brought as alleged in the bill of complaint.

And now having fully answered the complainants' bill, this respondent prays to be hence disnissed with his reasonable cost by him in this behalf expended.

Thomas N. Wilroy

By

Seunders & Stuart

His Attorneys.

Answer of Thomas N. Wilroy

1919 Feb. 1. Filed J. H. H.

Jessie B. Wilroy and John F. Wilroy.....Complainants.

vs.

Rosa Wilroy Bland et als.....Defendants.

The answer of John Y. Hutton, Guardian ad litem to the infant defendants, James L. Wilroy, Catharine Wilroy, and Margaret Wilroy, and the answer of the said infant defendants by their said guardian ad litem to the bill of complaint exhibited against them and others by the said Jessie B. Wilroy and John F. Wilroy in the Circuit Court of Nansemond County.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as they are advised it is material they should answer, answer and say:

First. They concur in the prayer and purpose of said bill in so far as same prays for a sale of the property therein mentioned and division of the proceeds among the parties entitled to same.

Second: These respondents are the infant children of Rebecca Wilroy and John C. Wilroy, now deceased. As alleged in said bill, Martha S. Capps had two children, Catharine Capps and Rebecca Capps, both of whom died in the life time of said Martha S. Capps, Catharine leaving three children and Rebecca leaving six children, all of which children are now living.

Third: The real property mentioned in said bill was conveyed by deed to Richard E. Copeland, Trustee, to the use and for the benefit of Martha S. Capps for the term of her natural life, and after her death to go to the child or children of said Martha S. Capps, or their descendants that may be living at her death.

Fourth: Complainants allege in said bill that they have been advised that one-half interest in said property descended to the children of Catharine Wilroy ~~nee~~ Capps and one-half interest to

the children of Rebecca Wilroy nee Caps. These respondents affirm that under the proper construction of the language used in said deed the remainder in fee in said property upon the death of said Martha S. Capps vested in the children of Catharine Wilroy and the children of Rebecca Wilroy, each child taking a one-ninth undivided interest in said property.

And now having fully answered the complainants' bill, these respondents pray to be hence dismissed with ~~their~~ reasonable costs by them in this behalf expended.

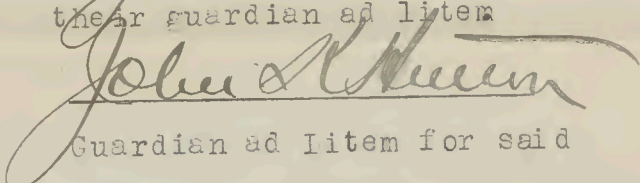
James L. Wilroy

Catharine Wilroy

Margaret Wilroy

By


their guardian ad litem


Guardian ad litem for said

infants.

Answer of Gordon
to Interrogatory

1919. Feb 1. filed J.L.M.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

In the Circuit Court of Nansemond County:

Jessie B. Wilroy, et al., ... Complainants,
vs ANSWER.

Rosa Wilroy Bland, et als., ... Defendants.

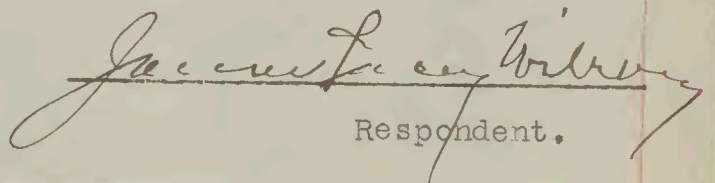
The answer of James Lacey Wilroy, one of the defendants herein, to a bill of complaint filed against him in the Circuit Court of Nansemond County by Jessie B. Wilroy, et al., Complainants.

This respondent reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to such thereof as his is advised that it is material that he should answer, answering says:

That he is a son of Rebecca Wilroy, late wife of John C. Wilroy, and is familiar with the bill of complaint. That this defendant attained the age of twenty one years on the eighth day of January, 1919; that thereafter, to-wit, on the day of January, 1919, this defendant, sold and conveyed all of his right, title and interest in and to the premises mentioned and described in the bill of complaint herein to Jessie B. Wilroy, one of the complainants, for a valuable consideration, and that by reason whereof he, the said defendant, hath no further right, title or interest in said premises, or in the proceeds thereof, wherefore he prays to be hence dismissed, etc.



Counsel.


Respondent.

Jessie B. Wilroy, et al.

vs.

Rosa Wilroy Bland, et als.

Answer of James Lacey Wilroy.

1919 Feb. 1. filed JLM

Jessie B. Wilroy and John F. Wilroy.....Complainants.

vs.

Rosa Wilroy Bland et als.....Defendants.

The answer of Marian Wilroy to the bill of complaint exhibited against her and others by said Jessie B. Wilroy and John F. Wilroy in the Circuit Court of Nansemond County.

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

The complainants allege in said bill that Thomas N. Wilroy sold and conveyed his undivided interest in the real estate mentioned in said bill to Jessie B. Wilroy, one of the complainants, all of which this respondent believes to be true. This respondent, however, alleges that she is the lawful wife of said Thomas N. Wilroy and was his lawful wife when said conveyance was made; that during the coverture her husband, the said Thomas N. Wilroy, was seized of an estate of inheritance in said real estate; that she was not a party to said conveyance, the same being made without her consent; that by reason of the premises, she now owns a contingent right of dower in said undivided interest so conveyed by said Thomas N. Wilroy; that said interest is a one-ninth undivided interest in said property; that this respondent is years of age.

This respondent prays that her contingent right of dower in said property be fully protected by the Court and that such decree may be entered as may be necessary to effect such protection.

And now having fully answered the complainants' bill, this respondent prays to be hence dismissed with her reasonable costs by them her in this behalf expended.

Marian Wilroy

By *Samuel H. H. H.*

her attorneys.

Museum of Mania
Union

1919 February 1. filed
J. M.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

Jessie B. Wilroy and John F. Wilroy.....Complainants.
vs. In Chancery

Rosa Wilroy Bland, J. M. Bland, Grace Wilroy Pope,
Thomas N. Wilroy, Marion Wilroy,
Amos Pope, James L. Wilroy, Catharine Wilroy and

Margaret Wilroy, the last three being infants under
the age of twenty-one years..... Defendants.

To the Honorable Circuit Court of Nansemond County:

Your complainant, Jessie B. Wilroy, and John F. Wilroy, her
husband, respectfully show and represent;

(1) Jessie B. Wilroy, Rosa Wilroy Bland, Grace Wilroy Pope, James
L. Wilroy, Catharine Wilroy and ~~Margaret~~ Wilroy, the last three be-
ing infants under the age of twenty-one years, are joint tenants and
co-tenants of a certain tract of land described as follows:

All that certain tract of land situate in Nansemond County,
Virginia, near Drivers, and bounded by the lands of S.A. Williamson,
C. A. Pond, R. H. Beamon, W. J. Backus and Brothers, and T. E. ~~Cot-~~^{Protnor}
~~ten.~~ Containing 193 acres, and being the same land conveyed to
Richard H. Copeland, Trustee for Martha S. Capps by deed duly execut-
ed by Francis M. Capps, and recorded in the office of the Clerk of
the Circuit Court of Nansemond County in Deed Book No 2 page 161.

(2) Francis M. Capps conveyed this property by deed dated October
25, 1869, and duly recorded as aforesaid, to Richard H. Copeland
Trustee, to the use and for the benefit of Martha S. Capps for the
term of her natural life, and after her death to go to the child
or children of said Martha S. Capps, or their descendants that may
be living at her death. (The offspring of her marriage with said
Francis M. Capps.) To them and their heirs for ever.

(3) The said Martha S. Capps had two children, Catharine Capps and
Rebecca Capps; that Catharine Capps intermarried with one John C.
Wilroy, and had three children, the issue of said marriage, to wit,
John F. Wilroy, Carl B. Wilroy and Rosa Wilroy, and thereafter de-
parted this life, during the lifetime of the said Martha S. Capps;
that thereafter the said Rebecca Capps, intermarried with the said

John C. Wilroy, and had six ~~x~~ children, namely, Grace Wilroy, Thomas N. Wilroy, Legare H. Wilroy, James Lacey Wilroy, Catharine Wilroy, and Margaret Wilroy, then last three being infants under the age of twenty one years, and thereafter, she, the said Rebecca Wilroy departed this life, in the life time of her mother, Martha S. Capps, aforesaid; that the said Rosa Wilroy has since intermarried with J. M. Bland, M.D., and the said Grace Wilroy has since intermarried with Amos Pope; that the said Martha S. Capps and the said John C. Wilroy are now both deceased.

(4) That the said Thomas N. Wilroy and Carl B. Wilroy sold and conveyed their undivided interests in said premises, and their estates therein, by their several deeds in writing unto the said Jessie B. Wilroy, one of your complainants, which deeds are duly of record in the office of the Clerk of the Circuit Court of the County of Nansemond aforesaid; that she has also acquired, by purchase and deed of conveyance the interests and estates of John F. Wilroy and Legare H. Wilroy in said premises all duly recorded as aforesaid, in and by virtue of which the said premises are now owned by Jessie B. Wilroy, Rosa Wilroy Bland, Grace Wilroy Pope, James Lacey Wilroy, Catharine Wilroy and Margaret Wilroy.

(5) Your complainants have been advised that one half interest in the said premises on the death of Martha S. Capps, descended to the children of Catharine Wilroy, the daughter of said Martha S. Capps, and the remaining one half interest descended to the children of Rebecca Wilroy, also the daughter of said Martha S. Capps.

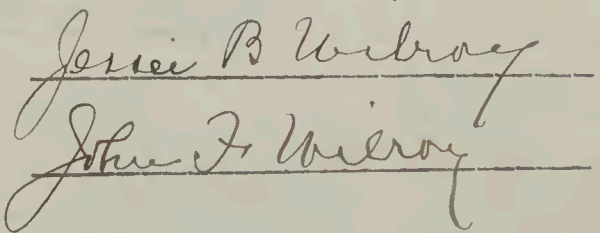
(6) That the said real estate is, as your complainants believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainants believe, and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue;

~~In consideration whereof, and submitted as your complainants~~

(7) When the said Jessie B. Wilroy purchased the interest of the said Thomas N. Wilroy in the said premises, his wife, Marion Wilroy, either neglected or refused to join in said deed, by reason of which she claims or may claim to have some interest in such share so purchased by the said Jessie B. Wilroy of the said Thomas N. Wilroy, wherefore she, the said Jessie B. Wilroy prays that the said Marion Wilroy and Thomas N. Wilroy may be made parties to this suit, and be required to defend any interest which he, she or they may claim in said interest as aforesaid.

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that Rosa Wilroy Bland, J.M.Bland, M.D., Grace Wilroy Pope, Amos Pope, Thomas N. Wilroy, Marion Wilroy, James Lacey Wilroy, Catharine Wilroy and Margaret Wilroy, the last three being infants under twenty one years, may be made parties defendant to this bill, and such as are over the age of twenty one years be required to answer this bill in proper person, and such as are shown to be under the age of twenty one years, be required to answer same by their guardian ad litem; that a proper guardian ad litem be appointed to defend the interests of said infant defendants, who shall answer this bill, that proper process issue, that the said tract of land be divided among the parties entitled thereto, or else, if it cannot be divided, that it may be sold and the proceeds divided among the parties according to their respective rights, the shares of the infants to be held as directed by the statute for such cases made and provided: and that your complainants may have all such further and other relief in the premises as the nature of their case may require, or to equity shall seem meet.





Counsel.

Jessie B. Wilroy et al.,

vs Bill.

Rosa Wilroy Bland, et als.

1919 Feb. 1. filed *jsm*

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATTORNEY
E. E. WAGNER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VIRGINIA

Rule Notes:

Jesse B. Wilroy and John F. Wilroy,

Plfts.

vs. In Chancery.

Rosa Wilroy Bland, J. M. Bland, Grace Wilroy Pope, Amos Pope, James L. Wilroy,
Cathrine Wilroy and Margaret Wilroy, the last three named being infants
under the age of twenty-one years.

Defts.

December 28, 1918. Process issued returnable to January Rules, First
Monday, 1919.