

1919-026
Nansemond Co (Suffolk) Chancery Causes: Susie B. Harrell et al vs Fairlie F. Brinkley et al

Ashburn, Rawles, Byrd

To the Clerk of the Circuit Court for the County of Nansemond:-
Susie B. Harrell and Jesse E. Harrell, her husband---Plaintiffs.

vs

Fairlie F. Brinkley, Mary C. Brinkley, his wife,
Mary A. Ashburn and B. W. Ashburn, her husband,
Curtis P. Harrell, infant son of Ruth R.
Harrell, deceased---under twenty one years of age-Defendants.

Issue summons in chancery to September Rules (3rd Monday) 1917.

Sept. 14, 1917.

Lee Bruth
P. G.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON... ~~Faithle~~ F. Brinkley, Mary
C. Brinkley, his wife, Mary A. Ashburn and B. W. Ashburn, her husband and
Curtis P. Harrell, infant son of Ruth R. Harrell, dec'd.

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 ~~Third~~ Monday in ~~September~~, 1917, to answer a Bill in
Chancery, exhibited against them
in the said Court by ~~Sadie B. Harrell~~ and ~~Jesse F. Harrell~~, her husband

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 15th day of
September, 1917, in the 13th year of the Commonwealth.

A copy—Teste:
G. E. Bunting, Clerk.

Teste:
G. E. Bunting, Clerk.

D. M. P. 24 June!

vs.

19.....

Rules.

. Monday.

Process Book, No.....

Page.....

Executed this.....day of....., 191... by delivering a true copy of the within process
to
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.....

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

Sheriff.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON....Fairlie.F.Brinkley,Mary....
C.Brinkley,his wife,Mary...A.Ashburn and B.W.Ashburn,her husband;.....
 ...and Curtis P.Harrell,infant son of Ruth R.Harrell;dec'd:.....

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...third.....Monday in...September, 1917, to answer.....a.....Bill in
Chancery, exhibited against.....them.....
in the said Court by..Susie B. Harrell and Jesse E. Harrell her husband.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.....15th.....day of
September....., 19¹⁷....., in the 142nd.....year of the Commonwealth.

~~A copy~~ ~~Teste:~~

Teste:

Click.

Clerk.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.

*Pauline P. Brinkley, Mary
C. Brinkley, his wife, Mary A. Ashburn and B. F. Ashburn, her husband and
Curtis B. Marrell, infant son of Ruth B. Marrell, dec'd.*

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 *third* Monday in *September, 1917*, to answer *a* Bill in
Chancery, exhibited against *them*
in the said Court by *Sadie B. Marrell and Jesse B. Marrell, her husband*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *15th* day of
September, 19*17*, in the *14th* 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 within process
to

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

Sheriff.

A copy for
Curt's Place, inform

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.....

William F. Brinkley, Mary
C. Brinkley, his wife, Mary A. Ashburn and A. J. Ashburn, her husband and
Gustie F. Brinkley, infant son of A. J. Brinkley, her husband.

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 21st Monday in September, 1917, to answer Bill in
Chancery, exhibited against them
in the said Court by William F. Brinkley and Gustie F. Brinkley, her husband.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 18th day of
September, 1917, in the 13th year of the Commonwealth.

A copy—Teste

G. E. Bunting, Clerk.

Teste:

G. E. Bunting, Clerk.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.... Fairlie F. Brinkley, Mary

C. Brinkley, his wife, Mary A. Ashburn and B. W. Ashburn, her husband,

and Curtis P. Harrell, infant son of Ruth R. Harrell, dec'd.

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... third ... Monday in... September, 1917, to answer... a ... Bill in
Chancery, exhibited against... then ...
in the said Court by... Susie B. Harrell and Jesse B. Harrell her husband

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this... 15th ... day of
September..., 1917..., in the 142... 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 within process
to

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

Sheriff.

A copy for
Mary C. Proctor

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... Fairlie F. Brinkley, Mary.....
C. Brinkley, his wife, Mary A. Ashburn and B. W. Ashburn, her husband and
Curtis P. Harrell, infant son of Ruth R. Harrell, dec'd.

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... Third..... Monday in September, 1917., to answer..... a..... Bill in
Chancery, exhibited against..... them
in the said Court by... Susie B. Harrell and Jesse E. Harrell, her husband

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... 15th..... day of
September....., 1917., in the 14th year of the Commonwealth.

A copy—Teste:

G. E. Bunting, Clerk. }

Teste:

G. E. Bunting, Clerk.

I hereby accept service of the within process
as sufficient legal service ^x

Mary C. Ashburn.

....., p. q.
A copy for
Mary A. Auburn

VS.

In Chancery.

19

Rules.

. Monday.

NANSEMOND COUNTY COURT,

Process Book, No.....

Page.....

Executed this.....day of....., 191... by delivering a true copy of the within process
to

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.....

.....

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

Sheriff.

In the Circuit Court of Nansemond County, Virginia-

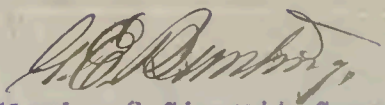
---- In Chancery--

Susie B. Harrell and Jesse E. Harrell, her husband, Plaintiffs-

----- VS -----

Fairlie F. Brinkley, Mary C. Brinkley, his wife, Mary A. Ashburn,
B. W. Ashburn, her husband, and Curtis P. Harrell, infant son of
Ruth R. Harrell, deceased, under the age of twenty one years.

It appearing to the Clerk of the Circuit Court of
Nansemond County in his office in the vacation of the
said Circuit Court, that Curtis P. Harrell one of the
defendants herein, is an infant, on the motion of the
plaintiffs by counsel, the Clerk of said Court doth
appoint Moody E. Stallings, a discreet and competent
attorney at law as guardian ad litem to such infant .


Clerk of Circuit Court.

Harrell & c.

vs

Brinkley et Als.

Order Appointing Guardian
ad Litem.

Entered Sept. 15, 1917.

L. E. Brinkley,
Clerk.

In the Circuit Court of Nansemond County, Virginia-

Susie B.Harrell et Als.
*
* VS** In Chancery**
*
Fairlie F.Brinkley et Als.

To the Honorable James L. McLemore, Judge of said Court:-

The undersigned, Fairlie F. Brinkley, Guardian of Curtis P. Harrell, respectfully reports that, in compliance with the requirement of a certain decree entered in this cause on the 5th day of November, 1917, he received from Lee Britt, Special Commissioner in this cause November 24, 1917 the sum of \$350.63 being the amount due his ward from the Estate of L. P. Brinkley, deceased, and invested \$350.00 in the Third Liberty Loan Bonds for his ward November 26, 1917, in accordance with the approval of the Judge of this Court previously obtained, and he has safely preserved the evidence of such investment for his said ward.

Respectfully submitted,

F. F. Brinkley

Guardian of Curtis P. Harrell,
infant.

Suffolk, Va.

October 11, 1919.

Susie B. Harrell et al.

VS**

Fairlie F. Brinkley et als.

Report of Fairlie F. Brinkley,
Guardian of Curtis P. Harrell,
Infant.

Filed

Dec. 1. 1919. Lm

Copy of Costs

Taxed in the Suit of:

Rev Britt

p. q.

Swir B. Harrell et al

vs.

Perlie S. Brinkley et al

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

1 50

Clerk

8 47

Sheriff

0

Attorney

~~15 00~~

Commissioner

10 00

Printer, for Order of Publication, etc.

19 97

Date of Judgment or Final Decree

Oct. Term

1918

Paid

by Rev Britt

191

Spec. Com. 12-1-18

Clerk

Received of Lee Britt, Special Commissioner in the chancery cause of
Susie B. Harrell et al vs Fairlie F. Brinkley et als. the sum of \$77.50
in settlement of fee allowed to me as counsel conducting the cause
in the sum of \$50.00, and commissions in part as Special Commissioner
in said cause in the sum of \$27.50 making the sum of \$77.50 in full
settlement of fees due me.

Dec. 4, 1919.

\$77⁵⁰

Lee Britt
Atty & Sp Commr

Received of Lee Britt, Special Commissioner in the chancery cause
of Curtis P. Harrell and other vs Fairlie F. Brinkley and others the
sum of Three Hundred and Fifty, and 05/100 Dollars in full settle-
ment of one fourth of the value and price of the tract of land
in the said chancery cause allotted to said Fairlie F. Brinkley and
accepted by said Fairlie F. Brinkley at the price of \$1500.00, less
one fourth of the costs and expenses of the said chancery cause
amounting to \$27.47, including attorney's fee of \$50.00 per conduct-
and the said sum, being \$422.53, which amount of \$422.53 is the
sum of \$275.00, less costs of \$54.27.

Witness my hand, 24, 1917.

Fairlie F. Brinkley.
Edw for Curtis P. Harrell,
infant son of Ruth R. Harrell.

1917 November 27/

Received of Lee Britt, Special Commissioner in the chancery suit of
Susie B. Harrell et als. v. Fairlie F. Brinkley et als, ten (\$10.) dol-
lars in payment of fee for report made by me in said cause, as Com-
missioner in Chancery.

Bradford Kilby
Commissioner in Chancery.

Received of Lee Britt, Special Commissioner in chancery cause
of Susie R. Harrell et al. vs Fairlie F. Brinkley et als. the sum
of Three Hundred and Fifty and 63/100 Dollars in full settlement
of one fourth of the value and price of the tract of land *allotted* and
accepted by Fairlie F. Brinkley at the price of \$1500.00, less
one fourth of the costs and expenses of the chancery proceedings
amounting to \$97.47, including attorney's fee of \$50.00 for
conducting the said cause, being \$24.37., which amount of \$350.63
is the sum of \$375.00, less costs of \$24.37.

November 24, 1917.

Susie R. Harrell.

Received of Lee Britt, Special Commissioner in the chancery cause of Susie E. Harrell and other vs Fairlie F. Brinkley and others the sum of Three Hundred and Fifty and 63/100 Dollars in full settlement of one fourth of the value and price of the tract of land in the said chancery cause allotted to said Fairlie F. Brinkley and accepted by said Fairlie F. Brinkley at the price of \$1500.00, less one fourth of the costs and expenses of the said chancery cause amounting to \$97.47, including attorney's fee of \$50.00 for conducting the said cause, being \$24.37, which amount of \$350.63 is the sum of \$375.00, less costs of \$24.37.

November 24, 1917.

Mary A. Ashburn

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA-

Susie B. Harrell et al. *
VS*** In Chancery*** *
Fairlie F. Brinkley et als.*

To the Honorable James L. McLemore, Judge of said Court:-

Your Special Commissioner respectfully reports that, pursuant to and in execution of a decree entered in this cause on the 5th day of November, 1917, he collected from Fairlie F. Brinkley, one of the parties defendant, the sum of \$1125.11, being 3/4 of the sum of \$1500.00, the purchase price of the land in these proceedings mentioned and allotted to the said Fairlie F. Brinkley, he owning a one fourth interest in the said land, and the further sum of \$24.36, being one fourth of the costs and expenses of this cause, payable by him, which amounts, aggregating the sum of \$1149.36, have been paid out as follows:-

1917	Nov. 27-	By amount received from Fairlie F. Brinkley, as stated,	\$1125.00
"	"	" " " " " " " " " " " "	24.36
"	"	To amount paid Susie B. Harrell, 1/4 of \$1500, less \$24.36 1/4 of costs and expenses	\$350.63
"	"	To amount paid Mary A. Ashburn, 1/4 of \$1500, less \$24.36, 1/4 of costs and expenses,	350.63
"	"	To amount paid Fairlie F. Brinkley, Guardian of Curtis P. Harrell, ward, 1/4 of \$1500, less \$24.36, 1/4 of costs and expenses,	350.63
"	"	To paid Bradford Kilby, Commissioner, fee for report in cause,	10.00
1919	Dec. 1	To paid G. E. Bunting, Clerk of Court, fees & c. in cause,	9.97
		To paid Lee Britt, Attorney and Special Commis- sioner (Attorney \$50.-S. Commissioner \$27.50)	77.50

Vouchers filed herewith-

\$1149.36

\$1149.36

Respectfully submitted-

Lee Britt

Special Commissioner.

Suffolk, Va.,
Dec. 4, 1919

Susie B. Harrell et al
vs In Chancery
Fannie J. Brinkley et al
Report of Special Commissioner

Filed Dec. 1. 1919.
J. L. M.

In the Circuit Court of Nansemond County, Virginia:-

Susie B. Harrell and
Jesse E. Harrell, her husband,

vs

Fairlie F. Brinkley and
Mary C. Brinkley, his wife,
Mary A. Ashburn and
B. W. Ashburn, her husband, **** In Chancery****
Curtis P. Harrell, infant son
of Ruth R. Harrell, deceased,
and Moody E. Stallings, Guardian
ad Litem of said infant-

This cause came on this day to be again heard on the papers formerly read, and on the report of Bradford Kilby, a Commissioner in Chancery, with depositions attached, filed in court this day, to which no exceptions have been filed, and was argued by counsel.

On consideration whereof, and it appearing to the Court from the said report and testimony that the land in the bill in this cause mentioned cannot be conveniently partitioned, in kind, among the parties entitled thereto, and that Fairlie F. Brinkley, one of the parties defendant to this cause, will accept the allotment to him of the entire subject, the land described in the said bill as follows:- "which tract of land contains one hundred and ninety acres, more or less, and is known as the "Pocosin" tract, situate in Cypress Magisterial District, near Liberty Springs in said County of Nansemond, Virginia, and is bounded by the lands of Horace Savage, Richard T. Rawles' Estate, the William Rawles land, and the lands of Abram T. Folk and Charles E. Byrd, -being a part of the land which Peter B. Prentis, Trustee, conveyed unto the said L. Parker Brinkley, as Lazarus P. Brinkley, by deed bearing date February 13, 1871 and recorded in D. B. No. 2, Page 493, in the Clerk's Office of the County Court of Nansemond County, Virginia, "-and pay therefor to the other parties such sums of money as their interests therein may entitle them to; and it further appearing to the Court from such report and evidence that the said Fairlie F. Brinkley will take the entire land by allotment at the price of fifteen hundred dollars, which is a fair price for said land, and three fourths of which sum is

sufficient to pay the other parties all that their interests may entitle them to, the Court doth adjudge, order and decree the allotment of the entire subject, the land hereinbefore described, to the said Fairlie F. Brinkley, and that the said Fairlie F. Brinkley is hereby ordered and directed to pay to the other parties in interest, through the Special Commissioner of this court, such sums of money as their interest therein may entitle them to, which is ascertained to be a one fourth interest in the said sum of \$1500.00, less the costs and expenses of these proceedings, to each of the parties in interest entitled thereto, to wit, Susie B. Harrell, Mary A. Ashburn and Curtis P. Harrell, infant, the interest therein of the said infant to be paid to the person hereinafter named to receive the same.

And the Court doth further order and decree that Lee Britt, who is hereby appointed a special commissioner for such purpose, proceed to collect from the said Fairlie F. Brinkley the sum of \$1125, being three fourths of the said sum of \$1500.00, the aggregate sum of money the other parties in interest are entitled to, and the further sum ^{equal to} of one fourth of the costs and expenses of these proceedings, and, after payment of the costs and expenses of these proceedings, including an attorney's fee of \$50.00 allowed to Lee Britt, the attorney conducting this cause as compensation for his legal services, the said special commissioner shall distribute the balance of the funds in his hands among those entitled thereto, according to their respective interests, as follows:—To Susie B. Harrell, one fourth, Mary A. Ashburn, one fourth, and Fairlie F. Brinkley, who is the guardian of the infant Curtis P. Harrell, who is hereby appointed to receive the infant's interest, one fourth.

But before the said Special Commissioner shall execute his duties under this decree, he shall execute a bond payable to the Commonwealth of Virginia, in the penalty of \$2000.00, with approved security, before the Clerk of this Court, ^{and} before the said Fairlie F. Brinkley shall receive the sum of money the said infant Curtis P. Harrell is entitled to hereunder, he shall execute a bond, payable ^{in the penalty of \$500.00, conditional for the faithful discharge of his duties under this and subsequent decrees} to the Commonwealth of Virginia, with approved security, before the said Clerk.

It is further ordered that the said Fairlie F.Brinkley shall invest the said sum of money coming into his hands,being one fourth of \$1500.00,less the proportionate part of the costs and expenses hereinbefore ordered to be paid, taking sufficient security for the said investment and preserve ,in safe keeping,the evidence of such investment,subject to the further order of this Court,but the the said Fairlie F.Brinkley is hereby authorized to spend the income from the said investment,from year to year,for the benefit of the said infant.

The said Fairlie F.Brinkley shall make report to Court showing the form of the investment made.

And the said Special Commissioner shall make report to Court of his proceedings under this decree.

Susee B. Harrall et al.
vs
Fannie F. Brinkley et al.

Verdict

Enter Nov. 5. 1917

Jas. L. McKim

Entered in Chancery
Order Book No. 5

Page 128.

In the Circuit Court of Nansemond County, Virginia-

Susie B. Harrell and
Jesse E. Harrell, her husband-

VS

Fairlie F. Brinkley and
Mary C. Brinkley, his wife,
Mary A. Ashburn and
B. W. Ashburn, her husband,
Curtis P. Harrell, infant son of
Ruth R. Harrell, deceased,
Moody E. Stallings, Guardian ad Litem-

This cause came on this day to be regularly heard on the bill, with exhibit, joint and ~~separate~~ ^{of Moody E. Stallings, who was duly assigned at rules as} answers of the adult defendants and answer, ^{as of said answers filed this day.} of the guardian ad litem for the infant defendant, the cause having regularly matured at rules, and was argued by counsel.

On consideration whereof, ^{and by consent of all parties} the Court doth, adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of the Court, who is hereby directed to enquire into and report to Court:-

1st- Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto.

2nd- ^{It} ~~Whether~~ the same cannot be conveniently divided in kind, whether any party will take the entire property, and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

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

4th- And if the interests of those entitled to said property, or its proceeds, will be promoted by a sale of the entire property, then to state the names and respective shares of those entitled to the proceeds from such sale.

5th- State the fee simple and annual values of the property described in the bill, and whether there are any delinquent taxes against the same, and if any, the amount.

Which several inquiries the said Commissioner shall make and report to court, together with any matters specially stated deemed pertinent by himself, or required by any of the parties to be specially stated.

By consent of parties to this cause entered of record, it is ordered that the papers in the said cause may be submitted to the Judge of this court in vacation ~~for~~ such decrees and orders, as may be made in term.

Susie E. Warrell et Al.

VS * In Chancery*

Fairlie F. Brinkley et Als.

Entered this 2 day of October, 1917

James McGowan

Chancery Order
Book # 5 Page 121.

We consent to the within decree
and that the papers in this
cause ^{may} be submitted to the judge
in vacation for such decrees and
orders as might be made in terms.

Susie E. Warrell and
James E. Warrell
By Lee Smith, atty

Mary A. Ashburn
B. H. Ashburn
Fairlie F. Brinkley
Mary E. Brinkley
Mary E. Brinkley, Guardian
ad litem.

In the name of God, Amen. I, L. Parker Brinkley, of Nansemond County Virginia, being of sound mind and memory, do hereby make, publish and declare my last will and testament, in manner and form following, hereby revoking all former wills or codicills by me at any time heretofore made.

First: I desire that after my death, my body be given a decent Christian burial.

Second: I will that all my just debts and funeral expenses and charges of administration be paid out of my estate by my Executor herein named.

Third: I hereby give and bequeath to my dear wife, Sarah E. Brinkley, all my personal property, all moneys, bank accounts, notes, bonds, due bills &c. &c. in fee simple, forever.

Fourth: I give to my wife, Sarah E. Brinkley, my entire real estate for her single or natural life.

Fifth: At the death of my wife, Sarah E. Brinkley, I give to my son Fairlie F. Brinkley, my home farm on which I now reside in fee simple forever.

Sixth: For the consideration above mentioned, in article Fifth, I will and require that my son, Fairlie F. Brinkley shall pay to each of my children (or their heirs) namely, Guyosa Brinkley, Mary H. Ashburn, Susie B. Harrell and Ruth R. Harrell the sum of One Hundred dollars (\$100.00)

Seventh: I desire and request that my tract of land known as the "Perquson" or "Bray Jones" tract at the death of my wife, Sarah E. Brinkley, shall be owned in fee simple by my children or their heirs namely, Fairlie F. Brinkley, Guyosa Brinkley, Mary A. Ashburne, Susie B. Harrell and Ruth R. Harrell.

Eighth. I hereby nominate and appoint my son, Fairlie F. Brinkley, to be the executor of this my last will and testament, without security.

In witness whereof I have hereunto set my hand and seal this twelvth day of March in the year One thousand nine hundred and six.

L. Parker Brinkley (Seal)

Signed, sealed and published and declared by the said L. Parker Brinkley, as and for his last will and testament, in the presence of us, who at his request; and in his presence and in the presence of each other, have subscribed our names as witnesses hereto.

Witness Charles E. Byrd

Witness Abram T. Harrell

Virginia:

In the Clerk's Office of the Circuit Court of Nansemond County on Saturday the 10th day of December, 1910.

The last will and testament of L. Parker Brinkley, late of this County ~~deceased~~ was this day produced before the Clerk of the Circuit Court of Nansemond County and proved according to law by the oaths of Charles E. Byrd and Abram T. Harrell, the two subscribing witnesses thereto, and is ordered to be recorded.

On the motion of Fairlie F. Brinkley, who is named in the said last will and testament as executor thereof, who made oath according to law and entered into and acknowledged a bond in the penalty of One Thousand Dollars, conditioned according to law, (but without security, the said last will and testament directing that no security be required of him) certificate is granted him, the said Fairlie F. Brinkley, as executor, for obtaining a probate of said last will and testament in due form.

And it is ordered that said bond be recorded.

Teste: R. R. Smith, Clerk,

By M. M. Watkins, D. C.

A Copy-Teste: G. E. Bunting, Clerk,

By Late J. Belle, D.C.

-copy-

Will of L Parker

Brinkley

Will Book # 7-

Page 124-

Book: 5. 5. 5. 5. 5. 5.

Page: 124.

\$
For 1.00

To Susie B. Harrell and Jesse E. Harrell, her husband,

and

Fairlie F. Brinkley, and Mary C. Brinkley, his wife, Mary A. Ashburn and B.W. Ashburn, her husband, Curtis P. Harrell, infant son of Ruth R. Harrell, deceased, and Moody E. Stallings, Guardian ad Litem of said infant.

You are hereby notified that on the 22nd. day of October 1917, at my office in Suffolk, Va. (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 the County of Nansemond, Va. rendered the 13th. day of October 1917 in the suit in chancery in said court to which you are parties plaintiff and defendant, to-wit:

(1) Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto.

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

(3) If the same can not be conveniently divided in kind, and if no party will take the entire property and pay the others for their respective shares therein, whether the interests of those who are entitled to said property, or its proceeds, will be promoted by a sale of the entire property, or an allotment of part and sale of the residue.

(4) If the interests of those entitled to said property, or its proceeds will be promoted by a sale of the entire property, then to state the names and respective shares of those entitled to the proceeds from such sale.

(5) The fee-simple and annual values of the property described in the bill, and whether there are any delinquent taxes against the same, and if any, the amount.

(6) Any other matter specially stated deemed pertinent by the Commissioner of this Court or required by any of the parties to this suit to be specially stated.

Given under my hand as Commissioner in Chancery of said Court the 15th. day of October 1917.

Bradford Kelby

Commissioner in Chancery.

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

Fusie B Harrell
and Jesse E. Harrell
Roy Lee Pratt
attys

Mrs. Mary A. Ashburn

B. W. Ashburn

Woody E. Sharning
Clerk of the Court

To Susie B. Harrell and Jesse E. Harrell, her husband,
and

Fairlie F. Brinkley, and Mary C. Brinkley, his wife, Mary
A. Ashburn and B.W. Ashburn, her husband, Curtis P. Harrell,
infant son of Ruth R. Harrell, deceased, and Moody E. Stallings,
Guardian ad Litem of said infant.

You are hereby notified that on the 22nd. day of October
1917, at my office in Suffolk, Va. (at which time and place you
are required to attend), I shall take, state and settle the follow-
ing accounts which are to be taken, stated, settled and reported to
Court in pursuance of the decree of the Circuit Court of the Coun-
ty of Nansomond, Va. rendered the 13th. day of October 1917 in the
suit in chancery 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 between the several parties entitled
thereto.

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

(3) If the same can not be conveniently divided in kind, and
if no party will take the entire property and pay the others for
their respective shares therein, whether the interests of those
who are entitled to said property, or its proceeds, will be promo-
ted by a sale of the entire property, or an allotment of part and
sale of the residue.

(4) If the interests of those entitled to said property, or
its proceeds will be promoted by a sale of the entire property,
then to state the names and respective shares of those entitled
to the proceeds from such sale.

(5) The fee-simple and annual values of the property describ-
ed in the bill, and whether there are any delinquent taxes against
the same, and if any, the amount.

(6) Any other matter specially stated deemed pertinent by
the Commissioner of this Court or required by any of the parties
to this suit to be specially stated.

Given under my hand as Commissioner in Chancery of said
Court the 15th. day of October 1917.

Bradford Kieby
Commissioner in Chancery.

over

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

Fairlie F. Brinkley
Mary C. Brinkley

NOV 24

Virginia,

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

Susie B. Harrell et als.	)	
v.	)	
Fairlie F. Brinkley et als.	)	In Chancery.

Commissioner's Office,

Suffolk, Va. Oct. 22, 1917.

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 13th. day of October 1917, in the suit in chancery pending in said Court between Susie B. Harrell and others, Complainants, and Fairlie F. Brinkley and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery for said Court, respectfully reports as follows:

That on the 15th. day of October 1917, your commissioner gave notice that on the 22nd. day of October 1917, he would proceed, at his office, in Suffolk, Va., 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 said notice was duly accepted by all the parties to said suit, as will appear by the endorsements on said notices herewith returned and made a part of this report.

That on the 22nd. day of October 1917, at his said office, in Suffolk, Va., your commissioner took the depositions of Shirley H. Rawles, Charles E. Byrd and Fairlie F. Brinkley, touching said inquiries, which depositions are herewith returned and made a part of this report.

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

(1)

That the real estate in the bill mentioned can not be conveniently divided in kind among the parties entitled thereto.

(2)

That Fairlie F. Brinkley, one of the parties to this suit, will take the entire property and pay therefor the sum of \$1500. which is an excellent price for said land, and is sufficient to pay the others interested, all that their interests may entitle them to.

(3)

That the interests of those who are entitled to said property will be promoted by a sale of the entire property, especially at the price of \$1500., rather than an allotment of part and the sale of the residue.

(4)

The names and respective shares of those entitled to the proceeds of said property are as follows:

Fairlie F. Brinkley, one-fourth.

Mary A. Ashburn, (formerly Brinkley), one-fourth.

Susie B. Harrell, (formerly Brinkley), one-fourth.

Curtis Parks Harrell, infant son of Ruth R. Harrell, formerly Ruth R. Brinkley, deceased, one-fourth.

(5)

The fee-simple value of said land is from \$1200. to \$1500.

The annual value is \$15.

There are no delinquent taxes against said land.

(6)

Your commissioner deems it pertinent to state that Moody E. Stallings, Guardian ad Litem, of the infant defendant, Curtis P. Harrell, was ~~present~~ during the taking of the depositions hereto at-

tached, and approved of questions asked witnesses, and of the sale of said land at the price of \$1500.

Your commissioner is of the opinion that the offer of \$1500. for said land is an excellent one, and is more than the land would bring at public auction, or by private sale to any other individual than Fairlie F. Brinkley, whose land it adjoins. Your commissioner is of the opinion that the interest of the infant defendant, Curtis P. Harrell, will especially be promoted by the sale of said land at \$1500., as the interest of said infant in said land is now producing him only \$3.75 per year, out of which his share of taxes has to be paid.

Your commissioner deems it pertinent further to state that, if said infant, Curtis P. Harrell were dead, his heirs-at-law would be his Uncle, Fairlie F. Brinkley, and his Aunts, Mary A. Ashburn and Susie B. Harrell, who have been made parties to this suit.

There is no other matter deemed pertinent by your commissioner or required by any party in interest to be so stated.

Respectfully submitted this 22nd. day of October 1917.

Bradford Kelby

Commissioner in Chancery.

Comr's fee: \$10.

Shirley H. Rawles, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and do you know the land in the bill mentioned?

A. Shirley H. Rawles, 34 years, Nansemond County, Va. I know the land well. I live on the adjoining land. I feed my hogs on it every day.

Q. Do you think the land in the bill mentioned could be conveniently divided in kind among the parties entitle thereto?

A. No. I do not. So much of it is worthless. It has about 190 acres, and not more than 20 acres is high land. The balance is pocosin. Only one acre is cleared. A small negro house is the only dwelling on it. Fire has burnt over it three times in last 10 years or so. I think the water is over a foot deep on over half of it right now.

Q. Will any party in interest take the entire property and pay therefor to the others such sums of money as their interests may entitle them to.

A. Yes. Mr. Fairlie F. Brinkley will give \$1500 for it, which is more than it would bring at public auction or in any other method of sale, in my judgment.

Q. Would the interest of the parties to this suit be best promoted by a sale of the whole land, at a price of \$1500. or by an allotment of part and sale of the residue?

A. By a sale of the whole land for \$1500. It would be difficult to divide this land to any advantage to any of the parties.

Q. What in your opinion is the fee-simple and annual value of this land?

A. Not over \$1200. I would not give that much for it. Its rental value per year is \$15. which is derived from the tenant of the hut. The land itself has practically no rental value.

And further this deponent saith not.

Shirley H. Rawles

Charles E. Byrd, being duly sworn, deposes as follows.

Q. What is your name, age, residence, occupation, and do you know the land in the bill mentioned.

A. Charles E. Byrd, 56 years, Nansemond County, Va., farmer, I know the land well. It adjoins mine.

Q. State whether or not the land mentioned can be conveniently divided in kind among the parties entitled thereto?

A. No, I think not. It has about 190 acres in it, but it is all pocosin land, over which the timber was cut about 5 years ago. This cutting was caused by fire which burnt over it, Fire has burnt over this land three times in last twelve years. There is only one acre cleared, and a small negro hut is the only house on the place.

Q. Will any party in interest take the entire property and pay the others therefor such sums of money as their interests may entitle them to?

A. Yes. Mr. Fairlie F. Brinkley will take the entire property at \$1500. which I think is even more than a fair price for said land. I think \$1500. is more than the land would bring at public auction.

Q. Would the interests of the parties to this suit be ^{best} promoted by a sale of the whole ^{land} at a price of \$1500. or by an allotment of part and sale of the residue?

A. By a sale of the whole for \$1500. I think it would be a pretty bad piece of land to divide in any manner.

Q. What in your opinion is the fee-simple and annual value of this land?

A. From \$1200. to \$1500. Certainly not to exceed \$1500. I doubt whether anybody, except Fairlie F. Brinkley would give over \$1500. for it. I would not give \$1200. for it. The annual value is \$15. per year, derived from rent of the negro hut.

And further this deponent saith not.

Charles E. Byrd

Fairlie F. Brinkley, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and are one of the parties to this suit?

A. Fairlie F. Brinkley, 46 years, Nansemond County, Va. farmer, I am one of the parties to the suit.

Q. Will any party to this suit take the entire property and pay the others therefor, such sums of money as their interests may entitle them to?

A. Yes, I will. My offer is \$1500. which is really more than the land is worth and I would ^{not} offer that much, if I did not already have an one-fourth interest in it.

Q. What are the names and respective shares of those entitled to the proceeds of the sale of this land?

A. Fairlie F. Brinkley, one-fourth.

Mary A. Ashburn, one-fourth,

Susie B. Harrell, one-fourth.

Curtis P. Harrell, infant son of Ruth R. Harrell, my deceased sister. This land was devised under the 6th. clause of the will of my father, L. Parke Brinkley, to his children, Fairley F. Brinkley, Guyosa Brinkley, Mary A. Ashburne, Susie B. Harrell, and Ruth R. Harrell, in fee-simple and with equal shares, after the death of my mother Sarah E. Brinkley. My mother Sarah E. Brinkley died on March 11th. 1916. Guyosa Brinkley, my brother, died June 16, 1913, age 41 years, unmarried and intestate.

The heirs of Curtis P. Harrell, infant, if he were dead, would be Fairlie F. Brinkley, Mary A. Ashburn, and Susie B. Harrell, all of whom have been made parties to this suit. The said infant, Curtis P. Harrell is under 14 years of age, and I ~~am the~~ duly qualified ^{as} Guardian of said infant, on March 31, 1917 and gave bond in the sum of \$7000. with the National Surety Co. as my surety. The entire estate of said ward now in my hands is less than \$5500. and ~~the~~ share of the ward in the proceeds of this land is amply covered by said bond.

Q. Are there any delinquent taxes on said land or other liens?

A. No. The ~~taxes~~ taxes have been paid up to this year. I was Executor of my father's estate and have made the settlement thereof required by law, and know that there are no liens against this land.

And further this deponent saith not.

Fairlie F. Brinkley,

Commissioner's Report.

Susie B. Harrell et als.

v.

Fairlie F. Brinkley et als.

In Chancery.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of October 13,
1917.

*1917 Nov. 5. filed.
J.S.M.*

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

In the Circuit Court of Nansemond County, Virginia-

Susie B. Harrell and
Jesse E. Harrell, her husband-

VS *** In Chancery***

Fairlie F. Brinkley and
Mary C. Brinkley, his wife,
Mary A. Ashburn and
B. W. Ashburn, her husband,
Curtis P. Harrell, infant son
of Ruth B. Harrell, deceased,
Moody E. Stallings, his guardian ad litem-

The answer of Moody E. Stallings, an attorney at law, guardian ad litem to the infant defendant Curtis P. Harrell, and the said infant defendant by Moody E. Stallings, his guardian ad litem, to a bill in chancery exhibited against him and others in the circuit court of Nansemond County, Virginia, by Susie B. Harrell and Jesse E. Harrell, her husband.

For answer to said bill, the said guardian ad litem answers and says that he does not know whether the interests of said infant defendant would be best promoted by a division of the real estate in the bill mentioned and allotment of their respective parts to those entitled thereto, or a sale of the whole, and, after payment of costs, including a proper attorney's fee to the attorney conducting this cause, a distribution of the proceeds from such sale among those entitled to the same, or not; and the said infant defendant, by his guardian ad litem, answers and says that, being an infant of tender years, he knows nothing of the matters mentioned in said bill and commits his interests to the Court.

And now having fully answered & c.

Moody E. Stallings

Guardian ad litem to Curtis P. Harrell, infant defendant, and the said infant defendant by said Moody E. Stallings, his guardian ad litem.

State of Virginia,* To Wit:-

City of Suffolk,*

This day personally appeared before me *Mary V. Andrews* a notary public for the City of Suffolk, in said State, Moody E. Stallings, guardian ad litem to the infant defendant Curtis P. Harrell, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of his own knowledge, are true; and so far as made from knowledge or information derived from others they are believed to be true. My term of office expires on the 8th day of *March*, 1919 -

Given under my hand this 8th day of October, 1917.

Mary V. Andrews, N. P.

Susan B Hamel et al
vs In Chancery
Hattie H Brinkley et al
Answer of Guardian ad litem

1917 Octo. 13. filed
J. L. M.

In the Circuit Court of Nansemond County, Virginia-

Susie B. Harrell and
Jesse E. Harrell, her husband-

VS

----In Chancery----

Fairlie F. Brinkley and
Mary C. Brinkley, his wife,
Mary A. Ashburn and
B. W. Ashburn, her husband.
Curtis P. Harrell, Infant, Moody E. Stallings, Guardian ad Litem.
The joint and ~~separate~~ answers of the defendants, Fairlie F. Brinkley

Mary C. Brinkley, his wife, and Mary A. Ashburn and B. W. Ashburn, her husband to the bill of complaint exhibited against them in the Circuit Court of Nansemond County by Susie B. Harrell and Jesse E. Harrell her husband,

These defendants respectfully represent that they believe that the statements made in the said bill are true, and that, in their judgment, the real estate mentioned in said bill is not susceptible of partition in kind without injury to the interests of all parties to said cause entitled to the same, and further, that they believe that the interests of all parties to said cause would be best promoted by a sale of the said real estate, and the proceeds therefrom, after payment of costs of these proceedings, ^{including attorney's fee} divided among those entitled thereto. That they hereby consent to all orders and decrees of the said Court, as may be necessary and proper to effect a partition of the said real estate in kind, or a sale of the same and division of the proceeds therefrom, as the said Court may deem best for the interests of all parties to said cause, without further notice to them, hereby waiving such notice, and we hereby consent to and acquiesce in the same, confirming and ratifying such orders and decrees as may be hereafter entered by the said Court.

Fairlie F. Brinkley.

Mary C. Brinkley

Mary A. Ashburn
B. W. Ashburn

State of Virginia,*

* To Wit:-

City of Suffolk,*

I, J. S. West, a notary public in and for the City of Suffolk, in the State of Virginia, do certify that Fairlie F. Brinkley and Mary C. Brinkley, his wife, personally appeared before me this day in the said city and made oath that the statements made in the foregoing answer, so far as made of their own knowledge, are true, and so far as made upon the information derived from others, they believe to be true. My term of office expires on the 12 day of July 1919,
Given under my hand this 12 day of October, 1917.

J. S. West
Notary Public.

State of Virginia,*

* To Wit:-

City of Newport News,*

I, Bessie M. Payne, a notary public in and for the city of Newport News, in the State of Virginia, do certify that Mary A. Ashburn and B. W. Ashburn, her husband, personally appeared before me, this day, in the said city, and made oath that the statements made in the foregoing answer, so far as made of their own knowledge, are true, and so far as made upon the information derived from others, they believe to be true.

My term of office expires on the 26th day of April, 1918.

Given under my hand this 8th day of October, 1917.

Bessie M. Payne
Notary Public.

Margie B. Harrell et Al.

VS * In Chancery *

Fairlie F. Brinkley et Als.

Answer of Adult Defendants

1917. Octo. 13, filed
JSM.

In the Circuit Court of Nansemond County, Virginia-

Susie B. Harrell and Jesse E. Harrell,
her husband---

VS ***** In Chancery *****

Fairlie F. Brinkley and Mary C. Brinkley,
his wife, Mary A. Ashburn and B. W. Ashburn,
her husband, and Curtis P. Harrell, infant son
of Ruth R. Harrell, deceased, under the age
of twenty one years---

To the Honorable James L. McLemore, Judge of said Court:-

Your complainant, Susie B. Harrell's father L. Parker Brinkley was in his lifetime seized and possessed of certain real estate lying in the County of Nansemond and State of Virginia, which tract of land contains *one hundred twenty (120) acres* ^{*more or less*} and is known as the "Pocosin" tract, situate in Cypress Magisterial District, near Liberty Spring's Church, in said County, ^{*of Nansemond, Virginia.*} and is bounded by the lands of Horace E. Savage, Richard T. Rawles' Estate, the William Rawles land, and the lands of Abram T. Folk and Charles E. Byrd, - being a part of the land which Peter B. Prentis, trustee, conveyed unto the said L. Parker Brinkley as Lazarus P. Brinkley, by deed bearing date February 13, 1871, and recorded in D. B. No. 2, page 498, in the Clerk's Office of the County Court of Nansemond County, Virginia.

While so seized and possessed, the said L. Parker Brinkley, on ~~or about~~ ^{*23rd*} the ~~11th~~ ^{*11th*} day of ~~March~~ ^{*November*}, 1910, died leaving a will disposing of his real estate and personal estate, which will bears date March 12, 1906, and was admitted to probate on the 10th day of December, 1910, before the Clerk of the Circuit Court of Nansemond County, which will in the seventh clause thereof sets out the following provision:-

"I desire and request that my tract of land known as the "Perquson" or "Bray Jones" tract, at the ~~death~~ of my wife, Sarah E. Brinkley, shall be owned in fee simple by my children, or

their heirs,namely,Fairlie F.Brinkley,Guyosa Brinkley,Mary E Ashburne,Susie B.Harrell and Ruth R.Harrell."Acopy of which will is hereto annexed and prayed to be read as a part of this bill. That the said tract of land is the same as that hereinbefore described. That the said Sarah E.Brinkley has long since departed this life. That the said Guyosa Brinkley died several years ago unmarried and intestate leaving as his heirs at law the said Fairlie F.Brinkley,Mary A.Ashburnand Susie B.Harrell and Curtis P.Harrell,the infant son and only child of Ruth R.Harrell,deceased sister of the said Guyosa Brinkley and daughter of the said L. Parker Brinkley,-the said Ruth R.Harrell having died some time prior to the death of said L.Parker Brinkley.

(2) That the said Curtis P.Harrell is an infant under the age of 14 years,and that the heirs at law of the said infant,if he were dead,in respect to his interest in said land would be the said Fairlie F.Brinkley,Mary A.Ashburn and Susie B.Harrell.

(3) That the said real estate is,as they 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 for as much as your complainants are remediless in the premises save by the aid of a court of equity,they pray that the said Fairlie F.Brinkley,Mary C.Brinkley his wife,Mary A.Ashburn,B.W.Ashburn,her husband,and Curtis P. Harrell,infant,under the age of 14 years may be made parties defendant to this bill and required,but not on their oaths,to answer the same,the oaths being hereby waived,the said adults in their own proper persons,and the said infant by a guardian ad litem;that a proper guardian ad litem be appointed in this cause for the said infant,who shall also answer this bill that proper process issue;that the said estate be divided between the

attys fee

parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the adults and infant parties according to their respective rights, the share of the said infant to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Susie B. Harrell

Jesse E. Harrell

Complainants.

Lee Smith

Counsel.

State of Virginia,*

* To Wit:-

City of Norfolk,*

Susie B. Harrell and Jesse E. Harrell, her husband, the complainants named in the foregoing bill, being duly sworn, say that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information they believe them to be true.

Susie B. Harrell

Jesse E. Harrell

Taken, sworn to and subscribed before me, Thomas L. Harrell a notary public of and for the City of Norfolk, in the State of Virginia, in my city aforesaid, this 18th day of September, 1917.

My Commission

Expires June 18th 1921

Thomas L. Harrell

Notary Public.

1
Susie B. Harrell et al.
vs - In Chancery
Faulrie J. Brunkley et als

Bill

Filed Sept. 19, 1917.

U. S. District Court,
S. D. Cal.

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Rev. Bro. 59

Sister B. Hume 1741

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Primal Notes

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