

1893-003

Narisemond Co. (Suffolk)

Chancery Causes: Jacob Brinkley et al vs Walter Wilkins et al

Riddick, Jones, Farmer

Office of the Treasurer of the County of Itasca
Oct 9th, 1886
sold in the month of _____, eighteen hundred and eighty-six, for the non-payment of taxes thereon for the years 1878

LIST OF REAL ESTATE within the of sold in the month of , eighteen hundred and eighty-six, for the non-payment of taxes thereon for the years 1878

Received of Jacob Brinkley the above sum of One \$ 75/100 _____, it being the amount of purchase money for the land mentioned in the above list.

H E Loring

175 - purchase money
25 - 2.40 -
\$2.00

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Walter, Elisha E.,*
and La Fayette Wilkins Children of Peggy Ann Wilkins
Nee Brinkley deceased, Burnell R. Brinkley and
the unknown non-residents heirs of
Jackson Brinkley deceased.

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 *March* next, to answer

a Bill in Chancery, exhibited against *them*
in the said Court by *Jacob Brinkley, James*
Wesley Brinkley John R. Riddick and
Elizabeth his wife nee Brinkley

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *16th* day of
February 18 *87*, in the 11th year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

1887. February 16th Service accepted for the resident
defendants
Chamsey City

Chamsey City
Jacob Brinkley & Sons

vs { Sumner City

Walter Wilkins & Son

vs March Rules, 1887

5-
10-75-
051
147.25

Pro: N. H. I. Page
C. W. Co.

In the Clerk's Office of the Circuit Court
of Nansemond County, the 16th day of
February, 1887.

Jacob Brinkley, James Wesley Brinkley,
John K. Riddick and Elizabeth his
wife nee, Brinkley, Plaintiffs

against } In Chancery (suit pending
in the said Court.)

Walter, Elisha E. and LaFayette Wilkins,
Children of Peggy Ann Wilkins, nee
Brinkley, deceased, Burwell R. Brinkley
and the unknown non-residents
heirs of Jackson Brinkley deceased. Defendants.

This day C. H. Causey, counsel
for the plaintiffs in this cause, per-
sonally and made oath that the
defendants, Walter, Elisha E. and
LaFayette Wilkins, Children of Peggy
Ann Wilkins, nee Brinkley, deceased,
Burwell R. Brinkley and the unknown
heirs of Jackson Brinkley deceased, are
not residents of the State of Virginia.

Testes:

Peter B. Prentiss, Clerk

Jacob Brinkley & Co

2nd { In Chy:

affidavit to obtain Or. Sub.

Walter Watkins & Co.

Feb. 16th 1887 Filed

VIRGINIA—COUNTY OF NANSEMOND,
to wit: In the Clerk's office of the Circuit Court of the county of Nansemond, on the 16th day of February, 1887, in vacation—

Jacob Brinkley, James Wesley Brinkley, John K. Riddick and Elizabeth his wife, *nee* Brinkley Plaintiffs,

AGAINST

Walter, Elisha E., and LaFayette Wilkins, children of Peggy Ann Wilkins, *nee* Brinkley, deceased; Burwell R. Brinkley and the unknown non-resident heirs of Jackson Brinkley, deceased, ... Defendants.

IN CHANCERY.

The object of this suit is the partition among the parties entitled thereto of a tract of land in Nansemond county, Va., of which Robert Brinkley died seized and possessed, and containing 73 acres. And affidavit having been made that the defendants, Walter, Elisha E. and LaFayette Wilkins, Burwell R. Brinkley and the unknown heirs of Jackson Brinkley, deceased, are non-residents of the State of Virginia, they are hereby required to appear in the said Clerk's office, within one month after due publication hereof, and do what may be necessary to protect their interest. A copy—Teste:

PETER B. PRENTIS, Clerk.

C. H. CAUSEY, p. q.

felS-4t

Office of The Herald.

Suffolk, Va., *Apr* 1 1885

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law==once a week for four successive weeks.

J. C. Drake
Editor Herald.

Virginia County of Hansemond to wit:
In the Clerk's office of the Circuit Court
of the County of Hansemond on the
Ninth day of February 1887, in vacation -
Jacob Brinkley, James Wesley Brinkley
John K. Riddick and Elizabeth his wife,
nee Brinkley Plaintiffs

Against } In Chancery
Walter, Elisha E. and La Fayette Wilkins
Children of Peggy Ann Wilkins,
nee Brinkley, deceased; Burwell R. Brinkley
and the unknown non-resident heirs
of Jackson Brinkley, deceased Defendants.

The object of this suit is the partition
among the parties entitled thereto of a tract
of land in Hansemond County, Va. of which
Robert Brinkley died seized and possessed, and
containing 73 acres. And affidavit hav-
ing been made that the defendants,
Walter, Elisha E. and La Fayette Wilkins,
Burwell R. Brinkley and the unknown
heirs of Jackson Brinkley, deceased, are
non-residents of the State of Virginia,
they are hereby required to appear in the
said Clerk's Office, within one month
after due publication hereof and do
what may be necessary to protect their
interest.

Teste:

Peter B. Pentecost, Clerk

C. H. Causey, P. q.

Jacob Brinkley & als

vs } In Chy:
Order of Publication

Walter Wilkins & als

1887
Foly: 16th. Awarded.

Know All Men by These Presents,

THAT WE, *L. H. Causey and James L. Causey*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Seven Hundred (700) DOLLARS,
to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and
each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by
these presents. Sealed with our seals, and dated this *15th* day of *November*
in the year one thousand eight hundred and *eighty-eight*, and in the *113th*
year of the Commonwealth. And we hereby waive our homestead exemption as to this obligation.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound

L. H. Causey

who has this day qualified before the *Clerk of the Circuit* Court of Nansemond County,
as special Commissioner of Sale under a decree of
the Circuit Court of Nansemond County pronounced
on the October term, 1888 in the Cause
of Jacob Brinkley and vs Walter Breckinridge

shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to
remain in full force and virtue.

Executed in presence }
of the Court.

Brinkley

L. H. Causey
J. L. Causey

(SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

Le. Hearsay Com
to E Bond
The Commth

Know All Men by These Presents, That we, Lee Britt and
Sydney Britt

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Seven Hundred DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 13th day of August in the year of our Lord one thousand eight hundred and ninety one, and in the 116th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a
decree of the Circuit Court of Nansemond County
pronounced at the June Term Special Term 1891
June 24 1891 Lee Britt was appointed a Special
Commissioner to collect from the estate of C. H.
Special Commissioner the sum of \$311 less the
costs of suit and expenses of sale if the same
has been paid with interest thereon from the 10th
day of Dec, 1888 at the rate of four per centum per annum
till paid and to collect from the said purchaser James W
Brinkley the balance of the purchase price with interest
thereon at the rate of six per centum per annum till paid
and deposit the same in the Farmers Bank of Nansemond
Suffolk Va to the credit of the Court in this cause & file a
Certificate of such deposit with the papers in the cause & whereas
upon the payment of the said sum in full to the said Lee Britt
Special Commissioner he shall convey by good and sufficient
deed with special warranty in the said James W Brinkley the said
land mentioned in said decree. Now if the said Lee Britt Special
Commissioner shall faithfully discharge his duties under
the said decree then this obligation shall be null and
void of no effect.

Lee Britt
Sydney Britt

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the
13th day of August 1891

The above bond was executed and acknowledged by the obligors (the surety justifying
on oath as to his sufficiency) and recorded.

Teste:

A. J. Gomez

CLERK.

A Copy Teste:

A. J. Gomez Clerk

a copy
Lee Britt
27 Special Comm-
issioner Bond
Commonwealth

1891
August 13th.

a copy

Recorded in Official
Bond Book vol. pg 25
Circuit Court.

Suffolk, Va., Nov. 24 1888

Mr. C. H. Cawsey.

TRANSIENT ADVERTISEMENTS and
SUBSCRIPTIONS Payable in Ad-
vance.

Annual Advertisers Required
to Settle Quarterly.

JOB WORK, CASH ON DELIVERY.

To Suffolk Herald, Dr.
Fine Job Work a Specialty.

To printing 50 notices of sale of Land,
Brinkley vs. Williams,

75-

Received Payment.

J. E. Brooks,
M.L.

Recd. of C. H. Causey, Commr. in the
Chancery Cause of Brinkley & als vs.
Walter Wilkins & als. The sum of Two
Dollars for order of Publication in said
Cause.

May 10th. 1887

J. E. Backer
by WSC

Recd. of Wm B Causey Adm'r of C. H. Causey, Sr.
deceased, The sum of \$11.⁵⁰ Clerk's fees
& writ tax in Chancery Cause of Brinkley
& als vs Walter Wilkins & als.

Wm B. Causey, Adm'r
of Peter B. Prentiss, decd.

Octo. 15 - 1890

294.50

3081 Oct 16/91

325.31

11

11.0

2.85

1212.54

16.12

11.0

2.85

1212.54

16.12

Jacob Brinkley et als,

VS

Walter Wilkins et als,

To the Circuit Court of Nansemond County:-

The undersigned, appointed Special Commissioner, in the place of C.H.Causey, deceased, in the above entitled cause, by decree pronounced on the 24th day of June 1891, for the purposes set forth in said decree, begs leave to report that in accordance with said decree he collected from the Estate of the said C.H.Causey, deceased, the sum of Three Hundred and Twenty Five Dollars and Thirty One Cents, being the amount of Three Hundred and Eleven Dollars, the purchase money paid into the hands of the said C.H.Causey, Special Commissioner, deceased, less the sum of Seventeen Dollars and Twenty Five Cents paid on the costs in this cause, receipts for which are herewith filed, with interest on the ~~said~~ sum of \$293.75 from the 10th day of December 1888 to the 17th day of August 1891, and collected from the purchaser, James W.Brinkley, the sum of One Hundred and Sixteen Dollars and Twelve Cents, being the amount of balance due from the said purchaser, with interest thereon from the 10th day of December 1888 to the 19th day of August 1891, which amounts of \$325.31 and \$116.12 so collected have been deposited in the Farmers Bank & of Nansemond, Suffolk, Va., subject to the order of this Court by direction of said decree, And thereupon ~~the~~ your Commissioner conveyed the real estate mentioned in said decree to the said James W.Brinkley, the said purchaser, by deed with special warranty.

Respectfully Submitted,

Leahue
Leahue Commissioner

Jacob Brinkley ^{vs.} } In Chancery
Walter Watkins

Report of Collection
of purchase price
of land by Lee
With, Commissioner
filed at April Term
1892. April 10th, 1892.

1892 April 10th Filed

A. Gurney clk

Jacob Brinkley vs

Walter Watkins vs
Statement -

Am't of principal int. collected	\$456.50
To Court R.R. Rent	\$10.00
" Atty's fee	50.00
" Court on sale	18.13
" ^{amt paid on fee for duty from Court}	3.00
" Clerk of Court	1.99
" Am't for distribution	371.38

\$456.50 \$456.50

To be divided into six shares per decree

Rec'd of Lee Britt, atty & Special
Commissioner in above case six by two
73/100 dollars being amt ^{us and each of us} due ~~me~~
from sale of land in said suit.

July 16. 1892

Witness

James ^{his} Wesley Brinkley
Elizabeth ^{mark her} Riddick

Burrill Riddick

Rec'd of Lee Britt, atty & Special
Commissioner in above case the
sum of twenty & 9/100 dollars
being the amt due each of us
from sale of land in said suit.
July 16. 1892.

Witnesses to ~~Suzanna Jones~~ ^{her} ~~Suzanna~~ Brinkley
Thurman Butt ~~Suzanna~~ ^{mark her} Jones
Harvey J. Jones

1892 July 19. Received of Lee Britt, Special
Commissioner Ten Dollars, in full
of fee as ~~Special~~ Commissioner
in Chancery for Report in Chancery
cause of Jacob Brinkley &c vs
Walter Wilkins &c
\$10.— Robert R. Prentiss, Commr.

1892 August 27. Received of Lee Britt, Special
Commissioner \$34.07 in full of fee and
commissions due C. H. Causey, deceased as
Atty. and Spl. Commr under report of
R. R. Prentiss, Commr in Chancery Cause
of Jacob Brinkley &c vs ^{Walter} Wilkins &c
Wm B. Causey, Adm'r
of C. H. Causey &c

Rec'd of Lee Britt, Special Commissioner as above
sixty one & $\frac{89}{100}$ dollars, being amt due me
from sale of land in the said
cause as heir of Robert Brinkley
Burman Brinkley

Nov 13, 1892.
Rec'd of Lee Britt, Special Commissioner as
above one & $\frac{99}{100}$ dollars being amt due
fee due for recording deces &c in
above cause
March 27/93. A. P. Somers clerk

Wausemont Circuit Court—
Jacob Prinkley & als
vs Chancery Cause
Walter Wilkins & als

Received of Lee Pratt, Special
Commissioner in said Cause the
sum of twenty & $\frac{63}{100}$ dollars being
amount due me as distributee under
decree of the said Circuit Court in
said Cause
Elisha E. Wilkins

Received of Lee Pratt, Special Commissioner
in said Cause the sum of twenty & $\frac{63}{100}$ dollars
being amount due me as distributee under decree
of said Circuit Court in said Cause.
Lafayette Wilkins

Received of Lee Pratt, Special Commissioner
in said Cause the sum of twenty & $\frac{64}{100}$
dollars being amount due me as
distributee under decree of said
Circuit Court in said Cause.
Walter W. Wilkins

Mrs. Martha Brinkley

-570.55-

Received of Lee Britt, Special Commissioner in
the Chancery cause of Jacob Brinkley et al vs
Watson Wilkins et al's the sum of ten dollars
and fifty six cents in payment of the amount
due on as the computed value of my share inter-
est as widow of the late Jackson Brinkley in the
sum of \$81.00 due the estate of the said Jackson
Brinkley as heir of Robert Brinkley from the sale
of land of the said Robert Brinkley under decree
of the Circuit Court of the County of New Kent, Va.,
Virginia, in the Chancery cause above mentioned.

(Paid) Dec. 15th '92

Mrs. Martha Brinkley.
(Name)

-570.56-

Joseph B Brinkley

-56.56.-

Received of Lee Britt, Special Commissioner, in the
Chancery cause of Jacob Brinkley et al vs Walter
Williams et al the sum of eight dollars and fifty
six cents in payment of the amount due as
heir of the late Jackson Brinkley, heir of Robert
Brinkley, from the sale of land of the said Robert
Brinkley, under decree of the Circuit Court of the
County of Hanover, Virginia, in the Chancery cause
above mentioned.

Dec 17th

Joseph B Brinkley

E. Robert Brinkley

-56.56.-

Received of Lee Britt, Special Commissioner, in the
Chancery cause of Jacob Brinkley et al vs Walter
Williams et al the sum of eight dollars and fifty
Six cents, in payment of the amount due as heir
of the late Jackson Brinkley, heir of Robert Brink-
ley, from the sale of land of the said Robert

Brinkley under decree of the Circuit Court of the
County of Hanover, Virginia, in the Chancery cause
above mentioned.

Dec 13th 1892

E. Robert Brinkley

Mrs. Laura Farmer

-\$8.56.-

Received of Lee Britt, Special Commissioner, in the Chancery cause of Jacob Brinkley et als vs Walter Wilkins et als the sum of eight dollars and fifty six cents in payment of the amount due me as heir of the late Jackson Brinkley, heir of Robert Brinkley, from the sale of land of the said Robert Brinkley, under decree of the Circuit Court of the County of Nansemond, Virginia, in the Chancery cause above mentioned.

Dec 13th 1892

Mrs. Laura Farmer

Mrs. Carrie V. Strauss vs Brinkley

-\$8.56.-

Received of Lee Britt, Special Commissioner, in the Chancery cause of Jacob Brinkley et als vs Walter Wilkins et als. the sum of eight dollars and fifty ^{five} cents, in payment of the amount due me as heir of the late Jackson Brinkley, heir of Robert Brinkley, from the sale of land of the said Robert

Brinkley under decree of the Circuit Court of the County of Nansemond, Virginia, in the Chancery cause above mentioned.

Dec 15th 1892

Mrs. Carrie V. Strauss

*Mrs. Leonora Mills
ex Brinkley*

-\$8.56.-

Received of Lee Eritt, Special Commissioner, in the Chancery cause of Jacob Brinkley et als vs Walter Wilkins et als the sum of eight dollars and fifty six cents in payment of the amount due me as heir of the late Jackson Brinkley, heir of Robert Brinkley, from the sale of land of the said Robert Brinkley, under decree of the Circuit Court of the County of Nanssmond, Virginia, in the Chancery cause above mentioned.

Dec. 15th

Mrs. Leonora Mills

-\$8.55.-

Received of Lee Eritt, Special Commissioner, in the Chancery cause of Jacob Brinkley et als vs Walter Wilkins et als. the sum of eight dollars and fifty ~~five~~ cents, in payment of the amount due me as heir of the late Jackson Brinkley, heir of Robert Brinkley, from the sale of land of the said Robert

Brinkley under decree of the Circuit Court of the County of Nanssmond, Virginia, in the Chancery cause above mentioned.

Mrs. Mattie Lee Brinkley

Dec. 15-'92

Mrs. Mattie L. Brinkley

Jacob Brinkley et als
VS

Walter Wilkins et als.

To the Circuit Court of Nansemond County:-

The undersigned, Special Commissioner, appointed by decree pronounced on the 24 day of June 1891 for the purposes set forth therein, and in pursuance of another decree pronounced in the above entitled cause on the 14 day of April 1892, reports that in accordance with the last mentioned decree he withdrew from the Farmers Bank of Nansemond, Suffolk, Va., the sums of money, to wit: the sums of \$325.31 and \$116.12, deposited therein by the said Lee Britt, Special Commissioner, in said cause together with interest thereon amounting to the sum of \$15.07 aggregating the sum of \$456.50 which your Commissioner has paid out and distributed to those severally entitled to the same under direction of the said decree as follows, to wit:-

I.

Costs.

To A.P.Gomer, Clerk of this court, fee for entering decrees in said cause, ~~per~~ voucher	\$1.99
To R.R.Prentis, Special Commissioner, for fee in making report ~~for~~ distribution of funds	10.00
To amount paid Lee Britt, attorney, fee for preparing deed from the Special Commissioner to purchaser of the land sold under the proceedings in this cause	5.00

II.

The compensation for collecting and distributing the fund.

To amount paid to W.B.Causey, Administrator of
E.H.Causey, Special Commissioner, deceased, *being over \$9.07*
of Commission on gross proceeds from sale to wit:
on \$300 @ 5% and on \$186.50 @ 5% *Comet forward \$16.06*

To amount brought forward	\$26.06
To amount of ^{one half of} commissions on said proceeds from the sale of said land paid to Lee Britt, Special Commissioner .	9.06

III.

The Attorney's Fee.

To amount of one half of fee allowed to attorneys in said cause, paid to W.B.Causey, Administrator of C.H.Causey, deceased,	25.00
To amount of one half of said fee paid to Lee Britt, attorney in said cause	25.00

IV.

The Heirs at Law of Robert Brinkley, deceased.

(a) To amount paid to Nancy Jane Jones distributee	20.91
" " " " Susanna Jones , "	20.91
" " " " Cathrine Brinkley, "	20.91

being one sixth of the nett proceeds from the
sale of the said land

(b) To amount paid to James Wesley Brinkley, distributee, being entitled to one sixth	62.73
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(c) To amount paid to Burwell Brinkley, distributee, being entitled to one sixth,	61.89
--	-------

(d) To amount paid to Elizabeth Riddick, distributee, being entitled to one sixth,	62.73
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(e) To amount paid to Walter Wilkins distributee,	20.64
---	-------

" " " " Elisha E. Wilkins distributee,	20.63
---	-------

" " " " LaFayette Wilkins, distributee	20.63
---	-------

these being entitled to one sixth, together.

(f) To amount paid to Martha Brinkley, widow,	10.56
---	-------

" " " " Joseph B. Brinkley distributee,	8.56
--	------

" " " " E. Robert Brinkley,	8.56
--	------

" " " " Laura Farmer,	8.56
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Carried forward

<u>\$433.34</u>

To amount brought forward

~~\$4433.34~~

To amount paid to Leonora Mills nee Brinkley, 8.56

" " " " Carrie V. Strauss " 8.55

" " " " Mattie Lee Brinkley 8.55

these being entitled to one sixth of the said

proceeds, together,

making a total of \$459.00

for which distribution and payments your Commissioner herewith files receipts signed by the said several persons entitled to the same under the said decree.

Your Commissioner overpaid to the said Nancy Jane Jones, Susanna Jones, Catharine Brinkley, James Wesley Brinkley and Elizabeth Riddick, in the distribution to them, collectively, the sum of \$2.50 which explains the difference in excess of disbursements over receipts.

Respectfully submitted.

Lee Britt

Special Commissioner.

April 3rd, 1893.

Jacob Brinkley vs.
us. { Commissioners
Report
Walter Watkins vs.

Filed April 3, 1893.
J. J. Gomer Clerk

Commissioner's Office,

March 1st 1892

To Jacob Brinkley, James Wesley Brinkley, John K. Riddick and
Elizabeth his wife nee Brinkley. Complainants
Walter Wilkins, Elisha E. Wilkins, LeFayette Wilkins children
of Peggy Ann Wilkins nee Brinkley, deceased. Burwell R. Brinkley
and the unknown now resident heirs of Jackson Brinkley
deceased. Defendants.

In Chancery

You are hereby notified that I have fixed upon the 14th day of March 1892

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, the account

- of 1. Who are the heirs at law of Robert Brinkley, some of whom, it appears to the Court are unknown, and the amounts to which they may be severally entitled as distributees of the fund coming into the hands of Lee Brill, Special Commissioner.
2. What fee shall be allowed to the attorney conducting this cause and how it shall be apportioned to the estate of the attorney commencing and continuing the conduct of said cause, now deceased, and the attorney now conducting the same.
3. What compensation shall be allowed and paid out of the fund aforesaid to the said Lee Brill, Special Commissioner for collecting and distributing the said fund.

required to be taken by a decree of the Circuit Court of the County of Hansemond

rendered on the 24th day of June 1891, in a suit in chancery depending in said

court, between you

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

Robert K. Riddick,
Commissioner in Chancery

We acknowledge legal and sufficient
service of this notice.

Wm B. Causey Adm'r
of C. H. Causey, Sr., dec'd.

Lee Pratt
Atty for Complainant

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Jacob Brinkley and others

v.

Walter Wilkins and others

Commissioner's Office,

Suffolk, Va., March 14, 1892

To the Circuit Court of Nansemond County:-

The undersigned one of the Commissioners of this Court to whom the above entitled cause was referred by decree pronounced on the 24th. day of June 1891, begs leave to report that after having first given the notice required by law, the original of which is herewith returned duly acknowledged by the Administrator of C. H. Causey, Sr., deceased, and by the Counsel for the Complainants, he proceeded to execute the said decree.

As the results of his investigations, the Commissioner as follows:} ^{reports}

I.

The heirs at law of Robert Brinkley, deceased, are:-

(a) The surviving children of his deceased brother Jacob Brinkley, viz;

1. Nancy Jane Jones, the wife of Robert Jones,
2. Susanna Jones, the wife of William Jones.
3. Catherine Brinkley.

~~And the two~~ their two brothers Cordy Brinkley and Robert Brinkley, but the two last named have no interest in the fund to be distributed, which by the will of the said Jacob Brinkley was devised to his daughters.

(b) The brother of Robert Brinkley, deceased, namely:
James Wesley Brinkley.

(c) The brother of Robert Brinkley, deceased, namely:

Burwell Brinkley.

(d) The sister of Robert Brinkley, deceased, namely:

Elizabeth Riddick, the wife of John K. Riddick.

(e) The children of his deceased sister Margaret Ann Wilkins who married Barnes Wilkins, who is now dead, viz:

1. Walter Wilkins,
2. Elisha E. Wilkins,
3. La Fayette Wilkins.

(f) The widow and children of his deceased brother Jackson Brinkley, viz:

1. Martha Brinkley, (widow),
2. Joseph Brinkley,
3. Robert Brinkley,
4. Laura Farmer, ✓
5. Nora Brinkley, ✓
6. Carrie Brinkley, ✓
7. Lee Brinkley. ✓

The fund for division should be divided into six parts, after^{equal} the payment of the unpaid costs of the suit, and paid out as follows:

One sixth should be paid to Nancy Jane Jones, Susanna Jones and Catherine Brinkley, to be equally divided between them.

One Sixth should be paid to James Wesley Brinkley.

One sixth should be paid to Burwell Brinkley.

One Sixth should be paid to Elizabeth Riddick.

One Sixth should be paid to Walter Wilkins, Elisha E. Wilkins and La Fayette Wilkins, to be equally divid~~ed~~ between them.

And one Sixth should be paid to the widow and children of

Jackson Brinkley, deceased, above named, to be divided between them in accordance with the Virginia Statutes.

II.

The Attorney's fee.

The Commissioner is of opinion that Fifty Dollars should be allowed the complainants counsel, and that it should be equally divided between the Administrator of the late C. H. Causey, who instituted the suit, and Mr. Lee Britt, who has conducted it since Mr. Causey's death.

III.

The compensation for collecting and distributing the fund.

The statute fixes the compensation at five per cent on the first \$300. and two per cent on the residue, and this would be the proper compensation in this case, and it should be equally divided between W. B. Causey Administrator of C. H. Causey, deceased, and Lee Britt, Esq., the present Special Commissioner.

Respectfully submitted,

Robert T. Huntis

Commissioner in Chancery.

Fee \$10.—

Jacob Brinkley *re*

Report of
Commissioner

Walter Wilkins *re*

Dated March 14. 1892.

Filed this 26th
day of March 1892.

A. B. Gomer Clerk
Circuit Court

Binkley vs

re

Wilkins vs

The undersigned, special Commissioner of Sale, by decree of this honorable Court entered at the October term, 1888. respectfully reports that on the 14th day of December, 1888 that being County Court day, the land in the bill and proceedings was sold in the manner directed, when James W. Binkley became the highest bidder and purchaser at the price of four hundred and eleven dollars, of which he decreed to pay in cash (\$311.00) three hundred and eleven dollars and claims to anticipate the payment of the residue.

Respectfully submitted

C. H. Hensley Comr

To the

Hon. C. W. Hise

Judge Cir. Ct. Kansas Co

1889 March 20th

Brinkley & Co
vs E & O
Wickham & Co

1889. March 20
Report of Sale

Cyprian Chapin Jr
Oct Oct 1888

Capt. C. H. Causey
Dear Sir

Enclosed

you will find our signatures. We have agreed that it is a moral impossibility to divide the land satisfactorily and therefore recommend a sale of the land and a division of the proceeds as the most satisfactory way of a division.

Yours very truly
E D Brinkley

We, the undersigned, three of the Commissioners appointed by the Circuit Court of Hansemond County, Virginia, at the April term, 1888, pursuant to the decree hereto affixed, respectfully report to the Court that we have to the best of our ability discharged our duty thereunder by having gone upon said land and made a careful examination of the same - In consequence of the large number of parties interested in said land and the small acreage thereof, we deem it utterly impracticable to make a division of the same in kind among the heirs, and we are unanimous in the opinion that it cannot be so divided. We therefore recommend that the land be sold and that the proceeds be divided among the several parties entitled thereto, as it seems to us to be very decidedly to the interests of all the parties to have the land sold as early as possible -

E. D. Brinkley

B. B. Linder

John L. Benton

1888 October 1st -

Commissioners

Brinkley & Co

18

Wilkins & Co

Report of Commr
1888. Oct-1st

At a Circuit Court continued & held for the County
of Hammonds April - 14 - 1888.

Brinkley

vs

Brinkley

This Cause came on this day to be heard on the bill of the Complainant taken for confessed as to the defendants, all aduets, they still failing to appear and plead, answer or demur, thereb, and was argued by Counsel - On Consideration whereof the Court doth advise, order and decree that Edward D. Brinkley, John L. Barton, Benjamin B. Saunders, Philip B. Brinkley and James R. Johnson, who are hereby appointed Commissioners for that purpose, any three or more of whom, may act, do assign and allot to each of the parties entitled to share in the division of the land in the bill mentioned, whatever portion he or she may be entitled to receive, by metes and bounds, and if in their opinion such partition of the land cannot be made in kind, without loss or injury to the parties, then said Commissioners shall report the facts to court and their reasons therefor, with the value of said land; and said Commissioners are directed to report any other matters deemed

pertinent by themselves, or that may
be required by any of the parties
in interest.

A copy.
Teste;

Peter B. Prentiss. Clerk

Barnaby & al
vs

Wilkins et al

Copy of decree for
Commitment

Jacob Brinkley et als,

VS

Walter Wilkins et als,

This cause came on this day to be farther heard on the papers formerly read, and the report of Commissioner R.R. Prentis, made in pursuance of the order of the 24th day of June 1891, and was argued by counsel; on consideration whereof the Court doth approve and confirm said report, no exception having been filed to the same. And the Court doth adjudge, order, and decree, that Lee Britt, appointed Special Commissioner, in the place of C.H. Causey, Special Commissioner, deceased, for such purpose, do withdraw from the Farmers Bank of Nansemond, Suffolk, Va., the sums of money, to wit: the sums of \$325.31 and \$116.12 deposited therein by the said Lee Britt, Special Commissioner, as shown by certificates of deposit filed in the papers in this cause, on an attested extract of this decree, as his authority, and after paying the unpaid costs in this cause including an attorney's fee of Fifty Dollars to be equally divided between the Estate of the late C.H. Causey and Lee Britt, attorneys in this cause, and the commission^s on the sale of the real estate mentioned in the bill and proceedings, to be equally divided between the Estate of the said C.H. Causey, deceased, Special Commissioner, and Lee Britt, the present Special Commissioner, distribute the amount then in his hands among the heirs at law of Robert Brinkley, deceased, according to the report of Commissioner Prentis, as follows :-

I - One sixth to be paid to Nancy Jane Jones, Susanna Jones and Catharine Brinkley, to be equally divided between them

One sixth to be paid to James Wesley Brinkley.

One sixth to be paid to Burwell Brinkley.

One sixth to be paid to Elizabeth Riddick.

One sixth to be paid to Walter Wilkins, [&] Elisha Wilkins and LaFayette Wilkins, to be divided equally between them.

and OneSixth to be paid to the widow and children of Jackson Brinkley, deceased, to be divided between ^{them} according to the Virginia Statutes, taking receipts from said distributees, their assignees, or agents, for such payments.

And the said Special Commissioner is directed to report his proceedings hereunder to Court.

Wansum Court.

Jacob Brinkley & als

vs.

} In Chancery

Walter Watkins & als

Decree for Distribution

April Term 1892.

Decree to be entered
14th April 1892.

Wm. J.

Entered in Chy. Book
No. 2 Page 443

Jacob Brinkley and als,

VS

In Chancery

Walter Wilkins and als

This cause came on this day to be again heard on the papers formerly read, and it appearing to the court that C. H. Causey, Special Commissioner, in said cause has died since the sale of the land mentioned in the bill, and report and confirmation thereof, and that said C. H. Causey, Special Commissioner, did collect from James W. Brinkley, the purchaser of the said land, Three Hundred and Eleven Dollars on the purchase price of Four Hundred Dollars for the said land, as shown by decree of this court entered at the April Term 1889, which sum is now held by the estate of said C. H. Causey, Special Commissioner, subject to the order of court, it is adjudged, ordered, and decreed, that Lee Britt, who is hereby appointed a Special Commissioner for such purpose, proceed to collect from the Estate of the said C. H. Causey, Special Commissioner, the said sum of Three Hundred and Eleven Dollars, less the costs ^{of suit} and expenses of sale, if the same have been paid, with interest thereon from the 10th day of December 1888, at the rate of ^{four} per centum per annum till paid, and to collect from the said purchaser, James W. Brinkley, the balance of the purchase price with interest thereon at the rate of six per centum per annum till paid, and deposit the same in the Farmers Bank of Nansemond, Suffolk, Va., to the credit of the Court in this cause, and file a certificate ^{of} such deposit with the papers therein. And the Court doth further adjudge, order, and decree, that when, and as soon as, the said purchase price shall be paid in full to the said Lee Britt, Special Commissioner, he shall convey, by good and sufficient deed, with special warranty, unto the said James W. Brinkley, the property purchased by him as aforesaid, as follows:— That certain tract, or parcel, of land, consisting of Seventy Three acres, more or less, of which Robert Brinkley died seized and possessed, situate in the County of Nansemond, in the State of Virginia, and adjoin-

ing the lands of B.B.Saunders, the late Javan R. Franklin, the Estate of Abram Brinkley, J.W. Brinkley, and others. But the said Lee Britt, Special Commissioner, shall not receive the purchase price of the land aforesaid until he shall execute a bond with sufficient security, in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of *Seven Hundred* Dollars, and conditioned for the faithful discharge of his duties as such Commissioner. And it is further adjudged, ordered, and decreed, that this cause be referred to Robert R. Prentiss, a Commissioner of this Court, to ascertain, -1st, The heirs at law of said Robert Brinkley, some of whom, it appears to the Court, are unknown, and the amounts to which they may be severally entitled as distributees of the fund coming into the hands of the said Lee Britt, Special Commissioner,

2nd, What fee shall be allowed to the attorney conducting this cause, and how it shall be apportioned to the estate of the attorney commencing and continuing the conduct of said cause, and now deceased, and the attorney now conducting the same.

3rd, What compensation shall be allowed and paid out of the fund aforesaid to the said Lee Britt, Special Commissioner, for collecting and distributing the said fund, - and make report of his proceedings under this decree to Court.

See Smith p. 9.

Jacob Brinkley Dale
vs. } In Chancery

Walter Wilkins Dale

Warrumond Circuit Court

June Special Term 1891.

Heereu When entered
June 24. 1891. —

Entered Chancery
Order Book No. 2.
Page. 398.

Brinkley & Co
v. G. C. H.
Wickham & Co

This cause came on this day to be again heard on the papers formerly read. And on the report of Sale of Special Comm'r C. H. Causey, whereupon the Court doth confirm the Sale made on the 10th day of December, 1888, as set forth in said report; and said Commissioner is hereby authorized to make a deed to the purchaser, in payment in full of the entire purchase money, in the usual form. And said Com'r C. H. Causey is directed to pay the Costs of this Suit, if not yet paid, and to distribute the residue of the net proceeds of Sale among the parties entitled thereto, and make report to Court of all his proceedings hereunder.

Burkley & Co
in G.C.

Wickham & Co

1889 April Term

Rough decree

To be entered

C.M.H.

Entered Chancery
order Bk No 24. 259.

Brinkley & al

vs

Wilkins & al -

This Cause Came on this day to be again heard upon the papers formerly read herein, and upon the report of Edward D. Brinkley, Benjamin B. Saunders and John L. Benton, three of the Commissioners named in the decree entered at the April term, 1888, of this Court, to which report there is no exception, and was argued by counsel; on consideration whereof the Court doth approve and confirm the said report, and doth adjudge, order and decree, that C. H. Causey, who is hereby appointed special Commissioner for that purpose, proceed to sell said land on some County Court day, having first - however, advertised said land for at least twenty days by printed hand bills, posted at the Court House Door and other public places, and in the vicinity of said land - said land consisting of a tract of Seventy-three (73) acres, more or less, in Hansborough County, adjoining the lands of B. B. Saunders and others. Sale of said land to be made in front of the Court House by public auction to the highest bidder upon the following terms; Cash sufficient to pay costs of suit - and expenses of sale; the residue in

one and two years, evidenced by notes of equal amount, bearing interest from the day of sale, at 6 % per annum, till paid, and the title to be retained till the further order of the Court. The purchaser however may elect to pay all cash -

But before such sale be made the said C. McLeamy above named shall execute a bond to the Commonwealth before the Clerk of this Court, in his office, in the sum of ~~five~~^{Seven} hundred (\$700) dollars, Conditioned for the faithful performance of his duties under this or any other decree to be entered herein.

Brinkley & Co

to

Wilkins & Co

1888

Octo. Term

Rough decree

To be entered.

C. McLeamy

Enter by C.B.

No 2 p. 222.

Jacob Binkley & al
vs

Walter Watkins & al

This cause came on
this day to be heard on the bill of the
Complainants taken for confessed as
to the defendants, all adults, they
still failing to appear and plead, answer
or demur thereto and was argued by
Counsel. On consideration whereof
the Court doth adjudge, order and
decree that Edward D. Binkley, John
L. Benton, Benjamin B. Saunders, Philip
B. Binkley and James R. Johnson who are
henceby appointed Commissioners for that pur-
pose, any three or more of whom may vol-
do assign and allot to each of the parties
entitled to share in the division of the
land in the bill mentioned, whatever
portion he or she may be entitled to receive
by meters and corners, and if in their
opinion such partition of the land can-
not be made in kind without loss or in-
jury to the parties, then said Commis-
sioners shall report the fact to Court and
their reasons therefor. with the value
of said land; and said Commissioners
are directed to report any other matters
deemed pertinent by themselves or that

Bunkley & Co
re
Wichman & Co

1888 April

Rough decree to
be entered

To be entered
C. Foster

Entered Chy Order
Book No. 2. P. 207

may be registered by any of the parties
in interest

Nansemond County Circuit Court.

April Term 1893.

Jacob Brinkley et als
VS
Walter Wilkins et als.

This cause came on this day to be farther heard on the papers formerly read and the reports of Special Commissioner Lee Britt, filed on the 10th day of April 1892 and the 3rd day of April 1893, to which reports there are no exceptions, and was argued by counsel: On consideration whereof the court doth approve and confirm the said reports. And it appearing to the court that the sum of money to wit, the sum of \$456.50 coming into the hands of the said Commissioner has been distributed among those severally entitled to the same as shown by the said report filed on the 3rd day of April 1893 and vouchers thereto attached, and there being nothing farther to dispose of in this suit it is ordered that it be struck from the docket.

36
Jacob Brinkley vs. { In Chancery
Walter Wickins

Wansemond Circuit Court
Apr Term 1893

Decree Confirming
reports of Commissioners
dismissing cause

To be entered
April 13th 1893
CMT

Entered in Chancery
Order Book
No. 2 Page 500.

To the Hon E. W. Hill, Judge of the
Circuit Court of Hantswood County

The undersigned, being entitled to
one-half of the land described in the
bill filed in the Chancery Cause of
Jacob Brinkley et al vs. Walter Watkins et al,
now depending in your honors Court,
respectfully ask that the said land
be sold as the tract is too small
to divide in kind, and the proceeds,
after payment of costs, be divided
among the heirs and distributees of
Robert Brinkley. The other half of said
land is claimed by a large number of
heirs and a division in kind is utterly
impracticable, hence we humbly
pray that our request be com-
plied with.

Respectfully,
Jacob Brinkley
James W. Brinkley
John H. Riddick and
Elizabeth Riddick
vs Brinkley by
C. H. Hensley Atty.

Brinkley & al
vs

Wilkins & al

Petition of Plaintiffs
for Sale of Land

To the honorable L. W. Hill, judge of the
Circuit Court of the County of Hansemond
Humbly complaining ^{Sheweth unto your}
^{honors Jacob + James W. Brinkley + John R. + Elizabeth Reddick}
that Robert Brinkley of the County of
Hansemond, in the State of Virginia was,
in his lifetime, seized and possessed of
certain real estate lying in said County
of Hansemond adjoining the lands of Benja-
min B. Sanders, late James R. Frankhauf,
the estate of Abram Brinkley, J. W. Brink-
ley and others, and containing Seventy-three
acres, more or less: That some time in
the year 18 , the said Robert Brinkley
departed this life intestate, without heir of
his body and unmaimed. leaving however,
as his heirs at law certain mother and
aunts on the paternal side, his father from
whom he inherited said land and his mother
being dead, as follows - Jacob Brinkley,
Burwell R. Brinkley, James Wesley Brink-
ley, Elizabeth Reddick, wife of John R. Red-
dick, nee Brinkley, Jackson Brinkley, +
Peggy Ann Wilkins nee Brinkley - That Jackson
Brinkley and Peggy Ann Wilkins have since
died leaving children as follows - The said
Jackson Brinkley left Joseph B. Elihu R.
Lama Ann, Nora, Colin and Mattie Lee
Brinkley - Peggy Ann Wilkins left Walter

Elisha E., and La Fayette Wierhim - and that there are all the parties entitled under the laws of the State of Virginia to participate in the distribution of said land or its proceeds - making six whole shares -

Your orator state that the said real estate is not susceptible of partition among the parties entitled thereto so that each can receive a fair and equal portion of the same and they therefore desire that a sale may be had of said land and the proceeds distributed amongst the parties according to their respective interests therein. The land is situated in a remote part of the County near the State line of North Carolina, and is mostly woodland, and would sell to better advantage now than in a year or two hence In tender consideration whereof, and forasmuch as your orator are without remedy in the premises, save by the aid of a Court of equity, where matters of this kind are alone and properly Cognizable your orator pray that Wierhim, Elisha E., and La Fayette Wierhim, Burwell R. Brinkley and Joseph B., Elisha R. Lamar Ann, Nora, Volin and Martha Lee Brinkley be made parties defendant to this bill and required to answer the

Same, according to the best of their knowl-
edge, information and belief, as if the state-
ments of this bill were here again repeated,
and the said defendants thereto specially in-
terrogated; that said real estate may be
sold and the proceeds distributed under the
direction of this Court among the parties
entitled to share therein, that a reasonable
fee be allowed the Attorney conducting
the cause, that proper process may issue;
and that such other and further relief
may be afforded your orators as the
nature of the Cause may require or to equity
shall seem meet.

And your orators will ever pray &c

Edmund p. g.

Bunkley & Co ^{Cansey. P. 7}
* Es J. J. J. J. J.
Wilkins

For Partition
"Bee"

Mason and Co: Co:
~~~~~

Jacob Brinkley & Co  
vs E. M. Chy.

Walter Wilkins & Co.

1887. July: 16th: Sum. & in Chy: issued to March Rules, 1887.

" " " Affidavit to return OR. Sub: made & filed

" " " OR. Sub: awarded

" March 7th: Bill filed

*Chy. Notes*