

1933-211

Nansemond County (Suffolk)

Chancery Causes: Peter Brinkley & c

vs

William M. Crumpler & c

Johnson, White, Bell, Copeland, Folder 1 of 2
Culpepper, Bradshaw

248

Will: 1931, James Brinkley Newport news, VA

STATE OF VIRGINIA,

CITY OF NEWPORT NEWS, to-wit:-

Pauline Brinkley, after being duly sworn, says that she is a resident of the State of Virginia, residing at 413 Pine Avenue, in the City of Newport News, Virginia; that she is the widow of the late Jim Brinkley, Jr., deceased; that she has been erroneously joined as one of the parties plaintiff in that certain suit in chancery for a partition, now depending in the Circuit Court of the County of Nansemond, Virginia, wherein Peter Brinkley and others are cast as plaintiffs against William M. Crumpler, defendant; that she has never nor does she now consent to be cast as such party plaintiff in said suit, but that she desires to be made a party defendant therein.

Pauline Brinkley

SWORN TO AND SUBSCRIBED BEFORE ME, Daisy L. Morris a Notary Public, in and for the City of Newport News, Virginia, this 28th day of June, 1932.

Daisy L. Morris
NOTARY PUBLIC.

My commission expires Sept. 17th 1934

Va:
Circuit Crt Nansemond County

Peter Brinkley, et als
compls

vs

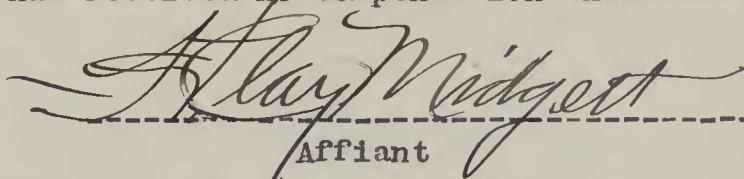
William M. Crumpler,
def.

Affidavit
1932 July 2. filed
Jm

H. Clay Midgett
& L. Marian Poe - attys

State of Virginia,
City of Newport News, to wit:

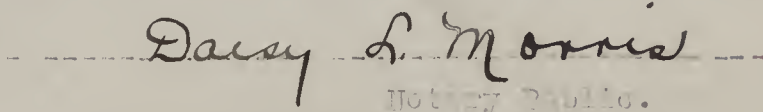
H. Clay Midgett, after being duly sworn deposes and says that that he is an attorney at law practicing in the aforesaid city; that he was called upon by Pauline Brinkley, one of the defendants in that certain suit in chancery pending now in the Circuit Court of Nansemond County, Virginia, wherein Peter Brinkley, et al are plaintiffs, and William M. Crumpler and Pauline Brinkley are defendants; that he drafted said answer without even an intimation that her husband Jim (James) Brinkley had died testate, and did not know nor was he informed as to the said will until later he was looking over the records in the Clerks office of the Corporation Court of the aforesaid city, he by chance discovered the same while looking for other records pertaining to Pauline Brinkley and her said husband; that he is informed and believes that said will was offered for probate by Pauline Brinkley's pastor, who is not nor was he an attorney at law, he being the party who acted as agent or messenger in employing this affiant originally to act for Pauline Brinkley in this case, and who upon be asked by this affiant why he did not mention the said will, replied that he did not think it was necessary. And further, it has recently, since the filing of Pauline Brinkley's original answer in this cause to the best of this affiants belief, been brought to his attention, notice and knowledge that a part of the estate involved in this suit was taken by the state of Virginia in condemnation proceedings unknown to Pauline Brinkley, who has received no compensation whatever therefor.



Affiant

Subscribed and sworn to before me this 8th day of August
1932, in my City of Newport News, Virginia.

My Commission will expire on the 17th day of September 1934



Notary Public.

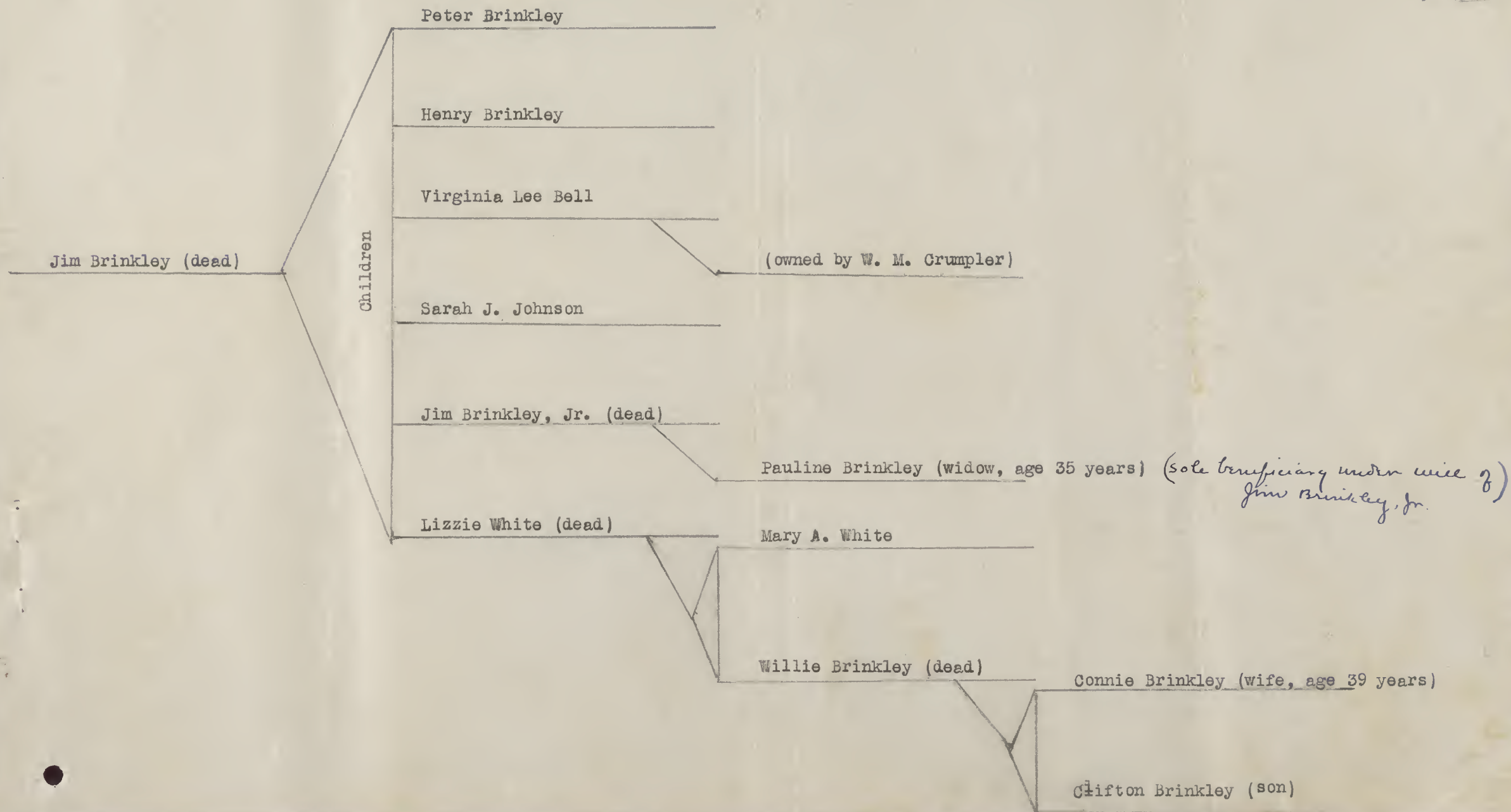
Peter Brinkley, et als

v. Affidavit

William M. Crunpler, et al.

Filed the
11th day of
Aug - 1932 -
John H. Powell Clerk
By Evelyn Harris
De

Exhibit D



Date	Year	Amount	Balance
Jan. 9. 1931 -	1931	6	2.10
Nov. 5. 1930 -	1930	26	2.20
Oct. 1. 1929 -	1929	42	2.32
Sep. 19. 1929 -	1928	50	2.10
Dec. 30. 1927 -	1927	60	2.80
Dec. 7. 1926 -	1926	70	2.20
Dec. 31. 1925 -	1925	70	1.76
	1924	155	1.55
Jan. 10. 1924 -	1923	155	1.55
Dec. 5. 1922 -	1922	90	1.44
Dec. 23. 1921 -	1921	55	1.60
Nov. 30. 1920 -	1920	28	1.00
Dec. 29. 1919 -	1919	5	.90
Nov. 2. 1918 -	1918	65	.85
Oct. 2. 1917 -	1917	70	.81
Nov. 2. 1916 -	1916	75	.81
Nov. 2. 1915 -	1915	80	.81
Oct. 12. 1914 -	1914	85	.81
Nov. 15. 1913 -	1913	90	.81
Oct. 12. 1912 -	1912	95	.81
Nov. 15. 1911 -	1911	100	.81
Oct. 12. 1910 -	1910	105	.81
Nov. 15. 1909 -	1909	110	.81
	1908	115	.81
	1907	120	.81
	1906	125	.81
	1905	130	.81
	1904	135	.81
	1903	140	.81
		25.23	36.58

Nº 118

DISTRICT { WHITE
COLORED

9

ORIGINAL TO REMITTER
DUPLICATE RETAINED BY TREASURER

J. P. DALTON, Treasurer.

By _____

Peter Brinkley being duly sworn deposes as follows:

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

A. Peter Brinkley, 48 years old, Portsmouth, Virginia, Work with Government, Navy Yard.

Q. Are you the Peter Brinkley that is a complainant in this case?

A. Yes

Q. Are you the son of James Brinkley?

A. Yes

Q. Will you please name your brothers and sisters?

A. Peter Brinkley, James Brinkley, Sarah Brinkley, Henry Brinkley, Lizzie Brinkley, Virginia Lee Brinkley.

Q. Is James Brinkley, your brother, living?

A. No, he is dead.

Q. Did he leave any children?

A. No

Q. Did he leave a wife?

A. One

Q. What is her name?

A. Pauline

Q. Did James Brinkley, Jr. die after your father?

A. Yes

Q. That is your brother died after your father?

A. Yes

Q. Now did Lizzie White die after your father?

A. She died before my father.

Q. Tell the heirs of Lizzie White?

A. Mary A. White and Willie Brinkley.

Q. Is Mary A. White living?

A. Yes

Q. Is Willie Brinkley living?

A. No, he is dead.

Q. What heirs did he leave?

A. Wife and one child.

Q. Give their names?

A. Connie Brinkley, his wife, and Clifton Brinkley, his son.

Q. Then James Brinkley had six children, did he not?

A. There were seven children. The six that I have named and their heirs and then I had a brother names Joe who died after my father and unmarried.

Q. What do you think this place is worth?

A. Well, I think it is worth about \$300.00 or \$350.00.

Q. How many acres are there?

A. Somewhere about four, the records call for four acres.

Q. Does it rent out at all?

A. Not any at all, I have never received any at all.

Q. Have you been paying taxes?

A. I have been paying the taxes from 1903 to 1931. I think Bell paid the taxes one year and I suppose the one Bell says he paid is the year that is delinquent.

Q. You have paid these taxes yourself?

A. Yes.

Q. Have you a statement of these taxes?

A. Yes, from the county treasurer.

Q. Please place that statement with the papers.

A. I will.

Q. Peter, do you know of any of the heirs that will take this property and pay the others?

A. I do not.

Q. You say it is worth \$350.00, are you willing to give \$350.00 for the property?

A. I am willing to give \$350.00 for it.

Q. Then you are willing to have the Court convey this property to you

for \$350.00?

A. Yes

Q.. Clifton Brinkley said he paid the taxes one year, please state whether he has or not?

A. He has never paid any taxes.

And further this deponent sayeth not.

Ned Copeland being duly sworn deposes as follows:

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

A. Ned Copeland, 65 years old, Magnolia, Nansemond County, Va.,
Laborer.

Q. Did you know James Brinkley?

A. Yes

Q. How far did you live from him?

A. About a quarter of a mile.

Q. Is he dead?

A. Yes

Q. Did you know his children and family?

A. Yes, grew up with them.

Q. Will you name them?

A. Lizzie, Sallie, Virginia, Joseph-

Q. Is Joseph dead?

A. Yes- Jim, Peter and Henry, four boys and three girls.

Q. Do you know Jim Brinkley's wife?

A. No

Q. Do you know Lizzie's children?

A. I know Mary Ann White.

Q. Is she living in town?

A. Yes

Q. Do you know the boy Willie?

A. Yes

Q. Did you know he was dead?

A. Yes

Q. Did you know his wife?

A. No

Q. Do you know how many children he had?

A. No

Q. Who did you say the boys were?

A. Joseph, Jim, Peter and Henry.

Q. And the girls?

A. Lizzie, Sallie and Virginia.

Q. Was James Brinkley married more than once?

A. I do not know.

Q. Were all these children of the wife that you knew?

A. Yes

Q. Were any of these children children of his wife but not his children?

A. All of the ones I named were Jim Brinkley's children by his first wife.

Q. What was his first wife's name?

A. Lizzie or Sallie I have forgotten which, she had been dead a long time.

Q. Where does Peter live now?

A. Newport News, I think,

Q. Where does Henry live?

A. Over Newport News.

Q. And Sallie Johnson?

A. I do not know.

Q. Do you know whether Pauline Brinkley, widow of Jim Brinkley, is living.

A. No

Q. Do you know where Mary White lives?

A. In Jericho somewhere.

Q. Do you know whether Jim Brinkley's wife was ever married but once.

A. I do not know.

Q. Do you know who would likely have any Bible record of these children?

A. No.

Q. Who would you expect to know if there was such record?

A. I do not know.

Q. Do you know whether Jim Brinkley's wife at the time she married Jim Brinkley, had any children living with her of her own or someone elses?

A. No

Q. Uncle Ned, what would you consider a fair price for that property?

A. I do not know, I am a poor judge.

And further this deponent sayeth not.

J. F. Culpepper being duly sworn deposes as follows:

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

A. J. F. Culpepper, 32 years old, Magnolia, Va., Officer.

Q. Are you familiar with the James Brinkley property on the old concrete road #10 from Suffolk to Magnolia just South of the colored church?

A. Yes

Q. It contains as best as we can get at it around four acres, would you say what you think it is worth per acre or the four acres, fee simple value.

A. I would say around \$75.00 an acre.

Q. Has it any rental value?

A. None

And further this deponent sayeth not.

J. F. Culpepper

O. C. Bradshaw being duly sworn deposes as follows:

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

A. O. C. Bradshaw, 38 years old, Nansemond County, Va., near Suffolk, Officer.

Q. Are you familiar with the James Brinkley property on the old concrete road between here and Magnolia?

A. Yes, I was raised in about two miles of it.

Q. It contains about four acres, what do you think would be a fair valuation to put on it fee simple?

A. I should say \$75.00 or \$80.00 would be a fair price.

Q. Has it any rental value?

A. I shouldn't say so.

And further this deponent sayeth not.

O. C. Bradshaw

Clifton Brinkley being duly sworn deposes as follows:

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

A. Clifton Brinkley, 22 years old in August, Newport News, Porter in Warwick Hotel.

Q. Who was your father?

A. Willie Brinkley.

Q. Who was your father's mother?

A. Lizzie White.

Q. Then you are a great grand-child of Jim Brinkley.

A. Yes

Q. The heirs have brought suit to have the Jim Brinkley property in Nansemond County near Magnolia partitioned or sold and the funds divided among the heirs. What do you think could be done with the property?

A. It is so small that it would not be worth scarcely anything if divided into five parts and nobody wants any part of it that is interested in it. I hope that Mr. Everett, who is representing me will ask the court to have the property sold and the funds divided.

And further this deponent sayeth not.

Clifton Brinkley.

Connie Brinkley being duly sworn deposes as follows:

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

A. Connie Brinkley, 39 years old, Newport News, Virginia, housekeeper.

Q. How are you connected in this case?

A. I am the mother of Clifton and wife of Willie Brinkley, who is now dead. And I claim my dower rights in Willie Brinkley's interest but am willing to have it sold and have my interest paid to me. I have been advised by Mr. Everett that they can figure my interest out in money and let me have it.

Q. Is there anything else that you wish to say?

A. Nothing except I see no way to do this except sell the property and divide the funds.

And further this deponent sayeth not.

Connie Brinkley

Pauline Brinkley being duly sworn deposes as follows:

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

A. Pauline Brinkley, 35 years old, housekeeper, Newport News, Va.

Q. Who was your husband?

A. James Brinkley, Jr.

Q. Who was Jim Brinkley?

A. James Brinkley, Jr. was my husband and James Brinkley, Sr. was his father.

Q. Your husband was a son of James Brinkley of Nansemond County, near Magnolia.

A. Yes

Q. Who died first James Brinkley, Sr. or James Brinkley, Jr.

A. The old man died first.

Q. Did James Brinkley have any children by you?

A. No.

Q. Was he ever married before?

A. No

Q. Do you know anything about the taxes on this property?

A. No

Q. Peter Brinkley has filed a list of taxes since 1903 and claims that he has paid all these taxes except 1928 and 1928 was paid by Clifton Brinkley. Do you wish to say anything about these taxes?

A. I absolutely oppose the payment of these taxes. I am not informed whether Peter Brinkley got any revenue but if he did get any revenue from the property and paid the taxes I have been advised by my counsel that it cannot be deducted from the shares of the others.

Q. Have you ever received any rents or profits from this property?

A. Never

Q. Did your husband ever receive any?

A. No

And further this deponent sayeth not.

Pauline Brinkley

Peter Brinkley being re-called deposes as follows:

Q. Peter you are one of the heirs and have testified before.

A. Yes

Q. There is some question as to who paid the taxes on this property.

A. I paid all except one year.

Q. Have you the tax receipts?

A. I have the biggest portion of them. I found two more this morning which I will send.

Q. Will you give the tax receipts that you have.

A. Yes (Tax receipts are filed "Marked Exhibit B")

Q. Do you remember the exact amount of taxes you paid?

A. Somewhere around \$30.00.

Q. Some time ago the Virginia State Highway Commissioner took some of the property for the purpose of a road, did you receive any portion of compensation paid for it?

A. I received my part.

Q. How much?

A. It was \$50.00 divided into six parts.

Q. Do you know whether or not James Brinkley's part went to his widow?

A. I supposed she received his portion, I do not know whether she did or not.

Q. I am informed that some time ago a right of way was sold to the Virginia Postal Telegraph Company.

A. It was a tree cut down, which was \$15.00.

Q. Was that divided equally?

A. No that has not been divided at all.

Q. Was your father living on this property when he died?

A. Yes

Q. When did he die?

A. 1902

Q. Was there a residence on it at that time?

A. Yes

Q. What became of that building?

A. Rotted down

Q. When was that residence last inhabited?

A. No one has ever lived there since my father died, after my father died every one moved away.

Q. Nobody ever lived there since then?

A. No.

Q. When he died was there or not some land cleared up or in use?

A. None of the land has been rented at all.

Q. Has any land been used?

A. Yes, D. J. Bell used it one year.

Q. Has it been used by any one else?

A. No, only one year.

Q. When you were paying all of these taxes you were living where?

A. Newport News and Portsmouth,

Q. Were any of the children living over there?

A. Yes

Q. Did you ask any of them to help pay the taxes?

A. Several time but there has not been but one that paid any at all.

Q. When did he pay any taxes?

A. Around five or six years ago.

Q. How much did he pay?

A. One year

Q. How much was that?

A. Somewhere around a dollar and some cents.

Q. And at that time you asked him?

A. I did not ask him. I reckon Ball told him to pay.

Q. Did he go to the Treasurer's office and pay it?

A. Yes

Q. So he paid it one year and that is the year you alluded to just now that you did not pay?

A. Yes

Q. Has any wood been cut or used on there?

A. There is no timber on there.

Q. Has anything been cut off of it since your father died?

A. I could not tell.

Q. Have you or any of the heirs cut anything?

A. No

Q. This \$15.00 received for a tree you got that did you not?

A. Yes, I have that now and it can be divided.

Q. How many times was your father married?

A. Twice

Q. How many children did he have by his second marriage?

A. Not any.

Q. How many by his first?

A. Lizzie, Ophelia, Joe, Sally, Virgie, Jim, Peter and Henry.

Q. When you formerly testified you named only six and this time you name eight.

A. There are six living now.

Q. Which are living now?

A. Sally, Virginia, Jim, his wife, Pauline is heirx to his part, Peter, Mary White and Willie Brinkley are heirs to Lizzie's part.

Q. It Peter Brinkley yourself?

A. Yes

Q. Is James Brinkley dead?

A. Yes

Q. Did he die before or after your father?

A. After, and he left his wife, that is all,

Q. What is her name?

A. Pauline

Q. Is Sally living?

A. Yes

Q. Is Lizzie living?

A. Lizzie is dead and left two heirs, Mary A. White and Willie Brinkley. Ophelia died before my father and Joe Brinkley died after my father and did not leave any childred. Ophelia was not married.

Q. So the surviving ones are Peter, the widow of James Brinkley, Sally Brinkley and Henry Brinkley and the two children of Lizzie Brinkley.

A. Yes

Q. Were all of these children born after the marriage of your father to the mother?

A. Yes

Q. Were any of these children her children and not his?

A. No

Q. All were brothers and sisters?

A. Yes

Q. Did she have any children at the time she married your father?

A. No

Q. I notice in your former testimony your opinion of the value of that property is about \$300.00 or \$350.00, how do you derive at that value.

A. I figure it is valued at \$350.00 as it is not very high land.

Q. You also stated that you were willing to pay \$350.00?

A. That is all I am willing to pay.

Q. Did the amount you were willing to pay have any effect on the other, ~~xxxxxxxpayxx\$350x00~~

A. I mean to pay \$350.00 after they pay me for the taxes which I have paid.

Q. Do you own any city property?

A. Yes

Q. How many lots to you think that property could be divided into?

A. Where it is located it would not value much at a lot because people do not buy lots much there. Somewhere around three or four lots, but this place runs in a wedge shape it the back end.

Q. Have you any idea from its location and closeness to the city that this property is worth \$2000.00?

A. No

Q. What is the highest offer you have ever had for it?

A. During the war I was offered \$1800.00 for it.

Q. You known Jim Brinkley left a will do you not?

A. No I have never been into that at all.

And further this deponent sayeth not.

Signature Waived.

D. J. Bell being duly sworn deposes as follows:

Q. Bell, are you familiar with the James Brinkley property on the Norfolk road, the old concrete road?

A. Yes, I know about it, I do not know exactly how many acres but I know where it is.

Q. How long have you been knowing it?

A. Before old man James died.

Q. Can't you give some idea how many acres there are.

A. In the neighborhood of five acres.

Q. Bell, the six shares in that property, what do you think about dividing it among the heirs, could it be cut up in lots and equally divided among the heirs to advantage?

A. No

Q. Then in order for a division what do you think best advantage we could get?

A. The best advantage in my opinion would be to sell it.

Q. In your opinion you do not think it would be worth much to undertake to divide it in lots?

A. No.

Q. You heard the name of the heirs given by Peter just now, is that correct?

A. I think so.

Q. But you do not know that he has given them correctly?

A. Yes

Q. Were all of these children born after they were married or did the mother have some children before she was married?

A. I do not think she had any.

Q. Was the mother ever married before she married James Brinkley?

A. I do not think so.

- Q. Do you think if five of those shares were sold and one was laid off in kind to one claimant would it be of advantage to that one it was laid off to.
- A. No, I do not think so.
- Q. Will you state why you do not think so.
- A. Because of the location I do not think it would give satisfaction.
- Q. To whom?
- A. To the one who has the piece of land.
- Q. Suppose the one that has the land is satisfied then what objection could you find?
- A. I do not think there would be any profit to him.
- Q. I am trying to find out in your opinion if one of the claimants wished to take one-sixth of the land ~~instead~~ instead of having that land sold, what objection do you find to that?
- A. I do not know whether it would pay to do that or not.
- Q. I will put it this way, if you were one of the heirs would you be willing to take one-sixth of that property in land?
- A. No
- Q. In your opinion about what is it worth?
- A. I would say around \$300.00 to \$350.00.
- Q. Assuming that one would get practically one acre, you would rather have the \$50.00 in money than have the land.
- A. Yes.
- Q. Are you familiar with the value of land in that vicinity?
- A. Yes
- Q. How does it usually sell now?
- A. I really do not know.
- Q. How long since you have known any to be sold around there.
- A. Around eight years ago some was sold around there for \$50.00 an acre, but it was high land.

Q. Do you know whether it is very easy to purchase land around there?

A. Plenty are willing to sell now.

Q. Bell, who paid the taxes on this property since the old man died?

A. Peter

Q. And as far as you know no other heir paid any except that one time referred to

A. My son paid it one time.

Q. How do you know?

A. I was present at some of the times.

Q. State what years you were present?

A. I could not do that.

Q. State how much he paid?

A. I could not do that but I know he paid them.

Q. State how you know what land he was paying on.

A. I know he was paying on the James Brinkley property.

Q. Do you own any property in that vicinity?

A. No.

And further this deponent sayeth not.

Signature Waived.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Peter Brinkley et als.....Complainants

vs. DECREE

William M. Crumpler et al.....Defendants

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

 On consideration whereof it appearing from said report that the said Special Commissioner has made proper distributions of the funds, filing with the said report, receipts for said distributions, it is adjudged, ordered and decreed that said report be confirmed and there remaining nothing further to be done in this cause it is ordered that the same be stricken from the docket.

ended case
No 248

Peter Brinkley et als.....
Complainants.

vs. DECREE

William M. Crumpler et al.....
Defendants.

Enter the 16th day of November,
1933.

James S. Moore,

Entered in Chancery Order Book
No. 7 page 103.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

Peter Brinkley, Henry Brinkley, Sallie Brinkley
Sallie J. Johnson, Mary A. White,
Connie Brinkley and Clifton
Brinkley ----- Complainants,

v.

William M. Crumpler and Pauline Brinkley, ---- Defendants.

AMENDED AND SUPPLEMENTAL ANSWER

=====

The amended and supplemental answer of Pauline Brinkley, defendant in the above styled complaint filed against her and another in the said suit, filed by leave of court.

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

The last paragraph of her original answer in this cause should be and is hereby struck out and in its place the following inserted:

This defendant admits the alleged object of this suit, but emphatically submits and avers that under and by virtue of the will of her deceased husband James Brinkley, a certified copy of which is filed with the Commissioner in Chancery to whom this cause is referred by the court, she is entitled to four sixths (4/6ths) of an acre of land out of the estate in question, more or less, which is equivalent to approximately twelve (12) city lots; that in the premises a sale of the entire estate in question for less than six hundred dollars (\$600.00) will be at the sacrifice of this defendant's interest in said estate, and that otherwise an allotment of her share should be made to her in deference to her deceased husband's Last Will and manifestly her best interests, it appearing anomalous that such a quantity of land may not be partitioned in kind. The statute of limitation has run against Peter Brinkley's claim for taxes paid more than three years since

The word "dowress" in the first paragraph of this defendant's original answer should be struck out and the word "Devisee" inserted in its stead.

This defendant denies that neither she or her husband Jim (James) Brinkley has or had any child by a previous marriage or by the marriage dissolved by his death or by legal adoption, and also denies that the best interests of all the parties will be served by a sale of the entire estate at the valuation alleged by the plaintiffs.

And further this defendant has since her original answer discovered that the State Highway Commission has taken by condemnation a part of said land for which your defendant has received no compensation whatever, and which ought to be accounted for, it being especially hereby charged that the plaintiffs wilfully kept this defendant in ignorance thereof and that they had received such compensation.

Otherwise this defendant prays as she has already prayed, and she will ever pray, etc.

Pauline Brinkley

Defendant.

Henry Widdgett & *L. Marian Poe*, pd.

Peter Brinkley, et als

v. Amended & Suppl. Ans.

William M. Crumpler, et al.

1932 Aug. 11. filed.
J.L.M.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

PETER BRINKLEY, et als, -----Plaintiffs,	)	
	)	
VS.	)	Answer
	)	
WILLIAM M. CRUMPLER and	)	
	)	
PAULINE BRINKLEY, -----Defendants.	))	

The separate answer of PAULINE BRINKLEY to a bill of complaint filed against herself and another in the Circuit Court of Nansemond County, Virginia, by the above named complainants.

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

TRUE, it is that Jim Brinkley, Sr., died seized and possessed of that certain tract, piece or parcel of land, as alleged in plaintiff's bill, containing four (4) acres more or less, to the best of this defendant's information and belief; but this defendant is not advised as to the correct amount of land left by the said Jim Brinkley, Sr., and calls for strict and full proof of the same;

TRUE, it is that JIM BRINKLEY, Sr., left the following heirs and distributees as law:

Peter Brinkley, son;
Henry Brinkley, son;
Virginia Lee Bell, daughter;
Jim Brinkley, Jr., son, who deceased on the

1st day of January, 1931, leaving as his widow, this defendant;

Lizzie White, daughter, who is now dead, leaving two children, Mary A. White and Willie Brinkley, who is now dead, leaving

Connie Brinkley, his wife, and Clifton Brinkley, his son; but this defendant denies that Sallie J. Johnson is the daughter of Jim Brinkley, Jr., and Paulie Brinkley, and not being informed as to whether or not Sallie J. Johnson is an heir or distributee of the said Jim Brinkley, Sr., or whether or not the foregoing persons are all of said heirs or distributees, calls for strict proof of the same.

FURTHER, this defendant is not informed as to whether any part of the said land was conveyed to William M. Crumpler, and calls for full proof of said conveyance;

THIS defendant is not informed as to the distributive shares of the heirs and other parties in and to the said land, and calls for strict proof of same.

THIS defendant admits that the object of this suit is to procure a partition of the same, but denies that a partition in kind is either impossible or impracticable, or that it is to the advantage of all parties concerned that it be sold as a whole and the proceeds divided amongst the parties according to their respective rights; and this defendant submits that she, as the widow of Jim Brinkley, Jr., deceased on the 1st day of January, 1931, intestate, neither of whom had or has a child or children by the marriage dissolved by his death or any former marriage or by legal adoption, would have her interests better protected by an allotment to her of her dower in kind, even should there be a sale of the balance, or an allotment of part and a sale of a part; that she is entitled to at least 4/5 of an acre, abutting on an improved highway, in close proximity to the City of Suffolk, Virginia; that in this period of depression, it is not probable that the whole would bring a fair part of its real value, but that if her dower shall be set apart or decreed to her in kind, or the fair net annual value of her interest be decreed her for life, subject to its rise or fall in value, then will her best interests be promoted.

This defendant is not informed as to whether the taxes have been paid as alleged in said bill, the amount thereof, nor whether this defendant's interest as a dowress is or will be affected thereby, she therefore calls for strict proof as to the payment of said taxes and stands ready and willing to do and submit to what equity shall demand in the case;

AND this defendant denying all fraud, unlawful combination and confederary; and having fully answered plaintiff's bill, prays to be hence dismissed with her reasonable costs by her in this behalf expended, together with a reasonable fee to her attorneys in this cause.

And she will ever pray, etc.

Pauline Brinkley
Defendant.

H. Clay Midgett
L. Marlan Poe p.d.

State of Virginia;

City of Newport News, to-wit:-

This day, personally appeared before me, Daisy E. Morris a Notary Public, in and for the City of Newport News, Virginian, PAULINE BRINKLEY, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of her own knowledge are true; and so far as made from knowledge or information derived from others, they are believed to be true.
Given under my hand this 28th day of June 1932.

Daisy E. Morris
Notary Public.

My commission expires Sept. 17th 1934

Va:

Circuit Court of
Nansemond Co.

Peter Brinkley, et als
compl

vs

William M. Crumpler,
def

Answer of
Pauline Brinkley

1932 July 2. filed.
J.A.M.

H. Clay Mudgett
L. MARIAN POE

ATTORNEY AND COUNSELOR AT LAW

628 TWENTY-FIFTH STREET

NEWPORT NEWS, VA.

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Peter Brinkley, Henry Brinkley, Sallie
J. Johnson, Pauline Brinkley, Mary A.
White, Connie Brinkley and Clifton Brinkley - - - - - Complainant

v.

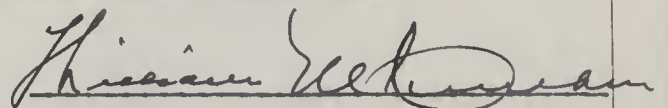
ANSWER

William M. Crumpler - - - - - Defendant

For answer to the bill of complaint or so much thereof
as the undersigned is advised it is necessary and proper that he
should answer, comes and says:

That he has an interest in the real estate in question
as shown by the deed of bargain and sale alluded to in the bill of
complaint and he asks that his interest in the said property be
determined and the proceeds of sale paid to him in accordance with
the proper proportion having reference to the interest of all
others concerned.

And this respondent prays that he be hence dis-
missed with his reasonable cost in this behalf expended.



VIRGINIA,
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

Peter Brinkley, et als,

v.

William M. Crumpler.

Answer.

1932 June 21. Filed.
J.M.

Peter Brinkley, Henry Brinkley, Sallie J.
Johnson, Pauline Brinkley, Mary A. White,
Connie Brinkley and Clifton Brinkley.....Complainants

vs. BILL

William M. Crumpler.....Defendant

To the Honorable James L. McLemore, Judge of the Circuit Court of
Nansemond County, Virginia.

Humbly complaining show unto the Court your complainants, Peter
Brinkley, Henry Brinkley, Sallie J. Johnson, Pauline Brinkley, Mary
A. White, Connie Brinkley and Clifton Brinkley, that Jim Brinkley
died a number of years ago seized and possessed of a small tract of
land situated in Cypress Magisterial District, Nansemond County,
Virginia, on the South of the concrete road leading from Norfleet's
Fork East of the City of Suffolk to Magnolia, which is known at this
time as Route #10 State Highway, and bounded by the lands of what
was formerly known as J. C. Bell, Riddick and others, containing
four (4) acres, more or less,

That the said Jim Brinkley left the following heirs and distri-
butees at law: Peter Brinkley, son; Henry Brinkley, son; Virginia
Lee Bell, daughter, who has sold and conveyed her interest to William
M. Crumpler; Jim Brinkley, Jr., son, who is now dead leaving Sallie
J. Johnson, daughter, and Pauline Brinkley, his wife; Lizzie White,
daughter, who is now dead, leaving two children, Mary A. White and
Willie Brinkley who is now dead, leaving Connie Brinkley, his wife,
and Clifton Brinkley, his son.

If the said property should be divided in kind it would be as
follows: one-fifth to Peter Brinkley; one-fifth to Henry Brinkley;
one-fifth to William M. Crumpler; one-fifth to Sallie J. Johnson and
Pauline Brinkley; and one-fifth to Mary A. White, Connie Brinkley and
Clifton Brinkley.

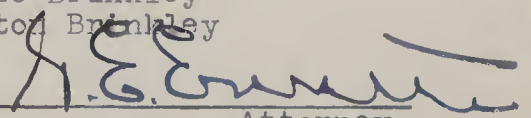
That the object of this suit is to procure a partition thereof in some method prescribed by law. Owing to the small size of said property and the number of interests it is obvious that a partition in kind is wholly impossible and no one of the parties interested is willing to take said property at its value and pay to the others the value of their respective shares, and your complainants do allege that it is to the advantage and interest of all parties concerned that said property be sold as a whole in order to effect a partition and the proceeds of the sale be divided by the Court amongst the various parties according to their respective rights in said lot of land.

That your complainant, Peter Brinkley, has paid the taxes on said property for more than twenty years and never received any revenue from the same, therefore the property is responsible for the said tax.

Forasmuch as your complainants are remediless in the premises save in a Court of Equity, they pray that the said William M. Crumpler be made a party defendant to this bill and be required to answer the same; that partition of said lot of land be made and decreed in some manner prescribed by the statute, preferably by a sale of the whole thereof and division of the proceeds of the sale amongst the owners according to their interests; that in case the Court should decree a sale of said property in order to effect a partition thereof, the said offer of purchase be accepted; that all proper accounts and inquiries may be directed and taken: and that your complainants may receive all such other and further general relief as to equity may seem meet and the nature of their case may require.

Peter Brinkley
Henry Brinkley
Sallie J. Johnson
Pauline Brinkley
Mary A. White
Connie Brinkley
Clifton Brinkley

By


Attorney

Peter Brinkley et als.....
Complainants

vs. BILL

William M. Crumpler.....
Defendant

Filed the *18th* day of *April*, 1932.
John H. Maxwell-Clerk

I, James Brinkley, of the County of Elizabeth City, in the State of Virginia, being of sound and deposing mind, do make, publish and declare this to be my last will and testament, hereby revoking all other wills by me at any time heretofore made;

1st: I desire and direct that my funeral expenses be paid out of my estate;

2nd: I desire and direct that all of my honest and just debts be paid out of my estate, if I shall owe any at my death;

3rd: After the payment of my funeral expenses and my debts, as aforesaid, I Give, devise and bequeath all of the rest and residue of the property that I now own, and that I may own at my death, to my dear wife, Pauline Brinkley, to have and to hold the same unto her the said Pauline Brinkley, her heirs and assigns, forever;

4th: I hereby nominate and appoint my said wife, Pauline Brinkley, executrix of this my last will and testament with full power and authority to execute the same according to its true and intended meaning, and having perfect confidence in her judgment and integrity, I hereby direct that my said executrix shall not be required to give security; And I further direct that no appraisement shall be required upon my estate;

In witness whereof I have hereunto subscribed my name and affixed my seal to this my last will and testament, at the City of Newport News, Virginia, this 3rd day of June, 1924;

his
James X Brinkley (SEAL)
mark

Witness:

W. R. Walker

Ned McKeiver

The above signature of the testator, James Brinkley, was made, and the foregoing will was acknowledged by the said James Brinkley, in the presence of us, two competent witnesses, present at the same time; and, we, the said witnesses do hereunto subscribe the said will in the presence of the said testator and of each other, at the request of the said testator, this 3rd day of June, 1924;

W. R. Walker

Ned McKeiver.

Virginia: In the Clerk's Office of the Corporation Court for the City of Newport News, the 13th day of January, A. D., 1931.

A paper writing, purporting to be the last will and testament of James Brinkley, deceased. was this day produced before the undersigned, Clerk of the Corporation Court aforesaid in the Clerk's Office of said Court and being proved according to law by the oaths of W. R. Walker and Ned McKeiver, the two attesting and subscribing witnesses thereto, the same is ordered to be recorded as the last true will and testament of the said James Brinkley, deceased. Thereupon, on the motion of Pauline Brinkley, the executrix in said will named, who made oath thereto as the law directs and entered into and acknowledged a bond in the penalty of two hundred dollars, conditioned according to law, but without security, no security being required by said will or by the Clerk, certificate is granted her, the said Pauline Brinkley, for obtaining a probate of said will in due form; and the said Pauline Brinkley is accordingly appointed as the executrix of the estate of the said James Brinkley, deceased.

A Copy,

Teste: R. E. Marable, Clerk,

By F. B. Barham, D. C.

A Copy,

Teste: R. E. Marable, Clerk,

By *F. M. Coquer*, D. C.

Exhibits C

Virginia: In the Circuit Court of the County of Nansemond:

Peter Brinkley, Henry Brinkley, Sallie
J. Johnson, Mary A. White, Connie
Brinkley and Clifton Brinkley ----- Complainants

v.

O R D E R

William M. Crumpler and Pauline Brinkley, ----- Defendants.

This day came the defendant Pauline Brinkley by her attorney,
and asked leave to
~~and it appearing by his affidavit and otherwise that she should~~
~~be allowed to file her amended and supplemental answer in this~~
cause, the court doth therefore adjudge, order and decree that
her said amended and supplemental answer be and the same is
filed herein, *but with the reservation that the defendants*
or either of them, may move to strike the same from the
record within sixty days from this date.

Peter Brinkley, et als

v. ORDER

William M. Crumpler, et al.

Entered Aug. 11. 1932.
J. L. McInroe

Chancery Order
Book 6; Page 516

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

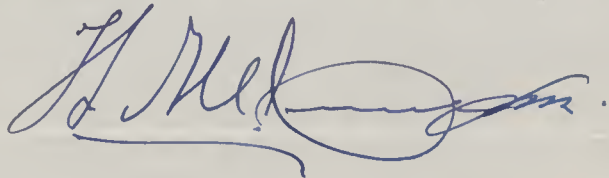
Peter Brinkley, et als, v Complainants

v.

PLEA

William M. Crumpler, et al Defendants

The undersigned comes and says that the claim of Peter Brinkley for principal and interest on account of taxes alleged to have been paid by him is barred by the Statute of Limitations, in that his claim is based upon the idea of contribution which would be barred within the period of one year or certainly within the period of two years, and this defendant prays to be hence dismissed with his reasonable cost in this behalf expended.



VIRGINIA,
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Peter Brinkley et als,

v.

William M. Crumpler, et al.

- 0 -

Plea.

Filed Oct. 7. 1932
John H. Powell, Clerk
By, M. K. Gardner D.C.

L. MARIAN POE
ATTORNEY AND COUNSELOR AT LAW
628 TWENTY-FIFTH STREET
NEWPORT NEWS, VA.,

Aug. 1932

Hon. J. L. McLemore, Judge
Circuit Court, Nansemond Co. Va.
Dear sir:

please find enclosed affidavit, and amended and supplemental answer of the defendant Pauline Brinkley, defendant in that certain suit in equity now pending in the aforesaid court wherein Peter Brinkley et als are plaintiffs and William M. Crumpler and Pauline Brinkley is one of the defendants.

While it is maybe unusual to offer such answers there is quite respectable authority to the effect that they should be allowed in similar cases, to wit:

Story's Eq. Pl. Sec. 902; Jackson's assignees, etc.,
5 Munf. 308.

It is respectfully submitted that to allow the same in this case will not tend to evade but rather to aid the justice of the case; to put in issue the real facts, and keep the record straight. To that end it is requested that the amendment be allowed.

We have the honor to be,

Respectfully,

HEM;/vp

By

Midgett & Poe, Pd.

Copy to Hon. John K. Hutton, Com'r.
" " " S. E. Everett, pq.

Know all Men by these Presents, That we S. E. Everett and
United States Fidelity and Guaranty Company

are held and firmly bound unto the Commonwealth of Virginia in the sum of

Seven Hundred and 00/100 Dollars

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation.

Sealed with our seals, and dated this 5th day of October,

one thousand nine hundred and thirty two

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound S. E.

Everett

shall faithfully discharge his duties as Special Commissioner, under decree of the Circuit

Court of the County of Nausemond

pronounced on the 6th day of October 1932, in the suit

therein depending under the name and style of Peter Brinkley et al

vs. William M. Crumpler et al, or any decree
that may be entered herein

and shall account for and pay over, as the Court may direct, all money that may come into

his hands as such Commissioner,

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

M. K. Gardner
Evelyn Harris

W. G. E. atty in fact [SEAL]
United States Fidelity & Guaranty Co. [SEAL]

In the Clerk's Office of the Court of the of

This day

suret on the above bond made oath before me, Clerk

of the Court of the of

that estate, after the payment of all just debts and those for which

bound as security for others and expect to have to pay worth the sum of

dollars.

Given under my hand, this 10th day of October 1932

Colin H. Pomeroy Clerk.
By M. K. Gardner D. C.

No 23

Form No. 309.

S. E. Currett

to

} SPECIAL
COMMISSIONER'S BOND

Commonwealth

Admitted to record
this 6 day of October
1922.

See Official
Bond Book No
4 Page 100

BILLS AND RECEIPTS

Brinkley

Bureau of

Richmond

Judge Jos. M. [illegible]

trial Statistics

App blanks &
license —

S. E. EVERETT
ATTORNEY-AT-LAW
SUFFOLK, VA.

CYPRESS DISTRICT

M

James Brinkley, Est.

No.

1184

To C. R. FULGHAM, Treasurer of Nansemond County, Va.

FOR YEAR 1914

REAL ESTATE

Acres 4 Val. \$ 60Personal { Schedule B, Val. \$
Property { Schedule C, Val. \$

State Capitation Tax

Credit \$

\$

\$

PAID

Oct. 12th 1914

STATE TAXES

35c on \$100, Support
Government,
Schools & Pensions

COUNTY LEVIES

Co. Levy	.40	On the \$100
Co. School Tax	.20	
Poor Tax	.05	
Dis. School Tax	.20	
Road Tax	.15	
TOTAL	\$1.00	

TOTAL TAXES

21 60 81

1 50

Total Tax \$ 81

5 PER CENT. PENALTY \$

Total Tax and Penalty \$

J. W. Artman Deputy Treasurer

CYPRESS DISTRICT

M

*James Brinkley Est.*No. **1081**

To C. R. FULGHAM, Treasurer of Nansemond County, Va.

FOR YEAR 1912**REAL ESTATE**Aeres *4* Val. \$ *60*Personal Property { Schedule B, Val. \$
Schedule C, Val. \$

State Capitation Tax

Credit

PAID

STATE TAXES35c on \$100, Support
Government,
Schools & Pensions**COUNTY LEVIES**

Co. Levy	.40
Co. School Tax	.20
Poor Tax	.05
Dis. School Tax	.20
Road Tax	.15

TOTAL - *1* \$ *100.00***TOTAL TAXES***81**50*Total Tax \$ *81*

5 PER CENT. PENALTY \$

Total Tax and Penalty \$

191

Treasurer

M

To *James Brinkley Est*
C. R. FULGHAM, Treasurer of Nansemond County, Va., Dr.

CYPRESS DISTRICT

1915

Taxes and Levies

No.

SUBJECTS OF TAXATION

Valuation

Rate of
State
Tax
Per \$100Amount of
State Tax

COUNTY AND DISTRICT LEVIES

Real Estate and
Tangible PropertyIntangible Property
Classes 1, 2, 3, 4, 5, 7, & 8

TOTAL

Real Estate	<i>44</i>	Acres	<i>62</i>	\$.10	<i>06</i>	<i>75</i>			<i>81</i>
		Acres		.10					
Personal Property—Tangible (Sched. B)	-	-		.10					
Personal Property—Intangible (Classes 1, 2, 3, 4, and 7)				.65					
Personal Property—Intangible (Class 5) Fiduciary	-			.65					
Personal Property—Intangible (Class 8)	-	-		.35					
Personal Property—Intangible (Class 6) Money	-	-		.20					
Income	-	-		1%					
Capitation Tax	-	-			<i>1.50</i>				
TOTAL	-	-							<i>81</i>

Credit \$
\$
\$

Five Per Cent. Penalty

TOTAL

Paid *Oct 23*, 191 *5*.

Received payment:

T. W. Ashman Deputy Treasurer

M James Brickley, Est.
To C. R. FULGHAM, Treasurer of Nansemond County, Va., Dr.

No. 1298

CYPRESS DIST. 1917 Taxes and Levies		Valuation	Rate of State Tax Per \$100	Amount of State Tax	COUNTY AND DISTRICT LEVIES				TOTAL
SUBJECTS OF TAXATION					Real Estate and Tangible Property	Intangible Property Classes 1, 2, 5 and 6			
		Co. Purposes - .50	Co. Schools - .25	Poor - - - .05	Dist. Schools - .25	Dist. Roads - .20	TOTAL - \$1.25	Dist. Roads - 30	TOTAL - - 30
Real Estate.....	4 Acres	60	\$.10	06	75				81
	Acres		.10						
Personal Property—Tangible (Sched. B) - -			.10						
Personal Property—Intangible (Classes 1 and 5)			.65						
Personal Property—Intangible (Class 2) - - -			.70						
Personal Property—Intangible (Class 6) - - -			.35						
Personal Property—Intangible (Class 4) Money - -			.20						
Income - - - - -			1%						
Capitation Tax - - - - -				1 50					81
TOTAL - - - - -									
Credit.....	\$			Five Per Cent. Penalty - - - - -					
	\$			TOTAL - - - - -					
	\$								
Paid.....	, 191								
				Received payment:.....				Treasurer	

CYPRESS DISTRICT

M

James Brinkley Est

No. 1087

To C. R. FULGHAM, Treasurer of Nansemond County, Va.

FOR YEAR 1913

REAL ESTATE

Acres 14 Val. \$ 60Personal { Schedule B, Val. \$
Property { Schedule C, Val. \$

State Capitation Tax

STATE TAXES

35c on \$100, Support
Government,
Schools & Pensions

COUNTY LEVIES

Co. Levy	.40	On the \$100
Co. School Tax	.20	
Poor Tax	.05	
Dis. School Tax	.20	
Road Tax	.15	
TOTAL -	1.00	

TOTAL TAXES

21	60	81
----	----	----

1	50
---	----

Credit

\$

Total Tax.....\$

81

\$

5 PER CENT. PENALTY.....\$

\$

Total Tax and Penalty.....\$

PAID

NOV 15 1913

191

Treasurer

DEPUTY

M

TAXES AND LEVIES, 1920

CYPRESS DISTRICT

Land.....Page.....Line.....

Personal Property...Page.....Line.....

Income.....Page.....Line.....

To C. R. FULGHAM, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

No. 1209

Local Rates on Intangibles
(Classes 6, 1, 5, 3 and 2)
for Roads, 30c. on \$100

Valuation

Rate of
State Tax
on \$100

State Tax

Rate of
Local Levies
on \$100

Local Levies

Total
Tax and
Levies

Real Estate.....	4 Acres	\$ 60	\$.25	\$ 15.00	\$ 1	50	\$ 90	\$ 1.05
Real Estate.....	Acres		.25		1	50		
Real Estate.....	Acres		.25		1	50		
Real Estate.....	Acres		.25		1	50		
Tangible Property.....			.25		1	50		
Class 4 (Money).....			.20		NO	NE	NO	NE
Class 6 (Bonds of Counties, Cities and Towns of this State).....			.35			30		
Class 1 (Bonds, Notes and other evidences of debt).....	Value \$		.80			30		
Class 5 (Shares of Stock).....	Value \$		.80			30		
Class 3 (Fiduciary).....			.80			30		
Class 2 (Capital).....			.85			30		
Income.....			{ 1% up to \$3,000; 2% on excess ...NONE...		NO	NE	NO	NE
State Poll (or Capitation) Tax.....				1	50	NO	NE	

CREDITS

Total Taxes and Levies.....\$.....\$.....\$ 1.05

Date Account Amount

Five per cent. Penalty.....

Received payment:

Total Taxes, Levies and Penalty.....\$.....

Treasurer.

LOCAL RATES — REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.60
 County School Levy.....\$.35
 District School Levy.....\$.30
 District Road Levy.....\$.20
 Parish of Poor Levy.....\$.05
 Total.....\$ 1.50

NOV 20 1920

J. W. Armon, Jr.

$$\begin{array}{r} 5.40 \\ 1.05- \\ \hline 6.45 \end{array}$$

M

TAXES AND LEVIES, 1921

CYPRESS DISTRICT

Land.....Page 77 Line 28

Personal Property...Page.....Line.....

Income.....Page.....Line.....

To C. R. FULGHAM, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

No. 1316

Patten and S. L. Co.

LOCAL RATES — REAL ESTATE AND TANGIBLE PROPERTY		Local Rates on Intangibles (Classes 6, 1, 5, 3 and 2) for Roads, 30c. on \$100	Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
County Levy.....\$.50		Real Estate..... <u>4</u> Acres	\$ <u>80 00</u>	\$.25	\$ <u>20</u>	\$ 1 65	\$ <u>1 32</u>	\$ <u>1 52</u>
County School Levy.....\$.35		Real Estate.....Acres		.25		1 65		
District School Levy.....\$.40		Real Estate.....Acres		.25		1 65		
District Road Levy.....\$.35		Real Estate.....Acres		.25		1 65		
Parish or Poor Levy.....\$.05		Tangible Property.....		.25		1 65		
Total.....\$ 1.65		Class 4 (Money).....		.20		NO NE..	NO NE..	
		Class 6 (Bonds of Counties, Cities and Towns of this State).....		.35		30		
		Class 1 (Bonds, Notes and other evidences of debt).....Value \$		.80		30		
		Class 5 (Shares of Stock).....Value \$		.80		30		
		Class 3 (Fiduciary).....		.80		30		
		Class 2 (Capital).....		.85		30		
		Income.....		{ 1% up to \$3,000; 2% on excess }		NO NE..	NO NE..	
		State Poll (or Capitation) Tax.....		NONE..	NO NE..			
					1 50	NO NE..		
		CREDITS						
		Total Taxes and Levies.....						\$ <u>1 52</u>
								\$ <u>0 8</u>
		Received payment: <i>J. W. Ambman, Depy.</i>						\$ <u>1 60</u>

Five per cent. Penalty.....

Total Taxes, Levies and Penalty.....

Treasurer.

M. *James Brinkley, Sr.*

TAXES AND LEVIES, 1922

CYPRESS DISTRICT

Land.....Page *76* Line *31*

Personal Property...Page.....Line.....

Income.....Page.....Line.....

To C. R. FULGHAM, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

LOCAL RATES - REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.50
 County School Levy.....\$.35
 District School Levy.....\$.35
 District Road Levy.....\$.30
 Parish or Poor Levy.....\$.05
 Total.....\$ 1.55

882

Local Rates on Intangibles
 (Class 1).....for Roads 20¢ on \$100
 (Classes 6, 5, 2).....for Roads 30¢ on \$100

Real Estate.....Acres *4* \$ *80-*
 Real Estate.....Acres.....
 Real Estate.....Acres.....
 Tangible Property.....
 Class 4 (Money).....
 Class 6 (Bonds of Counties, Cities and Towns of this State).....
 Class 1 (Bonds, Notes and other evidences of debt).....Value \$.....
 Class 5 (Shares of Stock).....Value \$.....
 Class 2 (Capital).....
 Income.....
 Merchandise.....
 Banks.....
 State Poll (or Capitation) Tax.....

Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
\$ <i>80-</i>	.25	\$ <i>20</i>	1 55	\$ <i>1 24</i>	\$ <i>1 44</i>
	.25		1 55		
	.25		1 55		
	.25		1 55		
	.30		NO NE	NO NE	
	.35		30		
	.25		20		
	.80		30		
	.85		30		
	{ 1% up to \$3,000; 2% on excess }		NO NE	NO NE	
	NONE	NO NE			
	NONE	NO NE			
		1 50	NO NE		

paid by James Brinkley, Sr.

CREDITS		
Date	Account	Amount
		\$

Total Taxes and Levies.....\$.....
 Received payment:
 Five per cent. Penalty.....
 Total Taxes, Levies and Penalty.....\$.....
M. F. Fulgham, Treasurer.

M

TAXES AND LEVIES, 1927

CYPRESS DISTRICT

Land.....Page 89 Line 16

Personal Property...Page _____ Line _____

Income.....Page _____ Line _____

To J. P. DALTON, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

No. 1120

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....	\$.65
County School Levy.....	.95
District Road Levy.....	30
Total.....	\$ 1.90

No.	Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
Real Estate..... <u>4</u> Acres	\$ <u>100—</u>	..NONE..	NO NE..	\$ 1 90	\$ <u>1 90</u>	\$ <u>1 90</u>
Real Estate..... Acres		..NONE..	NO NE..	1 90		
Real Estate..... Acres		..NONE..	NO NE..	1 90		
Tangible Property.....		..NONE..	NO NE..	1 90		
Class 1 (Bonds, Notes and other evidences of debt)..... Value \$		.50		NO NE	NO NE	
Class 2 (Capital).....		.85		NO NE	NO NE	
Class 4 (Money).....		.20		NO NE	NO NE	
Class 5 (Shares of Stock) Value \$		.50		NO NE	NO NE	
Class 6 (Bonds of Counties, Cities and Towns of this State).....		.35		NO NE	NO NE	
Income $\left\{ \begin{array}{l} 1\frac{1}{2}\% \text{ on first } \$3,000 \\ 2\frac{1}{2}\% \text{ on next } \$2,000 \\ 3\% \text{ on balance} \end{array} \right.$				NO NE	NO NE	
Merchandise.....		..NONE..	NO NE..			
Banks.....		..NONE..	NO NE..			
State Poll (or Capitation) Tax.....			1 50	NO NE		
CREDITS		Total Taxes and Levies.....	\$		\$	\$ <u>1 90</u>
Date <u>DEC 30 1927</u>	Account	Amount	Received payment.....			
		\$	Five Per Cent. Penalty.....			
			Total Taxes, Levies and Penalty.....			

Treasurer

COMMONWEALTH OF VIRGINIA STATE TAXES AND LOCAL LEVIES 1928

CYPRESS DISTRICT

Land.....Page 119 Line 19

Personal Property.....Page.....Line.....

Income.....Page.....Line.....

To J. P. DALTON, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

No. 1121

SUBJECTS OF TAXATION

VALUE

STATE RATE
ON \$100

STATE TAXES

LOCAL RATE
ON \$100

LOCAL LEVIES

TOTAL STATE TAXES
AND LOCAL LEVIES

FOR STATE TAXATION ONLY:

State Capitation Tax.....			\$ 1 50	NONE	NONE	\$ 1 50
Bonds, Notes, and Other Evidences of Debt.....	\$	\$.50		NONE	NONE	
Money.....		.20		NONE	NONE	
Shares of Stock.....		.50		NONE	NONE	
Bonds of Counties, Cities, Towns and Districts.....		.35		NONE	NONE	
Moneyed Capital in Competition with National Banks.....		1.10		NONE	NONE	
Capital Not Otherwise Taxed.....		.85		NONE	NONE	
Income: 1½% on first \$3,000; 2½% on next \$2,000; 3% on excess over \$5,000.....				NONE	NONE	

FOR LOCAL TAXATION ONLY:

Tangible Personal Property.....		NONE	NONE	\$ 2.00		
Machinery and Tools.....		NONE	NONE	2.00		
Merchants' Capital (Schools).....		NONE	NONE	1.25		
Real Estate..... Acres 100 -		NONE	NONE	2.00	200	200
Real Estate..... Acres		NONE	NONE	2.00		
Real Estate..... Acres		NONE	NONE	2.00		
Real Estate..... Acres		NONE	NONE	2.00		

CREDITS

TOTAL STATE TAXES.....

\$

TOTAL LOCAL
LEVIES.....

\$

Date

Account

Amount

		5% Penalty December 6, 1928.....			
		Total Taxes, Levies and Penalty.....	\$	2 10	10
		5% Penalty June 16, 1929.....			10
		Total Taxes, Levies and Penalties to June 16, 1929.....	\$	2 20	00
		6% Interest from June 16, 1929, to date of payment.....			27
		Total Taxes, Levies, Penalties and Interest.....	\$	2 27	

Received Payment:

Date.....Treasurer

County and District

County Levy.....\$.45
 County School Levy.....1.00
 Interest and Sinking Fund (School)......25
 District Road Levy......30
 Total.....\$ 2.00

SEP 19 1929

COMMONWEALTH OF VIRGINIA STATE TAXES AND LOCAL LEVIES 1929

HOLY CREEK DISTRICT

M

Land.....Page.....Line.....

Personal Property...Page.....Line.....

Income.....Page.....Line.....

To J. P. DALTON, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

No. **8350**

SUBJECTS OF TAXATION

VALUE

STATE RATE
ON \$100

STATE TAXES

LOCAL RATE
ON \$100

LOCAL LEVIES

TOTAL STATE TAXES
AND LOCAL LEVIES

FOR STATE TAXATION ONLY:

State Capitation Tax.....			\$ 1 50	NONE	NONE	\$ 1 50
Bonds, Notes, and Other Evidences of Debt.....	\$	\$.50		NONE	NONE	
Money.....		.20		NONE	NONE	
Moneyed Capital in Competition with National Banks.....		1.00		NONE	NONE	
Capital Not Otherwise Taxed.....		.75		NONE	NONE	
Income: 14% on first \$3,000; 2½% on next \$2,000; 3% on excess over \$5,000.....				NONE	NONE	

FOR LOCAL TAXATION ONLY:

Tangible Personal Property.....		NONE	NONE	\$ 2.20		
Machinery and Tools.....		NONE	NONE	2.20		
Merchants' Capital (Schools).....		NONE	NONE	1.25		
Real Estate..... Acres	100	NONE	NONE	2.20	2.20	2.20
Real Estate..... Acres		NONE	NONE	2.20		
Real Estate..... Acres		NONE	NONE	2.20		
Real Estate..... Acres		NONE	NONE	2.20		

CREDITS

Date	Account	Amount	TOTAL STATE TAXES.....	TOTAL LOCAL LEVIES.....	
		\$	\$	\$	\$
			5% Penalty December 6, 1929.....		
			Total Taxes, Levies and Penalty.....		\$
			5% Penalty June 16, 1930.....		
			Total Taxes, Levies and Penalties to June 16, 1930.....		\$
			6% Interest from June 16, 1930, to date of payment.....		
			Total Taxes, Levies, Penalties and Interest.....		\$

Received Payment:

Date.....Treasurer

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.65
County School Levy.....1.00
Interest and Sinking Fund (School)......25
District Road Levy......30
Total.....\$ 2.20

SEP 19 1929

J. P. Dalton

County Levy.....\$.65
 County School Levy.....1.00
 Interest and Sinking Fund (School)......25
 District Road Levy......30
 Total.....\$ 2.20

COMMONWEALTH OF VIRGINIA STATE TAXES AND LOCAL LEVIES, 1930

M

No.

1123

CYPRESS DISTRICT

Land.....Page 147 Line 13

Personal Property.....Page.....Line.....

Income.....Page.....Line.....

To J. P. DALTON, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

SUBJECTS OF TAXATION	VALUE	STATE RATE ON \$100	STATE TAXES	LOCAL RATE ON \$100	LOCAL LEVIES	TOTAL STATE TAXES AND LOCAL LEVIES
FOR STATE TAXATION ONLY:						
State Capitation Tax.....			\$ 1 50	NONE	NONE	\$ 1 50
Bonds, Notes, and Other Evidences of Debt.....	\$	\$.50		NONE	NONE	
Money.....		.20		NONE	NONE	
Moneyed Capital in Competition with National Banks.....		1.00		NONE	NONE	
Capital Not Otherwise Taxed.....		.75		NONE	NONE	
Income: 1½% on first \$3,000; 2½% on next \$2,000; 3% on excess over \$5,000.....				NONE	NONE	
FOR LOCAL TAXATION ONLY:						
Tangible Personal Property.....		NONE	NONE	\$ 2.20		
Machinery and Tools.....		NONE	NONE	2.20		
Merchants' Capital (Schools).....		NONE	NONE	1.25		
Real Estate..... 4 Acres 100-		NONE	NONE	2.20	2 20	2 20
Real Estate..... Acres		NONE	NONE	2.20		
Real Estate..... Acres		NONE	NONE	2.20		
Real Estate..... Acres		NONE	NONE	2.20		
CREDITS			TOTAL STATE TAXES.....	\$	TOTAL LOCAL LEVIES.....	\$ 2 20
Date	Amount	Received Payment:		5% Penalty December 6, 1930.....		
DEC 5 - 1930	\$	Date		Total Taxes, Levies and Penalty..... \$		
		J. P. DALTON, Treasurer		5% Penalty June 16, 1931.....		
		By		Total Taxes, Levies and Penalties to June 16, 1931..... \$		
				6% Interest from June 16, 1931, to date of payment.....		
				Total Taxes, Levies, Penalties and Interest..... \$		

James Brinkley, Est.,
c/o Peter Brinkley,
1426 Mt. Vernon Ave.,
Portsmouth, Va.

To J. P. DALTON, Treasurer, Nansemond County,
Suffolk, Virginia

No. **C1158**

1931

CYPRESS DISTRICT

Local Rates

County Levy..... \$.55
County School Levy..... 1.00
Interest and Sinking Fund (Schools).... .25
District Road Levy..... .20
\$2.00

COMMONWEALTH OF VIRGINIA

Personal Property...Page.....Line.....
Land.....Page **161** Line **12**

FOR STATE TAXATION ONLY	VALUE	STATE RATE ON \$100	STATE TAXES
State Capitation Tax.....			\$.....
Bonds, Notes and Other Evidences of Debt \$.....		\$.50	
Money.....		.20	
Moneyed Capital in Competition with National Banks.....		1.00	
Capital Not Otherwise Taxed.....		.75	
Income: 1½% on first \$3,000; 2½% on next \$2,000; 3% on excess over \$5,000.....			

TOTAL STATE TAXES:.....\$.....

CREDITS

DATE	ACCOUNT	AMOUNT
		\$.....
		\$.....
		\$.....

RECEIVED PAYMENT:.....19.....

J. P. DALTON, Treasurer

By.....

FOR LOCAL TAXATION ONLY	VALUE	LOCAL RATE ON \$100	LOCAL LEVIES
Tangible Personal Property.....	\$.....	\$ 2.00	\$.....
Machinery and Tools.....		2.00	
Merchants' Capital (Schools).....		1.25	
Real Estate..... 4 Acres	100.-	2.00	2.00
Real Estate..... Acres		2.00	
Real Estate..... Acres		2.00	
Real Estate..... Acres		2.00	

TOTAL LOCAL LEVIES.....\$.....

State Taxes Brought Forward.....	
Total State and Local Levies.....	2.00
5% Penalty December 6, 1931.....	10
Total Taxes, Levies and Penalty.....	2.10
Less Credits.....	
Balance.....	\$.....
5% Penalty June 16, 1932.....	
Total Taxes, Levies and Penalties to June 16, 1932.....	\$.....
6% Interest from June 16, 1932, to date of payment.....	
Total Taxes, Levies, Penalties and Interest.....	\$.....

"
Exhibit A"
"

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Peter Brinkley, Henry Brinkley, Sallie
J. Johnson, Pauline Brinkley, Mary A.
White, Connie Brinkley and Clifton
Brinkley- - - - - Complainant

v.

ORDER.

William M. Crumpler- - - - - Defendant

This day came William M. Crumpler who asks leave to file
his answer to the bill of complaint herein which he is accordingly
permitted to do and his said answer is as of the 21st day of
June, 1932, accordingly so filed.

VIRGINIA,
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

Peter Brinkley, et als

v.

William M. Crumpler.

Order.

Enter June 21. 1932.
Jas. L. Moore

Chancery Order
Book 6; Page 505

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Peter Brinkley, et als, Complainants
v.

William M. Crumpler, et al Defendants

EXCEPTIONS TO COMMISSIONER'S REPORT.

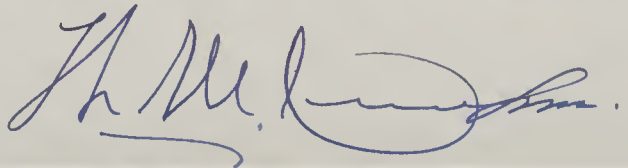
The undersigned excepts to the Commissioner's Report upon
the two following grounds:

F I R S T

While the report discloses \$33.41 as the amount claimed by
Peter Brinkley for taxes paid out by him, it does not disclose the
amount of interest which has accumulated on this amount and which
is claimed by Peter Brinkley which at this time amounts to more
than the principal claimed. The report also fails to report to
the Court whether or not the claim is barred by the Statute of
Limitations which the undersigned claims to be true.

S E C O N D

Section five of the report fails to disclose that the
undersigned and Peter Brinkley both indicated a willingness to
pay \$375.00 for the property while other heirs may have shown the
same inclination,- as to this the undersigned is not aware.



VIRGINIA,
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Peter Brinkley, et als,

v.

William M. Crumpler, et al.

- 0 -

Exceptions to
Commissioner's Report.

Filed Oct. 7. 1932

John H. Powell. Clerk

By. M. K. Gardner D.C.

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NANSEMOND.

PETER BRINKLEY, et als, ----- Plaintiffs	)	
	)	
VS.	)	ORDER.
	)	
WILLIAM M. CRUMPLER, -----Defendants.	)	

THIS DAY came Pauline Brinkley, by counsel,
and moved the court to allow her to be dropped as a party plaintiff
and that she be allowed to proceed in the cause as a party defendant.
Whereupon, it appearing by her affidavit that she has been misjoined
as a party plaintiff, and it also appearing that she has not been
joined as a party defendant; that she is a resident of the City of
Newport News, Virginia, and it not appearing that by reason of
Chapter 232 or Chapter 238 of the Code of Virginia, 1919, the action
cannot be maintained against her, the court doth

ADJUDGE, ORDER and DECREE

that the said PAULINE
BRINKLEY be and she is hereby dropped as a party plaintiff and is
allowed to proceed herein as a party defendant and to file her answer
in the said cause.

vs:
Circuit Court Nansemond
County

Peter Brinkley, et als
compl

vs

William M. Crumpler
def.

Order

Enter July 2, 1932.

J. R. Moore

Chancery order
Book 66; Page 507

H. Clay Mudgett
L. Marion Pol, attys

VIRGINIA.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

PETER BRINKLEY, et als,-----Plaintiffs,)

VS.)

William M. Crumpler, -----Defendant.)

MOTION.

TO THE HONORABLE J. L. McLEMORE, Judge of said Court:

Whereas the movant, PAULINE BRINKLEY, has never and does not now consent to be made a party plaintiff in the above styled cause, and whereas, through probable inadvertence, ~~she~~ ^{she} has been erroneously cast therein as a party plaintiff against her will and without her previous knowledge, and as she is advised that she may better protect her interests in the subject to be disposed of or divided by appearing as a party defendant in said suit;

therefore, the said PAULINE BRINKLEY files her affidavit showing her misjoinder as such party plaintiff, and her non-joinder as party defendant and moves the Court that she be dropped as a party plaintiff and be allowed to proceed as a party defendant and file her answer as such in the said above styled suit.

Pauline Brinkley
H. Clay Midgett
L. Marian Poe
attys for affiant

Va:
Circuit Court Nansemond Co.

Peter Brunkley, et als
compls

vs.

William M. Crumpler,
def.

Motion

1932 July 2. filed
J.H.M.

H. Clay Midgett
L. Marlan Poe
attys

TO:

Peter Brinkley, Henry Brinkley, Sallie J. Johnson, Pauline Brinkley, Mary A. White, Connie Brinkley, Clifton Brinkley and William M. Crumpler:

You are hereby notified that on the 22nd day of June, 1932, at the office of S. E. Everett, Esq., attorney at law, in the Brewer Building, Suffolk, Virginia, between the hours of 10:00 A. M. and 5:00 P. M., at which time and place you are required to attend, I shall take, state and settle the following accounts and make the following inquiries which are required to be made, taken, stated, settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, rendered on the 11th day of June, 1932, in the suit in chancery to which you are parties complainant and defendant, to-wit:

1. An account of the delinquent taxes and by whom the same were paid.
2. An account of the real estate of which James Brinkley, Sr., died, seised and possessed, where same is situated, and what is its fee simple and annual value.
3. Who are the persons entitled to the said real estate; what are their respective shares or interests therein; and whether all such persons are properly before the Court in this cause.
4. Whether the said real estate can be conveniently partitioned in kind among the persons entitled thereto in either of the modes prescribed by the statute.
5. If partition in kind as aforesaid cannot be conveniently made, whether anyone of said persons will take the whole of the said real estate and pay to the others such sums of money as their interest therein may entitle them to receive.
6. If partition in kind as aforesaid cannot be conveniently made, and none of said persons will take the whole subject and pay the others for their shares, whether the interest of the

persons who are entitled to the said real estate will be promoted,
by a sale of the whole thereof and a distribution of the proceeds
among them; or by the allotment of a part and sale of the residue.

Given under my hand as Commissioner of Chancery of said
Court the 14th day of June, 1932.

John K. Hutches
Commissioner in Chancery.

Foot finding
Henry Brinkley
at his usual Place
of abode. nor any
other Person on
whom I could serve
the within Notice
I executed the said
Notice on this
the 15th Day of June
1932. in the City
of Newport News
Virginia. by
Leaving a true copy
thereof pasted at
the front Door of the
usual Place of
abode of the said
Henry Brinkley
C. C. Curtis City
Sergeant

Executed this the 15th Day
of June 1932 in the
City of Newport News, Virginia.
by delivering a true copy of the
within summons—Notice to

Lillian Brinkley
Connie Brinkley
and
Pauline Brinkley

C. C. Curtis
City Sergeant

Sgt. fee \$2.00
paid

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

PETER BRINKLEY,	et als,	Complainants,	)	
			)	
	VS.		)	
			)	DECREE.
WILLIAM M. CRUMPLER			)	
and			)	
PAULINE BRINKLEY,		Defendants.	)	

THIS CAUSE came on this day to be heard on the plaintiff's bill, and on the derendant, Pauline Brinkley' answer and supplemental answer, and the exhibits filed therewith, upon the report of JOHN K. HUTTON, one of the Commissioners in Chancery of this Court, upon the exceptions filed to said report by the defendants, PAULINE BRINKLEY and WILLIAM M. CRUMPLER, and upon the papers formerly read and filed herein; and was argued by counsel;

ON CONSIDERATION WHEREOF, the Court being of opinion that the land in controversy may be conveniently partitioned in kind, that all parties to the cause save said Pauline Brinkley are agreed that their portions of the said land should be sold and the proceeds divided among them; and it appearing that their interest will be promoted by such sale, but that the interest of said Pauline Brinkley will not be promoted by sale of the portion to which she is entitled; and, it also appearing that a portion of said land was condemned by the State HIGHWAY COMMISSION of Virginia, and the proceeds thereof divided among the claimants of the said estate with the exception of the said Pauline Brinkley, and also, that a right of way under, over and across the said land was sold to the Postal-Telegraph Company, and it appearing that there has been no accounting for the proceeds of said sale, the Court doth

ADJUDGE, ORDER and DECREE

that

_____, who is appointed Special Commissioner for the purpose, doth, after having first advertised the time, place and terms of sale for ten (10) days, at five or more public places in the County of Nansemond and in the City of Suffolk, Virginia, proceed to sell in front of the National Bank of Suffolk, Virginia, the following tract of land, with the exception he reinafter set out:

ALL that lot, piece or parcel of land, situated in Cypress District, Nansemond County, Virginia, on the South of the concrete road, leading from Norfleet's Fork, east of the City of Suffolk, to Magnolia, which is known at this time, as Route #10, State Highway, and bounded by the lands of what was formerly known as J. C. BELL, Riddick, et als, containing four (4) acres, more or less; being the same property standing on the records of the Circuit Court of the County of Nansemond, Virginia, in the name of James Brinkley (SR) at the time of his death; provided, however,

that the said Commissioner shall have the said land surveyed and a portion thereof in area equal to one in value of the said land, shall be first set aside, allotted and conveyed in fee to the said Pauline Brinkley, her heirs and assigns forever. The balance of the said land will be sold on the following terms: One-half ($\frac{1}{2}$) cash; one-fourth ($\frac{1}{4}$) on credit of six months, and the residue on a credit of twelve months from the day of sale, the credit installments to bear interest from the day of sale, taking the purchaser's bonds for the deferred payments, and the title to the land to be retained until the whole purchase money is paid; or, if the purchaser shall so elect, he may pay the whole of the purchase money in cash; said sale in no case to be for less than \$800.00, and the proceeds to be placed in bank to the credit of the Court.

IT IS FURTHER ADJUDGED, ORDERED and DECREED that out of the proceeds of the compensation paid by the State Highway Commission, each of the parties to this suit, with the

exception of Pauline Brinkley shall, each of them, refund such portion as will in the aggregate, be sufficient to pay the said Pauline Brinkley her one-sixth part of the said proceeds, and that the same shall be forthwith paid to the Commissioner for her, and that the said amount shall be, and is hereby made a lien upon the land or the said estate until the same shall be paid her;

IT IS ALSO ADJUDGED, ORDERED and DECREED that as it does not appear that the purported sale of the right of way under, over and across the said land was participated in by the said Pauline Brinkley, her agent, or any one claiming under, through or by her, or thereunto lawfully authorized, the same shall in no manner affect her right or title.

IT IS FURTHER ORDERED and DECREED that _____ Special Commissioner, shall have no power to execute this decree until he shall enter into bond, with sufficient surety, in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of _____, conditioned upon the ~~faith~~ faithful performance of his duties under this decree or any further decree entered herein; and said _____ Special Commissioner, is ordered to make a report, as soon as may be, to the Court of all his actions under this decree.

AND THE COURT DOTH RESERVE, etc.

Va: Circuit Court
of
Nansemond County

Peter Brinkley
et als
vs. Compl.

William M Crumpler
and
Pauline Brinkley,
def.

Decree.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Peter Brinkley et als.....Complainants

vs. DECREE

William M. Crumpler et al.....Defendants

This cause came on again this day to be heard on the papers formerly read and on the report of John F. Hutton, Commissioner in Chancery, and the Exhibits filed therewith, which report was filed on the 20th day of September, 1932, to which report there is no exception and was argued by counsel.

On consideration whereof, the court doth approve and confirm said report, and it appearing from said report that the said real estate mentioned in the bill and hereinafter described cannot be conveniently partitioned in kind among the parties entitled thereto, by reason of the fact that it is a small tract of land with a small frontage on the concrete road, and that no heir desires his or her share allotted and that the interest of all would be promoted by the sale of the entire real estate, the court doth adjudge, order and decree that S. E. Everett, who is appointed Special Commissioner for the purpose, doth, after having advertised the time, place and terms of sale for ten (10) days by posting notices in five (5) or more places in Nansemond County and City of Suffolk, Virginia, proceed to sell in front of the National Bank of Suffolk, Suffolk, Virginia, the following tract of land situated in Cypress District, Nansemond, County, Virginia, on the South of the concrete road leading from Norfleet's Fork East of the City of Suffolk to Magnolia, which is known at this time as Route #10 State Highway, and bounded by the lands of what was formerly known as J. C. Bell, Riddick and others, containing four (4) acres, more or less.

The said commissioner is to sell said land on the follow-

ing terms to-wit: One-half cash, one-fourth on a credit of six months, and the residue on the credit of twelve months from the day of sale, the credit installments to bear interest from the day of sale, taking the purchaser's bonds for the deferred payments, and the title to be retained until the whole of the purchase money is paid, or, if the purchaser shall elect to do so he may pay the whole of the purchase money in cash.

It is further ordered that S. E. Everett, Special Commissioner, shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$ 700-, conditioned upon the faithful discharge of his duty under this decree, or any further decree that may be entered herein, and the said S. E. Everett, Special Commissioner, is ordered to make a report to the court of his transactions under this decree.

Peter Brinkley et als.....
Complainants

vs. DECREE

William M. Crumpler et al.....
Defendants

Enter the 6th day of Octo.
1932.

Jack S. Moore

Entered in Chancery Order Book
No. 6 page 525 .

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Peter Brinkley, et als,

v.

ORDER.

William M. Crumpler, et al.

This day William M. Crumpler presented his exceptions to the Commissioner's report filed herein and likewise his plea, both of which are accordingly permitted to be filed as of this date.

VIRGINIA,
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Peter Brinkley, et als,

v.

William M. Crumpler, et al.

- 0 -

Order.

Enter Octo. 7. 1932
J. L. W. Lumsden

Chancery Order
Book 6; Page 526

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Peter Brinkley et als.....Complainants

vs. DECREE

William M. Crumpler et al.....Defendants

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

On consideration whereof, it appearing to the court that the said Special Commissioner, S. E. Everett, after advertising for sale the property described in the decree entered in this cause on the 6th day of October, 1932, the same was offered for sale at Public Auction on the 20th day of October, 1932, at twelve o'clock M., in front of the National Bank of Suffolk, Suffolk, Virginia, and that at the said sale Peter Brinkley became the purchaser thereof for the sum of \$300.00, he being the highest bidder, that he desires to pay cash for the said property and that the said Special Commissioner recommends that said sale be confirmed, it is adjudged, ordered and decreed that the report of the said Special Commissioner and the sale made by him be, and the same hereby is, confirmed, and he is hereby directed to convey said property described in said decree to the said Peter Brinkley by deed, with special warranty, upon the payment to the said Special Commissioner of the purchase price of \$300.00.

And it is further ordered that the said Special Commissioner, S. E. Everett, after paying the costs and expenses of sale and costs of this suit including a fee to the said S. E. Everett, Attorney, for the sum of \$25⁰⁰ for instituting and prose-

cuting this case, and the taxes to Peter Brinkley paid by him as shown by the report of John K. Hutton, Commissioner in Chancery, and disburse the remainder of the funds in his hands among the parties entitled thereto in accordance with the report of said Commissioner in Chancery duly filed in these proceedings.

Peter Brinkley et als.....
Complainants

vs. DECREE

William M. Crumpler et al.....
Defendants

*I have seen this decree
William M. Crumpler.*

Enter the *17th* day of November,
1932.

Jas. L. McNamee,

Entered in Chancery Order Book
No. 7 page. 11

Peter Brinkley, Henry Brinkley, Sallie J.
Johnson, Pauline Brinkley, Mary A. White,
Connie Brinkley and Clifton Brinkley.....Complainants

vs. DECREE

William M. Crumpler.....Defendant

This cause ^{which has been regularly matured at rules} came on this day ^{to be heard} on the bill taken for confessed as to William M. Crumpler upon whom process was duly executed, and was argued by counsel:

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court who is directed to make the following inquiries and take the following accounts and report thereon to the Court, and he will also report to the Court any other matter, specially stated, deemed pertinent by himself or required by any party to be stated:

1. An account of the delinquent taxes and by whom the same were paid.

2. An account of the real estate of which James Brinkley, Sr., died, seized and possessed, where same is situated, and what is its fee simple and annual value.

3. Who are the persons entitled to the said real estate; what are their respective shares or interests therein; and whether all such persons are properly before the Court in this cause.

4. Whether the said real estate can be conveniently partitioned in kind among the persons entitled thereto in either of the modes prescribed by the statute.

5. If partition in kind as aforesaid cannot be conveniently made, whether anyone of said persons will take the whole of the said real estate and pay to the others such sums of money as their interest therein may entitle them to receive.

6. If partition in kind as aforesaid cannot be conveniently made, and none of said persons will take the whole subject

and pay the others for their shares, whether the interest of the persons who are entitled to the said real estate will be promoted, by a sale of the whole thereof and a distribution of the proceeds among them; or by the allotment of a part and sale of the residue.

Peter Brinkley et als.....
Complainants

vs. DECREE

William M. Crumpler.....
Defendant

Enter the 11th day of June, 1932.

James M. Moore

Entered in Chancery ~~Law~~ Order
Book No. 6 page 501 .

Wm. Crumpler
J. E. Evans - Comptroller
Complainants
William M. Crumpler.

Peter Brinkley et als.....Complainants

vs. REPORT

William M. Crumpler et al.....Defendants

To the Honorable James L. McLemore, Judge of the Circuit Court
of Nansemond County, Virginia:

Your Special Commissioner, S. E. Everett, respectfully
submits unto your Honor the following report:

That he sold the land mentioned in the proceedings on
the 20th day of October, 1932, to Peter Brinkley and delivered
the deed in accordance with decree entered the 17th day of Nov-
ember, 1932, for \$300.00

Paid costs as follows:

Clerk and attorney fees	\$25.00 ✓	
Papers served in Newport News	3.00	
John K. Hutton, Commissioner in Chancery	15.00 ✓	
Auctioneer, H. W. Churn	2.50 ✓	
Deed to Peter Brinkley	10.00	
Commission to Special Commissioner		
on \$300.00	15.00	
Fee allowed attorney by Court	25.00	
Taxes paid by Peter Brinkley	64.50 ✓	
Bond to Woodward & Elam	10.00	
Balance on hand	130.00	
	\$300.00	\$300.00

Balance on hand to be distributed among the parties entitled
thereto \$130.00

Paid in by Peter Brinkley the amount paid
him by the Postal Telegraph-Cable Company
for an easement that was given by Peter
Brinkley which the heirs have agreed to and
that the land is sold subject to said right
of the Postal Telegraph-Cable Company

15.00

Total.....

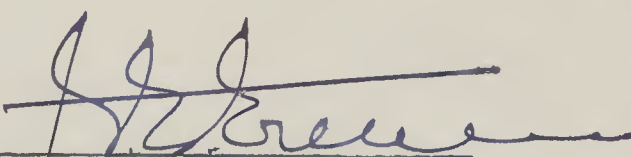
\$145.00

To be distributed as follows:

Peter Brinkley	\$24.16
Henry Brinkley	24.16
Sallie J. Johnson	24.17
Pauline Brinkley	24.17
William M. Crumpler	24.17

Mary A. White, one-half share of
Lizzie White 12.09
Connie Brinkley and Clifford Brinkley,
one-half share of Lizzie White, through
their father Willie Brinkley 12.08

Respectfully submitted:


Special Commissioner.

Peter Brinkley et als.....
Complainants

v. REPORT

William M. Crumpler et al.....
Defendants

Filed the 16 day of November,
1933.

J. L. M.

Peter Brinkley et als vs. Williams M. Crumpler

\$1250

Received of S. E. Everett, Special Commissioner in the
above styled case, the sum of \$1250

FOR full amount

Conna Brinkley
Elizabet Brinkley

95.

Es
Es

p. q.

Copy of Costs
Taxed in the Suit of:

Peter Brinkley et al

vs.

Wm. M. Cunningham et al

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

1 50

Clerk

12 50

Sheriff

& Sergeant

2 50

Attorney

16 50

Commissioner

Printer, for Order of Publication, etc.

Deposit

Baldue

6 50

1 000

Please let me know this additional required deposit to

Date of Judgment or Final Decree

193

Cover accrued costs

Paid

Nov. 29th

193 2

John H. Powell, Clerk.

By *Evelyn Harris* Dep. Clerk

Q) $650 \div 108$

$$\begin{array}{r} 6 \\ \hline 650 \\ 50 \end{array}$$

$$\begin{array}{r} 111 \\ 2 \overline{) 257} \\ \underline{4} \\ 17 \\ \underline{34} \\ 11 \\ \underline{22} \\ 0 \end{array}$$

9

Peter Brinkley et als vs. William M. Crumpler

\$ 15⁰⁰

Received of S. E. Everett, Special Commissioner in the
above styled case, the sum of \$ Fifteen Dollars

FOR Commissioner in Chancery in Above Case

Chas. K. Butler

3

Peter Brinkley et als vs. William M. Crumpler

\$ 2⁵⁰

Received of S. E. Everett, Special Commissioner in the
above styled case, the sum of\$ 2⁵⁰

FOR

Receptioners Fee

J. H. Haller
for Clerk

4

\$645.00

Received of S. E. Everett, Special Commissioner
Sixty-Four ————— and $\frac{50}{100}$ Dollars, for
~~my interest in the James Frinkley land.~~
For Delinquent taxes.

Peter Borin Akley

8

Peter Brinkley et als vs. William M. Crumpler

\$25 00

Received of S. E. Everett, Special Commissioner in the
above styled case, the sum of \$25 00

FOR fee allowed by Court
H. C. Overman

7

24¹⁶

Received of S. C. Everett, Special Commissioner
Twenty-four ^{and 14/100} Dollars, for
my interest in the James Brinkley land.

Henry Brinkley

B

Peter Brinkley et als vs. Williams M. Crumpler

\$24 ¹⁷/₁₀₀

Received of S. E. Everett, Special Commissioner in the
above styled case, the sum of \$ Twenty-Four and ¹⁷/₁₀₀ Dollars
FOR my share or interest in the proceeds of the
sale of Peter Brinkley's 4 acres sold in case of
Self vs Peter Brinkley et als.

W. M. Crumpler

2

\$ 24.16

Received of S. E. Everett, Special Commissioner, the sum of
Twenty-Four and 16/100----- Dollars, for
my interest in the ~~James~~ Brinkley land.

H. C. Day Midgett,
as Attorney for Pauline Brinkley.

10

\$24¹⁷

Received of S. F. Everett, Special Commissioner
Twenty-Four ~~and 17/100~~ Dollars, for
my interest in the James Brinkley land.

Fallie J Johnson

C

Peter Brinkley et als vs. William M. Crumpler

\$12.09

Received of S. E. Everett, Special Commissioner in the
above styled case, the sum of \$ Twelve + 09/100 Dollars
FOR Her share in above suit.

Marianne White

(A#)

\$24.16

Received of S. C. Everett, Special Commissioner
Twenty-Four and $\frac{16}{100}$ Dollars, for
my interest in the James Brinkley land.

Peter Brinkley

9

All Available Text Successfully Captured

9

R. L. WOODWARD
W. G. ELAM

Suffolk, Va.,

October 6th,

1932.

Mr. S. E. Everett,

Suffolk, Va.

To **WOODWARD & ELAM,** Dr.

Life, Fire, Accident,
Auto Liability, Steam Boiler,
Workmen's Compensation
and Security Bonds.

Insurance

OFFICE---No. 113 NORTH MAIN STREET

1932

DATE	POLICY NO.	COMPANY	PROPERTY INSURED	Term	AMOUNT	PREMIUM
------	------------	---------	------------------	------	--------	---------

Oct 6	Bond	U. S. F. & G.	Bond as Special Commissioner in case of Peter Brinkley et al vs W. M. Crumpler et al	1yr	\$700	\$10.00
-------	------	---------------	---	-----	-------	---------

Paid
Dec 21-1932 *Al V. G.*

L. MARIAN POE
ATTORNEY AND COUNSELOR AT LAW
ROOMS 26 AND 28 CROWN SAVINGS BANK BLDG.
2411 JEFFERSON AVENUE

NEWPORT NEWS, VA., October
 eighth, 1932.

Clerk of Circuit Court,
Nansemond County,
Suffolk, Virginia.

Peter Brinkley, et als, Com.

vs.

William M. Crumpler and
Pauline Brinkley, Defendants.

Dear Sir:-

Please find enclosed exceptions to the Commissioner's report of the defendant, Pauline Brinkley; also, her proposed decree, both to be filed with the papers in this case.

We have already mailed copies of both to Mr. S. E. Everett, attorney for the complainant, Peter Brinkley, for his information.

Very truly yours,

MIDGETT and POE,

LMP. M
(Enclosures)

By L. Marian Poe.

L. MARIAN POE
ATTORNEY AND COUNSELOR AT LAW
628 TWENTY-FIFTH STREET
NEWPORT NEWS, VA..

June
twenty---ninth,
1932.

Hon. J. L. McLeMore,
Judge of the Circuit Court,
Nansemond County,
Suffolk, Virginia.

Dear Sir:-

PETER BRINKLEY, et als, compls.

In re: vs.

William M. Crumpler, def.

I am handing you herein affidavit, motion, order and separate answer of Pauline Brinkley in the above styled case; copies of these are being sent in the same mail to Mr. S. E. Everett, Esquire, Attorney for the complainants. I would thank you very much to give these favorable consideration and hand them to the Clerk for filing.

Very truly yours,

L. Marian Poe
of counsel for
Pauline Brinkley

IMP/M
(Enclosures).

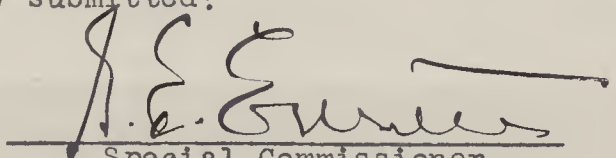
*Does her name stay with
the plaintiffs?*

Peter Brinkley et als.....Complainants
vs. REPORT OF SPECIAL COMMISSIONER
William M. Crumpler et al.....Defendants

To the Honorable James L. McLemore, Judge of the Circuit
Court of Nansemond County, Virginia.

Your Special Commissioner, S. E. Everett, appointed by decree entered in this cause the 6th day of October, 1932, respectfully reports that after executing proper bond he advertised said property as required by said decree and same was offered for sale by Public Auction October 20th, 1932, at twelve o'clock M., in front of the National Bank of Suffolk, Suffolk, Virginia, at which sale Peter Brinkley became the purchaser thereof for the sum of \$300.00, he being the highest bidder, and that the said purchaser desires to pay the whole of the purchase price in cash. The sale was well advertised but \$300.00 was the best bid that could be gotten. Since the sale your Special Commissioner has been in touch with all of the parties and they have reached the conclusion that that was possibly the best sale that could be made therefore they have all asked that the same be confirmed.

Respectfully submitted:


Special Commissioner.

Peter Brinkley et als.....
Complainants

vs. REPORT OF SPECIAL
COMMISSIONER

William M. Crumpleb et al.....
Defendants

Filed the 17th day of November,
1932.

Joe. S. W. Luane

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

Peter Brinkley, Henry Brinkley, Sallie
J. Johnson, Mary A. White, Connie
Brinkley and Clifton Brinkley.....Complainants

v.

William M. Crumpler and Pauline Brinkley.....Defendants.

Commissioner's Office,
Suffolk, Virginia.

In pursuance of the decree of the Circuit Court of Nansemond County, pronounced on the 11th day of June, 1932, in the suit in chancery pending in said court between Peter Brinkley and others, complainants, and William M. Crumpler, defendant, the undersigned, John K. Hutton, one of the commissioners in chancery of said court, respectfully reports as follows:

That on the 14th day of June, 1932, your commissioner gave notice to the parties to said suit that, on the 22nd day of June, 1932, at the office of S. E. Everett, Esq., in the Brewer Building, Suffolk, Virginia, between the hours of 10:00 A. M. and 5:00 P. M., he would proceed to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That due, legal and sufficient notice of the making of said inquiries was accepted by Peter Brinkley, Sarah J. Johnson (a party plaintiff under the name Sallie J. Johnson), Mary A. White and William M. Crumpler, and was duly served on Henry Brinkley, Clifton Brinkley and Pauline Brinkley as will appear by the notice herewith returned.

That S. E. Everett, H. Clay Midgett, and L. Marian Poe were present as attorneys for certain of the parties.

That your commissioner proceeded to take the depositions of Peter Brinkley, Ned Copeland, J. F. Culpepper, O. C. Bradshaw, Clifton Brinkley, Connie Brinkley and Pauline Brinkley, which, with

exhibits, are herewith returned.

That on September 20th, 1932, at 3:00 o'clock, P. M., at the office of S. E. Everett, Esq., all parties being represented by counsel, your commissioner took the depositions of Daniel Bell and Peter Brinkley, which depositions are herewith returned.

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

1. There are delinquent taxes against the land mentioned in the bill for the year 1924, amounting as of July 26th, 1932, to \$3.11.

For the year 1904, it appears of record that said land was sold to A. L. Howell for taxes for the sum of \$1.13.

Peter Brinkley testifies that he paid the taxes on the land from the year 1903 to the year 1931, inclusive, with the possible exception of one year. The taxes for the years 1904 and 1924 are delinquent as hereinabove reported. Peter Brinkley filed as "Exhibit A" certain tax receipts for the years 1912, 1913, 1914, 1915, 1917, 1920, 1921, 1922, 1927, 1928, 1929, 1930 and 1931 in support of his statement that he paid the taxes. He claims to have lost or misplaced the other tax receipts. The witness filed a statement of the taxes for the years in question signed by P. B. Artman, Deputy Treasurer, which statement marked "Exhibit B" shows that the taxes were charged on the books to "James Brinkley Estate care of Peter Brinkley, 1426 Mt. Vernon Avenue, Portsmouth, Virginia."

In the absence of any evidence to the contrary, the commissioner reports that the taxes shown by the statement filed herewith marked "Exhibit B" with the exception of the taxes for the years 1904 and 1924 were paid by Peter Brinkley. This amount is \$33.41.

Your commissioner calls attention to the taxes for 1932, which are not yet payable.

2. The real estate described in the bill is the only real estate, of which James Brinkley, Sr., died seised and possessed, shown by the evidence. The location of the same is sufficiently set forth in the bill of complaint. Its fee simple value is from \$300.00 to \$375.00. It has no annual value.

3. Peter Brinkley, Henry Brinkley, Virginia Lee Bell, Sarah J. Johnson, Jim Brinkley, Jr., and Lizzie White were the children of Jim Brinkley, Sr., who died intestate seised and possessed of the land mentioned in the bill. Virginia Lee Bell has conveyed by deed duly of record in the Clerk's Office of the Circuit Court of Nansemond County her interest in said land to William M. Crumpler. Jim Brinkley, Jr., died after Jim Brinkley, Sr., leaving as his widow, Pauline Brinkley, and no children. Your commissioner reports that the will of Jim Brinkley, Jr., was duly probated in the Clerk's Office of the Corporation Court of the City of Newport News, copy of said will being herewith filed, marked "Exhibit C". By virtue of this will, Pauline Brinkley takes the one-sixth interest of Jim Brinkley, Jr. Lizzie White died after Jim Brinkley, Sr., leaving two children, Mary A. White and Willie Brinkley. Later, Willie Brinkley died leaving his widow, Connie Brinkley, and one child, Clifton Brinkley.

The persons entitled to said real estate and their respective interests are shown by a diagram exhibited herewith as "Exhibit D". All proper parties are before the court.

4. The real estate cannot be conveniently divided in kind among the parties entitled thereto.

5. Peter Brinkley is willing to take the property at \$375.00. However, the commissioner reports that other parties in interest are willing to make the same offer.

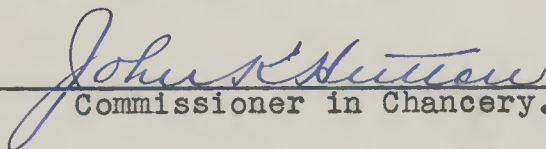
6. The interest of the persons who are entitled to said real estate will be promoted by a sale of the whole thereof and a distribution of the proceeds among them.

7. The commissioner deems it pertinent to report that the State Highway Commission has acquired by condemnation a small portion of the said land for highway purposes as shown in Deed Book Number 124, page_____, as follows:

"A strip or parcel of land in the County of Nansemond, State of Virginia, 25 feet in width, lying on the South side (right) side of and adjacent to the center line of the present concrete pavement from Station 85 plus 93 to Station 89 plus 94, containing 0.23 acre, more or less, 0.14 acre of which being included in present right of way, leaving 0.09 acre, more or less, herein to be acquired."

There is also of record in said Clerk's Office in Deed Book Number 124, page 531, what purports to be a conveyance from James Brinkley Estate to Postal Telegraph-Cable Company of the right to construct, operate and maintain its lines of telegraph and telephone on and over the said land.

Respectfully submitted,



Commissioner in Chancery.

THE COMMONWEALTH OF VIRGINIA

Sergeant of Newport News
TO THE ~~SHERIFF OF NANSEMOND COUNTY~~—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS Peter Brinkley, Henry
Brinkley, Sallie J. Johnson, Pauline Brinkley, Mary A. White, Connie
Brinkley and Clifton Brinkley-- and William M. Crumpler

J. K. Hutton, Commissioner

S.E. Everett's Office

to appear before ~~the Judge of the Circuit Court~~ of Nansemond County, at ~~the Court House~~ of Said County, on
the 22nd day of June, 1932, 10 A. M., to testify and the truth to say on be-
half of the Plaintiff, Defendant, in a certain matter of controversy in our said Court depending and undeter-
mined between

Peter Brinkley

, Plaintiff,

and

William M. Crumpler

, defendant,

And this the witness shall in no wise omit, under the penalty of \$100 each. And have then and there this
summons.

Witness, JOHN H. POWELL, Clerk of our said Court, at his office, this 14th day of June
1932, in the 156th year of the Commonwealth.

By

John H. Powell, Clerk

D. C.

XX COPY FOR XX

ORIGINAL

Executed this the 15th Day
of June 1932 in the
City of Newport News, Virginia.
by delivering a true copy of the
within summons—Notice to

Clifton Brinkley
Lannie Brinkley
and
Pauline Brinkley

C. C. Curtis
City Sergeant

Sgt's - fee \$2.00
paid

Not finding Henry
Brinkley at his
usual Place of abode
I executed the within
Summons in the
City of Newport News,
Virginia. on this the
15th Day of June. 1932
by leaving a true
Copy thereof pasted
at the front Door
of the usual Place of
abode of the said
Henry Brinkley
C. C. Curtis City
Sergeant

TO:

Peter Brinkley, Henry Brinkley, Sallie J. Johnson, Pauline Brinkley, Mary A. White, Connie Brinkley, Clifton Brinkley and William M. Crumpler:

You are hereby notified that on the 22nd day of June, 1932, at the office of S. E. Everett, Esq., attorney at law, in the Brewer Building, Suffolk, Virginia, between the hours of 10:00 A. M. and 5:00 P. M., at which time and place you are required to attend, I shall take, state and settle the following accounts and make the following inquiries which are required to be made, taken, stated, settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, rendered on the 11th day of June, 1932, in the suit in chancery to which you are parties complainant and defendant, to-wit:

1. An account of the delinquent taxes and by whom the same were paid.
2. An account of the real estate of which James Brinkley, Sr., died, seised and possessed, where same is situated, and what is its fee simple and annual value.
3. Who are the persons entitled to the said real estate; what are their respective shares or interests therein; and whether all such persons are properly before the Court in this cause.
4. Whether the said real estate can be conveniently partitioned in kind among the persons entitled thereto in either of the modes prescribed by the statute.
5. If partition in kind as aforesaid cannot be conveniently made, whether anyone of said persons will take the whole of the said real estate and pay to the others such sums of money as their interest therein may entitle them to receive.
6. If partition in kind as aforesaid cannot be conveniently made, and none of said persons will take the whole subject and pay the others for their shares, whether the interest of the

persons who are entitled to the said real estate will be promoted,
by a sale of the whole thereof and a distribution of the proceeds
among them; or by the allotment of a part and sale of the residue.

Given undermy hand as Commissioner of Chancery of said
Court the 14th day of June, 1932.

John K. Hutson
Commissioner in Chancery.

Service accepted
Peter Brinkley
Sarah Johnson
Mary A. White
by J. B. Everett Atty
H. McKeen
for himself.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY
OF NANSEMOND:

Peter Brinkley, Henry Brinkley,
Sallie J. Johnson, Mary A. White,
Connie Brinkley and Clifton
Brinkley,

Complainants,

v.

William M. Crumpler and Pauline
Brinkley,

Defendants.

REPORT OF COMMISSIONER IN
CHANCERY.

*Filed this 20th
day of Sept. 1932
John H. Hutton - Clerk*

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

PETER BRINKLEY, et als, Complainants,)
VS.)
WILLIAM M. CRUMPLER)
and)
PAULINE BRINKLEY, Defendant.)

The exceptions of Pauline Brinkley, defendant, to the report of JOHN K. HUTTON, one of the Commissioners in Chancery of the above named Court, filed in this cause on a certain day, to-wit, on the ____ day of _____, 1932, which are, as follows:-

-1.-

THE DEFENDANT EXCEPTS to that part of the said Commissioner's report on page one (1), paragraph four (4), in that the Commissioner fails to designate parties for whom the attorneys named therein appear, when as a matter of fact, H. CIAY MIDGETT and L. MARIAN POE, are attorneys for Pauline Brinkley, as shown by the evidence in this case.

-2-

THE DEFENDANT EXCEPTS to that part of the report of the said Commissioner on page one (1), paragraph five (5), showing that Ned Copeland, J. F. Culpepper and O. C. Bradshaw testified in this case on the 11th day of June, 1932, when, as a matter of fact, they did not testify on that day during the hearing so that they might be cross-examined.

-3-

THE DEFENDANT EXCEPTS to so much of the Commissioner's report which states that taxes, shown by the statement

-2-

marked "Exhibit B" were paid by Peter Brinkley, on the ground that defendant's answer (page 3, paragraph ~~one~~ (1) calls for strict proof of that fact, which proof the record fails to disclose; but, however that may be held, the Statute of Limitations will run against the claim for reimbursement for taxes; and the Statute of Limitations has also run against any payment for taxes that he may have made prior to three years before the institution of this suit, and also the Statute has run against any such claim of Peter Brinkley, if any he has, for any taxes that may have been paid by him within five years prior to the institution of this suit.; or, in any case, if it is held that he should be reimbursed for such payments, the amounts admitted to have been received by him for sale and through condemnation proceedings or otherwise, with interest from date of such receipt, should be set off against the sale.

-4-

THE DEFENDANT EXCEPTS to the valuation placed on the land in controversy, as being insufficient.

-5-

THE DEFENDANT EXCEPTS to that part of the Commissioner's report which states that the real estate cannot be conveniently divided in kind among the parties entitled thereto, because regardless of the ~~evidence~~ ^{testimony} in this cause, it is submitted that the Court will take judicial cognizance of the fact that a tract land from four to six acres in extent, even tho' triangular shaped, with one of its sides fronting on the main road, may be conveniently divided; moreover, for the reason that Pauline

-3-

Brinkley, this defendant, has all along contended that her portion be allotted to her in kind, it not being necessary for an equal distribution in area, but it may be so divided as to correct any inequality to avoid possible loss to the others.

-6-

THE DEFENDANT EXCEPTS to so much of the Commissioner's report which states that a sale of the real estate would promote the interest of the persons entitled thereto, for the reason that, if sold at anywhere the value given in the Commissioner's report, the proceeds would hardly be enough to pay the costs of this suit; so for this and reasons already given, it is evidenced⁺ that allotment to her in kind will greatly promote the interest of the defendant, Pauline Brinkley.

-7-

THE DEFENDANT EXCEPTS to the said report for the reason that altho' the Commissioner mentions the portions of land taken by the State Highway Commissioner and that purporting to have been conveyed to the Postal Telegraph Company, yet the said report fails to mention the distribution of the proceeds, whether or not any person or persons had authority to make any such conveyance, or that there was an executor or administrator of the estate in controversy and altho the issue^{was} plainly raised in the defendant's answer and supplemental answer. heretofore, filed, and the evidence in this cause, shows that Peter Brinkley admits having received payment for such lands; therefore, the report should have dealt fully with these matters so that they might be settled in this suit, and avoid future litigation.

THEREFORE, IT IS RESPECTFULLY SUBMITTED THAT THE ACCOUNT ORDERED TO BE TAKEN IN THIS CAUSE OUGHT TO BE RECOMMENDED TO THE COMMISSIONER IN THE PREMISES, PROVIDED IT CANNOT OTHERWISE BE ADJUDICATED.

H. Clay Midgett
L. Marian Poe } for the def.
Pauline Brinkley

Virginia:

Circuit Court
Nansemond County

Peter Brinkley
et als, Compls

vs.

William M. Crumpler
Pauline Brinkley

Exceptions of
def. Pauline Brinkley
to the Report of
Commissioner.

Received in clerk's office
and filed Oct. 11, 1932.
John H. Powell - Clerk

H. Clay Mudgett.
L. MARIAN POE

ATTORNEY AND COUNSELOR AT LAW

628 TWENTY-FIFTH STREET

NEWPORT NEWS, VA.

THE COMMONWEALTH OF VIRGINIA
Sheriff of Nansemond County
TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS Peter Brinkley, Henry
Brinkley, Sallie J. Johnson, Pauline Brinkley, Mary A. White, Connie
Brinkley and Clifton Brinkley-- and William M. Crumpler

J. K. Hutton, Commissioner

S.E. Everett's Office

to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of Said County, on
the 22nd day of June, 1932, 10 A. M., to testify and the truth to say on be-
half of the Plaintiff, Defendant, in a certain matter of controversy in our said Court depending and undeter-
mined between

Peter Brinkley

, Plaintiff,

and

William M. Crumpler

, defendant,

And this the witness shall in no wise omit, under the penalty of \$100 each. And have then and there this
summons.

Witness, JOHN H. POWELL, Clerk of our said Court, at his office, this 14th day of June,
1932, in the 156th year of the Commonwealth.

By

D. C.

A COPY FOR

Connie Brindley

2702 Oak Ave.

Newport News, Va.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon William M. Crumpler

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the third Monday in April, 1932,
to answer a bill in chancery, exhibited against him in our said Court by
Peter Brinkley, Henry Brinkley, Sallie J. Johnson, Pauline
Brinkley, Mary A. White, Connie Brinkley and Clifton Brinkley

And have then there this writ. Witness John H. Powell, Clerk of our said
Court, at the court-house, the 14th day of April, 1932, and in the
156th year of the Commonwealth.

John H. Powell, Clerk
By Evelyn Harrell, S.C.

Original

Form No. 300

Peter Trinkley et al.

vs.

SUBPOENA IN CHANCERY

William M. Crumpler

J. E. Everett, p.q.

To Second April Rules,

Nansemond Circuit Court.

William M. Crumpler could not be found at his usual place of abode on the 18th day of April, 1932, so the within summons notice was executed on the said 18th day of April, 1932, within the County of Nansemond, State of Virginia, by delivering a true copy of the same, in writing, and giving information of its purport to William M. Crumpler, Jr., who was found at usual place of abode, and who is a member of Wm Crumpler Family, and above the age of sixteen years.

E. B. Ramey
Sheriff of Nansemond County

By Deputy Sheriff of Nansemond County

TO THE HONORABLE JOHN H. POWELL, CLERK OF THE CIRCUIT COURT
OF NANSEMOND COUNTY, VIRGINIA

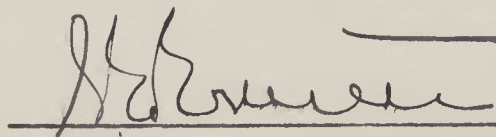
Peter Brinkley, Henry Brinkley, Sallie J.
Johnson, Pauline Brinkley, Mary A. White,
Connie Brinkley and Clifton Brinkley.....Complainants

vs. IN CHANCERY

William M. Crumpler.....Defendant

Issue summons to Second Rules (Third Monday)

April, 1932.

 p.q.

Peter Brinkley, et als.....
Complainants.

vs. IN CHANCERY

William M. Crumpler.....
Defendant.

Filed the 13th day of April, 1932

John H. Pawell, Clerk
By Evelyn Harris
DC