

1884 ~ 32

Southampton County - Chancery -

Sledge 'Samuel's'
Estate

VS Sledge, Jennie

suing for funds gained thru
estate illegally -

Dunn, Fortunatus
Executor of
(Sledge, James A.)

To the Honorable George Blaw, Judge of the
Circuit Court of Southampton County.

In Chancery.

Your Complainant, Fortunate Dunn,
of the said County of Southampton, Ex'r of
James A. Sledge, dec'd, humbly complaining,
sheweth to your honor,

That James A. Sledge, late of the same
County, some time during the year 1883,
departed this life, seized and possessed of a
large real and personal estate, leaving a
widow, Jennie, and a sister, Lucy Ann Spino,
him surviving.

The said James A. Sledge, in his life time,
to wit: some time during the year 1861, duly
made his last will and testament, according
to law, which, shortly after his death, was
duly admitted to probate in the County Court
of the said County of Southampton; and, at
the September Term 1883, of the County Court
of the same County, your Complainant qual-
ified as executor thereof, a copy of which, with
the certificate of probate, is herewith filed,
marked "X", and prayed to be read as a part
of this bill; That the said James A. Sledge,
in the first item of his will, after direct-
ing the payment, by his executor, of all his
just debts, says: "I leave to my wife Jennie
Sledge during her natural life time or widow.

hood my whole estate, both real and personal. But in the event that she should marry again, then in that case she is to have one third of my estate allotted to her during her life time"; and, in the third item thereof, he says: The remaining portion of my estate not disposed of hereinbefore I give and bequeath unto my sister, Lucy Ann Spires, to her and her heirs forever". That since the death of the said James A. Sledge, and the appointment and qualification of your Complainant as executor of his will, the said widow, Jennie, has possessed herself of a large sum of money, belonging to the said Sledge's estate, to wit: the sum of \$1000.⁰⁰, which she refuses to surrender and pay over to your Complainant, claiming that under the will she is, under all circumstances, entitled to the use and enjoyment, during her life or widowhood, of ^{the} entire estate of which the said James A. Sledge died seized and possessed. That Complainant is advised that such a construction is erroneous, and that, she cannot possess herself ^{unquestionably} of the said estate by virtue of the provision contained in the first item of the will unless she shall first execute, with suf-

sufficient security, a Refunding Bond, Conditioned to refund a due proportion of any debts or demands which may afterwards appear against the said Sledge's estate, in case of her death; That your Complainant, for his own safety, as well as at the instance of the said Lucy Ann Spires, a devisee and distribute under the will, has required the execution of such bond, but she refuses to give it, and continues to withhold from your Complainant the sum of \$1000.⁰⁰ aforesaid. Your Complainant would ask your honor to examine the said will and the law applicable in such cases, and construe the same.

Your Complainant states, that Lucy Ann Spires who now appears as one of the defendants in this suit, feeling that her interests would be thereby promoted, desires, with the leave of the Court, to be placed in the position of plaintiff; and that, hereafter this suit be proceeded with accordingly.

In tender consideration whereof, for as much as your Complainant is remediless in the premises, save by the aid of a Court of equity, where matters of this kind are alone and properly cognizable, your Complainant prays that the said Jennie Sledge be made a party defendant to this bill, and be re-

quired to answer the same on oath, that the
 said will ^{be} construed, and if the Court be of
 opinion that the said Jennie Sledge should
 give a Refunding Bond before taking posses-
 sion of the estate devised and bequeathed
 to her by the said James A. Sledge in his
 will, that the interest of the said Jennie
 Sledge in the same be subjected, and the
 amount received by her from said estate
 be paid, unless she shall give a Refunding
 Bond; ^{that says, her name be entered as plaintiff.} that all proper orders be made,
 and such other, further, general and
 special relief in the premises may be
 granted as is just and right.

And your Complainant will ever pray

Wm H. Parker, f.c.

Parker, f.c.

Sledge's Exr,
 vs J E Bill &c.,
 Sledge

1884 April Rules.

In the Name of God amen I James
H. Sledge of the County of Southampton
and State of Virginia being
of a sound and perfect mind and
memory do make and ordain this my
last will and testament in manner
and form following To wit;

Item 1st my desire is that my Executor
herein after named pay all my
just debts after that I leave to my wife
Ginney Sledge during her natural
life time or widowhood my whole Est
both real and personal, But in the
Event that she should marry again
then in that case she is to have one
third of my Estate allotted off to her
during her life time.

Item 2nd At the death of my wife Ginney
Sledge or in the event she marries again,
I give and bequeath unto my uncle
Perlung Sledge One hundred dollars
in Cash or to be made out of my
personal Estate.

Item 3rd The remaining portion of my Estate
not disposed of herein before I give
and bequeath unto my Sister Lucy
Ann Spicers, to her and her heirs
for ever.

Item 4th I do hereby constitute nominate and

appoint my friend Fortunatus
Dunn Executor of this my last will
and testament hereby revoking all
other wills heretofore made by me.
In Witness whereof I have hereunto
set my hand and affixed my seal
this 25th day of March, in the year
of our Lord One thousand Eight
Hundred and Sixty two,
James A. Sledge ^{Seal}

Signed Sealed

published &c.

in the presence of

Witness James H. Devaney

J. J. Williams,

Benjamin Everett,

At a County Court held for the County
of Southampton at the Court house
thereof on the 17th day of September 1883
This last will and testament of James
A. Sledge was proved by the oaths of
James H. Devaney and Benj: E. Everett,
two of the subscribing witnesses thereto
and ordered to be recorded. And
on the motion of Fortunatus Dunn
the Executor therein named who
made oath according to law and together

with W. W. Briggs his security (who
justified as to his sufficiency) entered
into and acknowledged a bond in the
penalty of Fifteen hundred dollars
conditioned as the law direct certifi-
cate is granted him for obtaining a
probate of the said will in due form,
And the bond of the said Fortunatus
Dunn is ordered to be recorded. It is
also ordered that the letters of admin-
istration on the Estate of the said
James A. Pledge formerly granted
to Wm. A. Reed be and the same are
hereby revoked.

Teste J. B. Pruice clk
A copy Teste J. B. Pruice clk

Memo:

Copy Will of James A. Sledge, & order
appointing qualification of Executor. in
bill, Sledge's Ex^r vs Sledge, marks it ex-
hibit "X".

Fortunatus Dunn Exor of Jas A Sledge Deed

Mr Sledge Exor

1884 To Sergeant of the City of Petersburg Dr.

March	31	To Executing Summons in Chancery on	
		Lucy Ann Spiers Southampton Rule	

50

J B Prince to Count
Received Payment,

J. A. Whitton Sergeant.

Sledge's Exor

in 3 Summons

Sledge V.

1884 Atk Rules

Executed by delivering
Jimmie Sledge a copy
of this Summons on the
3^d day of April 1884

Deleg. Baron Dy for
W. W. Driggs Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Jennie Sledge and Lucy
Ann Spiers*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court

on the first Monday in

April next, to answer a bill in Chancery exhibited against *Them*

in our said Court by

*Fortunatus Dunn Exor James A.
Sledge and*

And this

they shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

12

day of

March

, 188 *4*,

in the

108th

year of the Commonwealth.

Teste J.B. Prince b b

Sledge's Exor

vs } Simmons.

Sledged others

1884 April Rules

Executed this 31st day of
March 1884 by delivering a
true copy of the within
Simmons in Chancery
to Lucy Ann Spiers

J A Johnston Dgt City Ctly
by J. S. Beasley Dgt

THE COMMONWEALTH OF VIRGINIA,

Sergeant of the City of Petersburg.
To the ~~Sheriff of Southampton County~~—Greeting:

WE COMMAND YOU TO SUMMON

Lucy Ann Speer

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court

on the first Monday in *April* next, to answer a bill in Chancery exhibited against *her & others*
in our said Court by *Fortunatus Dunn Exor of James A. Sledge*
decd

And this *she* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *25th* day of *March*, 1884,
in the *108th* year of the Commonwealth. *Teste.* *J. B. Prince C. C.*

Sledge's Exr
vs } Deene.
Sledge

Nov: Term 1884.

To be entered.

Geo B Low,

Entered.

Sledge's Exor
vs } Decree.
Sledge

This day this cause came on to be heard on the Complainant's bill taken for confessed, upon the exhibits therewith filed, and was argued by Counsel. On consideration whereof, and it appearing that there is nothing to be done in this cause, the Court doth adjudge, order and decree that the same be dismissed from the docket at the costs of the defendant.

Sledge's Exor ~~146~~
125

vs Y Stat: Rules
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Sledge & Co.  
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