

1892-15

Southampton County Chancery - Prince, Virginia etals vs Sledge, G.O.

render an account of
their father's estate to a
court appointed commissioner

Prince, Waverly

Ivy, Alice

" , P. H.

Hart, Ophelia

" , E. J.

Presson, Mollie W.

Shades of

Prince Charles

vs 3 Bill & Exh.

Shades' Adm.

To Hon C. W. Still, Judge of the Circuit
Court for Southampton County -

- In Chancery -

Humblly complaining sheweth unto
your honor your complainants
Virginia F. Prince and Waverly Prince
her husbands, Alice Gray and P. H. Gray
her husbands, Ophelia Stark and E. J. Stark
her husbands and Mollie L. Presson, that
in the year 1873 Sterling Shage, the
father of your female complainants
departed this life, testate, leaving
a very large real and personal es-
tate. The testator directed that his
entire estate be kept together during
the life time, or widowhood, of your female
complainants mother, and directed,
that the net income and profits of
the whole estate during that time,
should be expended for the benefit
of his widow and unmarried children
living with her. at the death of the
widow and after a division of the
real estate as set forth in the will,
he directed a sale of his chattel estate
and an Equal division of all proceeds
therefrom, and any balance in the
hands of the Admr. from any source
to be among all his children. (A copy

of the will is herewith filed, marked "H" and prayed to be taken and read as a part of this bill. The testator's widow departed this life in the year 1879.

At the term^{of} of the County Court for Southampton County administration upon the estate of decedent was granted to G. O. Sledge brother of your female complainants, who qualified according to law and entered upon the discharge of his duties; and in accordance with the will of the decedent "kept his estate together" until the death of the widow in 1879, soon after which a sale was had of the chattel estate with a view to a division of the "balance of the estate among the testator's children". Your complainants further show, that at the time of the qualification of the said Sledge Admr. the personal estate of the decedent was very valuable, consisting of a great many horses, cattle, hogs, farming utensils, furniture and money - amounting in value to some \$2500⁰⁰; that the Admr. himself superintended the management of the farms and was

allowed a liberal salary therefor that the Admr regularly placed his accounts before a Commissioner of the County Court for settlement and the same were from time to time confirmed, and which accounts in 1879 - about five years from his qualification, showed a balance due the Admr. amounting to more than the proceeds of the whole chattel estate; that the expense of maintaining the testator's widow was exceedingly small, amounting to almost nothing, and that the amount expended for the support and education of the unmarried daughters of the testator, (Ophelia and Malie) was inconsiderable as is fully shown by copies of the Admr's accounts herewith filed marked from 1 to 10 inclusive and proposed to read as part of this bill - Your female complainant V. F. Prince further shows that at the death of her father she was the wife of Jas. A. Sledge, and that the said Sledge departed this life in 1883, since which time she has intermarried with Wm. W. W.

Prince. That Alice Sledge in the year 1874, intermarried with P. H. Iny and that in the year Aphelia Sledge intermarried with E. J. Nash and Mollie Sledge with Jno. N. Penson and that in 1887 the husband of your complainant Mollie Penson, departed this life -

Your complainants believe and therefore charge, that G. O. Sledge the Administrator with the will annexed of Sterling Sledge dead, improperly and wrongfully administered his decedent's estate and that but for such wrongful and improper administration your female complainants would have had a large amount of money divided amongst them in conformity with the will of their father; that at the time of his qualification there was more than \$400⁰⁰ in money in the house of the decedent which went into the hands of the admr. G. O. Sledge, and that soon thereafter he collected in the City of Richmond \$250⁰⁰ in money, and

that he has utterly failed to account for either amount, or even to mention them in his settlement before the Commr. of accounts; that the testator by the

clause of his will directed that two of his tenants, Geo. M. Hughes and N. J. Harrison should not be disturbed in their tenancies for five years after his death, ^{G. M. Hughes} and that ~~they~~ paid one fifth of all crops made by him for that length of time, as rent, and that the Admr. has only accounted for the proceeds of the "money crops" viz. the Cotton and peanuts, and has wholly failed to account for one fifth of the corn and fodder and other forage, which your Complainants believe and charge would amount to several hundred dollars in that time; that the Admr. cancelled and did not sell at the sale in 1879. a large quantity of corn, belonging to the decedent's estate, and which your Complainants charge was worth more than \$100⁰⁰ that a large quantity of potatoes

and very many other valuable things were not offered for sale by the Admr but afterwards used by him for his own separate benefit. Your complainants further charge that by the will of the testator, [as construed by the Judge of the Circuit Court of Southampton County in a suit brought for a construction of said will] the Admr was entitled to a fair compensation for his services in managing the estate during the time it was "kept together", and that in his accounts rendered the Admr has charged a very large sum for that service - but to which charge your complainants raise no objection, but believe that he was entitled to no more than is therein set forth, yet your complainants charge that during the whole time from his qualification to his settlement and sale, the Admr maintained and supported his entire family consisting

of his wife, children nurse and himself at the expense of the estate, and that the wages paid the nurse were charged as labor accounts against the estate - that the Admr paid his Doctors bills and other expenses out of funds of the estate, and thus permitted and contrived that his salary for services, (the only proper charge and the only one which he should be allowed) should remain a charge annually against the estate and which together with the interest thereon proved sufficient in seven years to absorb the entire personal estate of his testator.

Your Complainants therefore specifically charge that the expense of maintaining himself and family should be now charged to the Admr and which would now leave a large balance to be divided amongst the testators children - Your complainants charge that these and many other improper things were done by the said Sledge

→ does he make partly answer to this bill - and that
he be required to answer the same, but not on oath
[his answer on oath being expressly waived] that he

from ^{which} they are informed they
can be relieved by a court of
chancery -

Therefore being without
remedy save in a court of
equity where matters of this
kind are alone properly cog-
nizable your complainants
pray that G. O. Sledge admin. with
the will annexed of S. T. Sledge
render before one of the Commis-
sioners of this Court an account
of his entire transactions as admin.
as aforesaid, and that each of the
female complainants in this bill
have personal notice of the
time and place of taking the
same, that the Administrator's
accounts here before rendered
before a Comm. of accounts may
be surcharged and falsified
and that your Honor will
grant such other further and
general relief as may be
necessary in the premises to
do full justice to all parties in-
terested, in accordance with equity
and good conscience -
And your complainants as in duty
bound will ever pray &c.

Fredway & B. ham
J. C.

The Answer of G. O. Sledge to a bill of Complaint exhibited in the Circuit Court of Southampton County by P. H. Bayliffe and others against him as Administrator with the will annexed of Sterling Sledge dead.

This respondent for answer to said bill says.. That it is true that S. Sledge died in 1873, leaving the parties complainant in this suit and respondent as his executors and the facts as set forth in the bill about the provisions of his will and the qualification of respondent as his Administrator are generally correct.. It is also true that S. Sledge's Widow died in 1879.

But this is about all there is of truth in the allegations of the said bill.. Respondent submits that in 1873, he commenced to return his accounts as Administrator of S. Sledge dead and regularly every year thereafter to 1887 he returned his accounts that were confirmed by the County Court of Southampton and amended. In none of these accounts were

any exceptions ever filed, and they
disclose the whole of respondent's
transactions as Adminr. of his testator.
In 1878. A suit was instituted in
this Court, by the same parties who
are now plaintiffs in this suit,
except Jerry Leach, who is now
the wife of Waverly Primmer - and
who was a defendant in the
suit of 1878. The charge of wrongful
administration was set up in that
suit, and the accounts of respon-
dent from 1873 to 1879 drawn
into examination; that suit
was decided against these
parties, as will appear from the
records of Nov Term 1881. and your
Honors attention is called to
the whole record in that suit
which is made a part of this
answer. Respondent submits that
whether or not the questions of improper
and wrongful administration are
concerned, the matter is res
adjudicata. As to the specific
charges that are made in the said
bill for the purpose of searching

and falsifying his accounts; The first charge is that at the time of the death of S. Sledge, there was \$400 - in the house that went into respondent's hands - and for which he has never given any account - The charge is unequalled by false - At the time of S. Sledge's death, he was in debt. His widow survived him six years and nine months and she knew every thing about what was in the house when her husband died. She died in 1879.

From 1873 to 1879. no such charge was ever made, when the best witness was alive to refute its absolute falsity. The accounts as before stated were repeatedly stated and confirmed, and now fifteen years after the first account has been twice called in question, in which account this item should have appeared, if it was true that this amount was received, this charge is first made respondent submits that it is a stale demand, barred by the statute of limitations and entitled to no credit. As to the charge No 2. That respondent soon after his qualification, collected

\$250 in Richmond, and for which
he has failed to account. This charge
is equally as false as the other.
The truth is respondent has properly
accounted for every dollar of their
money, and the history of their matter
is this. Whilst, S. Sledge who was the
father of respondent and of the female
complainants in this suit, was confined
in the Penitentiary for the killing of S.
Davis, he ~~wrote~~ sent for respondent
and J. A. Sledge to come to see him,
and we went. He then told us
that he needed \$300. Respondent
furnished him with \$200 of money
belonging to his estate and J. A. Sledge
let him have the other \$100. Dr.
Walker who was the Surgeon in the
Penitentiary received the money.
And after the death of S. Sledge, (he
died in the Penitentiary) Dr. Walker
paid respondent \$250 of the money
back. The other was kept by Dr. Walker
under the direction of S. Sledge who
told respondent to let Dr. Walker
have it. Out of the \$250, Respondent
paid J. A. Sledge the \$100 he advanced,
and the other \$150 was accounted

for in respondent's first account of 1873, in item marked July 1. 1874. Cash on open accts \$100. and Feb 2. of same account the other \$50 was received from W. H. Drury on a draft given respondent by Dr. Walcher for \$50, and which draft was collected for respondent by W. H. Drury & Co. The history of this whole matter was known only to five persons - viz - S. Sledge, his widow, J. A. Sledge, Dr. Walcher & respondent. His widow told the other children after S. Sledge's death, and now after the death of S. Sledge, J. A. Sledge, the widow of S. Sledge, and Dr. Walcher, and fourteen years after the account has been confirmed, this matter is brought forward, as your respondent believes only to harass, annoy and vex him. As to the charge about not accounting for the Corn fodder received from tenants. This is also false. All the Corn fodder respondent ever received from tenants, was placed with the other Corn fodder and used for keeping up the Estate as respondent was directed to do

and was properly accounted for.,
as to the charge that respondent con-
cealed and did not sell at the
sale in 1879 a large quantity of Corn
belonging to his decedent's estate,
respondent denies it absolutely.
The parties who make the charge
know it is untrue, and respondent
sustains his denial by the affi-
davit of Paul Sykes, B. F. Brantly
and B. F. Hill, filed herewith. These
parties are wholly disinterested,
lived upon the farm at the sale in
1879, and know all about what
was done., as to the potatoes, not
being sold, respondent does not
know whether there were any
potatoes or not at the sale. But if
there were any of any value, they
were sold., or properly accounted for
one fact respondent does know,
viz. There were never many potatoes
made upon the farm, and those that
were made were worth very little
and generally rotted by Xmas of
every year. The sale in 1879 was
made on Decr 23. 1879, and

respondent is of impression there
were no potatoes of any value
at that time - As to the "very many
other valuable things not offered by
sale by the owner by afterwards
used by him for his own separate
benefit"; respondent submits the
charge is too indefinite and needs
no notice, except to say that is
entirely untrue. In regard to the
Charge that respondent while he
kept the estate of his testator together
supported himself and family and
paid his nurse's hire and his
doctors bills out of funds belonging
to the estate, respondent denies
each and every one and relies
upon his accounts heretofore
returned and confirmed more than
ten years ago to show the entire
correctness of his whole course.
And now having answered in
detail every charge made
against him, respondent sub-
mits to the Court that this suit is
essentially a vexatious one.
because, there is not a charge
made in the bill, which if true,

was ^{not} known to the parties plaintiff
at least ten or fifteen years ago.
Every plaintiff in this suit labors
under the same delusion, now
that they did ten or fifteen ago.
The accounts of respondent were
shown to the parties regularly, and
no objection or exception was ever
made except what was raised
in the suit of 1878, and the parties
having slept upon their rights
for fifteen years, after the
accounts were rendered and
confirmed, respondent submits
that he should not now be thus
annoyed, except upon the plaintiff's
proof of fraud, and having
answered, he prays leave to
be dismissed &c.

G. O. Sledge
Adm. with will annexed
of ~~John~~ S. Sledge dec'd.

Virginia - Southampton Co. Court.

Personally appeared before the undersigned, a Commissioner in Chancery for the Circuit Court of Southampton County, J. F. Brantley and Paul Sykes, and made oath as follows - That they lived upon the farm of S. Sledge in 1879, and assisted in making and gathering the Corn and other Crops - That they were present at the sale of said Corn Crop in 1879, and know that what was made, beyond what was necessary consumed, was sold at the said sale - That they aided in putting the Corn in the barns, and in delivering same to parties who bought at said sale. Given under my hand Decr 10. 1888.

B. F. McLeinn
Clerk in Chancery -

Price for the

or 3

Sledge Adm.

Answer

of G. O. Sledge

Adm. &c.

Virginia Southampton Co. Court.

Permanely appeared before the undersigned, a Commissioner in Chancery for the Circuit Court of Southampton, B. F. Hill and made oath as follows - That he lived on the farm of S. Sledge in 1877, 1878 and in 1879; that he knew the crops of corn were delivered to G. O. Sledge in 1879, and at the sale in 1879, the said G. O. Sledge sold and accounted for all the corn - That he knows that no corn was concealed by said G. O. Sledge - but that every thing was fairly sold.

Given under my hand
Dec 2nd 1888.

B. F. McLennan
Commissioner in Chancery.

Prince Val
vs. ~~3~~
Stenger, Adm.

To be entered.
C. M. Hill
May 8th 1879

341

Prince v. Barker

Ms. B.

Decree. May 1889.

Hedger Admin

This cause which has regularly matured at rules and been set for hearing, came on this day to be heard upon the bill of the plain tips and exhibits filed, and upon the answer of G. O. Hedger Administrator of Sterling Hedger decd, this day filed by leave of Court, and was argued by counsel.

On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court take an account of the transactions of G. O. Hedger Administrator of Sterling Hedger decd, and the said Commissioner is directed in stating said account to take all accounts heretofore settled by the said Hedger Adminr. before a Commissioner of the County Court of Southampton County as prima

correct, but liable to be
surcharged and falsified
by any party interested,
and report to Court, together
with any matter specially
stated deemed pertinent
by himself, or which he
may be required by any
party interested to so state.

And the said Commis-
sioner is directed to return
the depositions of witnesses
with his report.

Princo et. als:

Sum ~~134~~
117

Sledge's Adm'r

1888. ~~Oct.~~ Oct. Rules.
(3^d Monday)

Gov: Lt:

Executed Oct. 12th
1888 by delivering a
copy of this 'Sum' to
Geo. Q. Sledge Adm'r
of Sterling Sledge & Co

R. W. Moon Rep'r
for J. H. Williams App'r

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Gro. C. Sledge, Administrator*
of Sterling Sledge dec?

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 ^{3rd} ~~first~~ Monday in *October* next, to answer a bill in
chancery exhibited against *him* in our said Court by *V. F. Prince and Mary*
Prince, her husband - Mrs P. H. Levy and P. H. Levy, her
husband. Ophelia Hart and E. J. Hart, her husband,
and Mollie L. Presson

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

B. F. McLenore
Witness, *J. B. Prince*, Clerk of our said Court, this *11* day of *Oct*
188*8*, in the *113th* year of the Commonwealth.

B. F. McLenore C. C.

Prince J. 110
n 3 Queen
Hedge Admin. to

1890 May Term

To be entered

C. M. J. C.

Entered

Primer & others

v. 3 Decree

Sledge Adams &c.

This day this Cause came on to be heard on the ~~Complainants~~ papers formerly read and was argued by Counsel. And it appearing to the Court that no steps have been taken by the Complainants to have the accounts rendered by Decree entered at May Term 1889 to be taken, it is ordered that a rule be served upon the said Complainants to appear at the next Term of this Court to show cause why this suit should not be dismissed.

Sledge Admir
ado } Sum
Prince & others

1890. 1 day Nor Term

Lin. Ct.

Exhibited & Oct. 8th
1890 by delivering a
copy of this Sum³ to
each of the within
named parties.

J. W. Apprehendi
deputy for J. W. Williams

Ant to Dec 8 -

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

J. F. Prince & Harry Prince
her husband *Mr. J. H. Lee & P. F. Lee* *her husband*
Phelia Fox & E. J. Fox *her husband* & *Mallie L. Presson*

to appear before the Judge of our *Circuit* Court of Southampton County, at the Courthouse,
on the first day of *Nov* Term next, to *show cause why the*

sum entered by them against G. O. Sledge Adm'r
of Sterling Sledge dec'd & now pending in said Court
under Style of Prince & others vs Sledge Adm'r
&c should not be dismissed

And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *24* day
of *Oct*, 18*90*, in the *115*th year of the Commonwealth.

TESTE:

B. F. McLeMore, C. C.

Primer of

N 3 Deer

Sledge Adm. &c

1892. May Term

To be entered.

C. M. St.

May 9, 1892

Entered.

Primer Lathen

on 3 Decr.

Plur. Adm. v.

This day this cause came on to be again heard on the papers formerly read and was argued by Counsel.

And it appearing to the Court that the rule answered by decree of May Term 1890, for the plainiffs to show cause why this suit should not be dismissed, they having taken no steps to have the accounts ordered by decree of May Term 1889 taken, nor executed on the plainiffs return Oct 31. 1890. and they there failing to show any cause, it is ordered by the Court that this suit be dismissed at the costs of the plainiffs.