

1885-27

Santhampton County - Chancery

Sledge, Virginia F. Vs Sledge, G. O. et al

"Creditors Suit"

Sledge, G. O. adm'r
Sledge, Estling
et al

"To settle debts"

Hart, E. F. +
Hart, Ophelia
his wife

Gray, O. F. +
Gray, Alice

Prison, John N. +
Prison, Mollie
his wife

56

Sledge

on 3 Decree

Sledge's address was

Enter

45 Blom

May 1885

Entered, 118,

Dismissed

Sledge

vs 3

Deene

Sledge's admr

On motion of the plaintiff
his bill is disallowed and paying to the
~~defendant his legal costs in this suit~~
~~in this behalf expended.~~

And it is considered by the Court
that the defendant George O. Sledge,
in his own right and as adminis-
trator with the will annexed of
Sterling Sledge deceased, recover
of the complainant his costs by
him about his defence in this
behalf expended. —

V. F. Sledge

V. F. Sledge

Sterling Sledge's Adm'r.

The Demurrer of George O. Sledge
in his own right and as Adminis-
trator with the will annexed of
Sterling Sledge decd. to the Bill of
complaint exhibited against him
and others in the Circuit Court
of Southampton County by Virginia
J. Sledge who sues for the benefit
of herself and all the other creditors
of Sterling Sledge decd. who will
come in and bear their share of the
costs of this suit. -

The defendant says that the
said bill is not sufficient in
law. -

George O. Sledge
Adminr c.T.a. of Sterling Sledge.

Robt. N. Prentiss -

p. d.

Memoandum
for
Clerk

Check with copy Sterling Hedges will
and file in the papers also
certificate of J. C. Hedges qualification
as adm^r of Sterling Hedges estate
and file them as exhibit **IB**

Shanas & Son

In the Name of God amen, I
Sterling Sledge being of sound mind
do make this my last Will
& testament.

Item 1st It is my desire that all my
just debts be paid

Item 2nd It is my will that my
whole Estate be kept together as
it now is as long as my wife
shall remain a widow and that
she shall receive a support from
the proceeds of the whole farm.

Item III I give to my Son Otho &
his heirs forever the following
portion of the tract of land upon
which my family now lives
viz: all the land North by the pub-
lic road leading from Belfield
to Jerusalem to a Turn row. in
the field West of the dwelling
House, which turn row. goes
to a washed quarry, which runs
to a marsh then a straight line
to a ditch, then down the ditch
across the marsh. to a stream to
the line of the Lewis Sharp land
The corner tree is an overcup
oak close to the river. The whole
tract given him contains between

four and five hundred acres,
and includes all the buildings.
I also give him the Black Horse,
the gun and all the running
works my guns & shooting iron
of every description and my desk,
and at the death or marriage
of my wife, I give him one bed
& bedstead, which is to be first
choiced.

Item ~~III~~ I leave to my daughters
Alice and Ophelia during their
natural lives all the land west
of the land given to Otto. If either
one of them should die leaving
no issue living, it is my will that
the survivor should have the
whole of the land during her
natural life and ^{after} her death
it is to descend to her issue.
It is my will that whichever one
of these two shall marry first shall
live at the place upon which
Miss Evaline Tharp lives at present.
But I do not will even should
either of these two marry, that
she shall live upon the said
place until five years after

the present year
Item II. I leave to my daughter
Mollie the tract of land known as
Pumpkin, during her natural
life, and at her death to her issue
in fee. But if she should die
without living issue or under twenty
one I devised the said tract of land
to my son Otho in fee simple.

Item VI. after the land that I bought
formerly belonging to E. B. Tharp
is paid for, it is my will that
my Estate shall pay to Jenny
Sledge the wife of James A. Sledge
the sum of Fifty dollars annually
for ~~ten~~ years. I also give her the
interest I own in the Lower land
of Thomas Williams and Estate.

Item III. It is my will and desire that
G. McHugh shall live at the place
he is now living on and cultivated
the lands devised to Alice & Ophelia
for five ^{after the twenty year} years, for the same rent
he is now paying which is
one fifth of all the crops he makes.

Item VIII. It is my will that W. L.
Harrison shall live upon the
place he is now living upon
until my daughter Mollie is attained

the age of twenty one or marries -
and that he shall pay the same rent
he is now paying viz:

I find the horse and feed him, he
finds the land & feed them and take
half of the gross proceeds, the yoke
of oxen that he now has, can
remain on the place if he stays
there, and the cart wheel, he can
~~half~~ have half of the apple crop
and the garden extra,

Item IX This year that my wife dies,
it is my will that each one of the
children shall have the crop grown
on the land given them, after paying
the expenses of making the crop. But
if my wife should die before the
land I bought formerly belonging
to E. B. Sharp is paid for then I
will that the proceeds of the farm
shall be applied to that debt
first, and after that debt is
paid then each one is to have
what remains out of their
portions, at the death or marri-
age of my wife I give to each
of my daughters a bed & stead
Item X, at the death or marriage

of my wife. it is my will that
all of my Estate not disposed of
shall be divided among my children
Equally. and should any of them
die leaving children. their children
are to take per. stirpes.

Witness my hand & seal this 3d-
day of June 1871.

Signed Sealed and
acknowledged in presence
of John E. Rees &
Wm J. Robinson

Sterling ^{his} Sledge Seal

At a Court held for the County
of Southampton on the 21st day of
April A.D. 1873.

This last Will and Testament
of Sterling Sledge Seed was proved
by the oaths of John E. Rees &
Wm J. Robinson the two sub-
scribing witnesses thereto &
Ordered to be recorded And
there being no Executor named
therein on the motion of Geo.
A Sledge (who made oath accor-
ding to law) and together
with Joseph H. Prince and Jos.
B Prince his securities (who
justified on oath as to their

sufficiency) entered into and acknowledged a bond in the penalty of Two Thousand dollars conditioned according to law, which bond is ordered to be recorded, testimony is granted the said George O. Sledge for obtaining letters of administration on the Estate of the said Sterling Sledge decd. with his will aforesaid annexed in and to form

Testo L. L. Edwards clk
A copy
Testo J. B. Prince cc.

Exhibit

"B"

Feb 1/50

Will of
Elizabeth Simely

A

1881

Witnessed and signed

1881

and signed

In the name of God. Amen. this twenty fourth day of December in the year of our Lord eighteen hundred and twenty five, I, Elizabeth Sundry of Sussex County, being very sick and weak in body, but of a sound mind and memory, thanks be to God for the same, and as touching such worldly estate wherewith it has pleased God to bless me in this life, I give, demise and dispose of the same in the following manner and form Vizt. that is to say first of all, I desire my body may be buried in a decent manner, at the discretion of my executor, and secondly for all my just debts to be paid.

Item. I then leave all the residue of my estate, both real and personal, of what kind soever it may be, to be equally divided among my several children, Green Sundry, Hearty Sledge and Sisley Herrs, during their natural lives only; and then to descend to their children: that is, one third of my estate to Green Sundrys children, and one third to Hearty Sledges children, and one third to the natural heirs of Sisley Herrs body; and that the said Green Sundry, Sterling Sledge and Jacob Herrs and their wives shall not sell or dispose of the said property or any part thereof, but only to have the use of the same, Green Sundrys life,

Hearty Sledges life and Sisley Herrs life: that
is the one third I lend to my son Green Lundy,
at his death, shall immediately descend to his
children and their heirs forever: and the one
third I lend to Hearty Sledge, at her death, shall
immediately descend to her children and their
heirs forever, and the one third I lend to Sisley
Herrs, at her death, shall immediately descend
to the natural heirs of her body and their
heirs forever. And lastly I do hereby appoint
Capt^m James Seaborn my hole and soul
executor to this my last Will and Testament,
revoking and disannulling all other Wills and
Testaments or bequeaths by me heretofore
made, the day and date first above written.
Signed, Sealed and acknowledged
in the presents of } Elizabeth ^{her} Lundy Seal
Joel Hail } mark
Lewis ^{his} Thomas }
S. Mariah Adams }

At a Court held for Supex County the 2^d day of
February 1826. The last Will and Testament of
Elizabeth Lundy dec^d. was presented into Court
and proved by the oaths of Joel Hail and
Mariah S. Adams, two of the subscribing
witnesses thereto and ordered to be recorded.
Teste

L. Lanier, Clerk

~~5780~~
Hedge for No. 74

or Stat: Rules

Hedge's Adv. 7.
~~~~~

In Southampton Circuit Court.

Virginia F. Sledge who sues for herself &  
all the other creditors of Sterling Sledge  
decd who will come in and bear their  
share of the costs of this suit. Plff.  
against

Geo. O. Sledge, both in his own right and as  
Adm. of int. the will annexed of Sterling Sledge  
decd, E. J. Hart & Ophelia F. his wife P. H. Levy &  
Alice his wife. Invs. N. Piesow & Mollie his wife. Defs.

In  
Chancery.

1884. Sept. 6. Summons issd to Oct. Rules.

Oct. Rules. " ret'd exact. Bill & exhibits filed - & Deere nisi  
as Dftr.

Nov Rules. " Cause set for hearing -

Sledge

vi { Summons

Sledge's Adm'r J<sup>c</sup>

1884. October Rules

Executed Octo: 3<sup>d</sup>

1884, by delivering a  
copy of this summons  
in the within named

G. O. Sledge in person.  
All my lawful debts

Wm 1995 24th

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THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON *George O. Sledge both in his own right and as Administrator with the will annexed of Sterling Sledge deceased, E. J. Hart and Ophelia F. his wife, D. H. Ivey and Alice his wife, John N. Penson and Mollie his wife,*

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 *October* next, to answer a bill in Chancery exhibited against *them*

in our said Court by *Virginia F. Sledge who sues for herself and all the other creditors of Sterling Sledge deceased who will come in and bear their share of the costs of this suit.*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *6<sup>th</sup>* day of *September*, 188*4*,  
in the *109<sup>th</sup>* year of the Commonwealth.

*Teste J. B. Prince C. C.*

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Sledge

on 3 Bill

3 Exhibits

Sledge advanced

1

To the Honorable George Blount Judge of  
the circuit court of Southampton in  
chancery sitting

Humbly complaining your Oration  
Virginia. F. Sledge who sues for himself  
and all other creditors of Sterling Sledge dec'd  
who will come in and bear their share  
of the costs of this suit sheweth unto  
your Honor that in the year 1825 Elizabeth  
Gundy of Sussex county departed this mortal  
having first duly made her last will and  
testament which was proved and admitted  
to record in the county court of Sussex  
at the February term 1826 and a copy  
of which will duly authenticated is  
herewith filed marked exhibit A and  
prayed to be taken as a part of this bill  
that by the said will she directed that her  
debts should be first paid and then gave  
all her estate real and personal to her three  
children to wit John Gundy, Hearty Sledge  
wife of Sterling Sledge, and Sisly Beaws wife  
of Jacob Beaws during their natural lives  
and then to divide to their children, viz  
one third to John Gundy's children, one  
third to Hearty Sledge's children and one  
third to the natural heirs of Sisly Beaws  
body with the express proviso that within

Green Gundy, Sterling Sledge, Jacob & Beers  
or their wives should sell or dispose of  
the said property or any part thereof, but  
only to have the use of the same, during  
Green Gundy's life, Beardsley Sledge's life and  
hisly Beers's life, and at their deaths descend  
immediately to their children all of which  
will appear more fully by reference to the  
said will

Your Oration states further and  
charges that on the settlement and division  
of Elizabeth Gundy's estate, her mother  
Beardsley Sledge received considerable personal  
estate from the said Elizabeth Gundy's estate  
and among other things four negro slaves  
to wit, Chany, Saline, Diana, and Malina  
and notwithstanding the fact that this  
property and these slaves were given only for  
life to the use of Beardsley Sledge, yet her  
husband Sterling Sledge and father of  
your Orator ~~sold~~ after her mother came  
into possession of them and during her  
life and the marriage sold absolutely  
or in fee simple if such a time can  
be applied to personal estate two of  
these slaves to wit Saline for eight  
hundred dollars and Diana for seven  
hundred dollars, and since your

Oration's mother's death which occurred  
December 26<sup>th</sup> 1840 has been accounted  
to her for the said sum of fifteen  
pounds.

Your state further states her  
mother had only two children herself  
and a daughter named Hester who  
died long since childless and intestate  
and that Henry Sledge died in December  
1840. Your Orator states that she was  
born the 21<sup>st</sup> of April 1833 that her  
mother died in 1840 when she was  
seven years old and that she was  
married in 1849 to James A Sledge  
when she was sixteen and that  
her husband James A Sledge died  
the 1<sup>st</sup> of March 1883 and that your  
Orator by reason of her infancy and  
then her marriage which occurred  
before she had reached the age of  
twenty one years has been under  
continued disabilities up to the 1<sup>st</sup> of March  
1883 and it has only been since then  
she was in a situation to assert all her  
legal rights.

Your Orator states charges and  
avows that on the death of her mother  
Henry Sledge in the year 1840 all the  
estate which her father Henry Sledge

Then succeed in right of her mother, devolved  
at once on her by virtue of Elizabeth  
Lundys will and if her father had done  
his duty he would either have qualified as  
guardian or had some one else to do so  
and have turned over to him all the  
estate belonging to your Oration including  
the \$1500 which he receives from the  
sale of the slaves Salem and Deane  
but he did not do so and after her  
marriage with James C. Sledge he her  
husband fails to receive this money  
or to sue for it, and it is only now a  
short time some eighteen months after  
her disabilities are removed that she  
brings this suit against her fathers estate  
for the recovery of the money for which  
these slaves sold

Your Oration sheweth further  
unto your Honor that after her mothers  
death her father striking Sledge manum  
again and dies in the year 1872 having  
first made his last will and testament  
a copy of which is herewith filed marked  
B and prayed to be taken as a part of  
this bill and leaving a widow Lucy  
Sledge long since dead, George C. Sledge  
a son who qualifies as his administrator

Aphelia. & a daughter married to E. J. Hart, Alice a daughter married to P. H. Long, and Mollie a daughter married to John H. Simpson and Your Orator his legates and devisees

Your Orator charges, alleges and avers that Sterling Hodge left considerable personal estate and some 1300 acres of land now in the hands of his devisees liable to be applied to the payment of the large sum of money now due him to wit \$1500 with interest from the 1st of January 1841 till paid

Your Orator states further that his father though he had been so much benefited by the use of his money left him by his will the small sum of \$500 to be paid in annual installments of fifty dollars but gave the bulk of his estate to his younger set of children

Your Orator knows it will be asked why it is she has waited so long before she asserted her rights in a court of law against her father's estate she answers it was the natural duty of her father to have protected her rights during her infancy and after her marriage her husband should have done so but neither did and now with all her

disabilities removed both of infancy and  
coverture she comes into court and  
demands of Sterling Sledge estate the  
money she had belonging to her and which  
he has never paid and she now charges  
abridges and avers that Sterling Sledge estate  
now owes to her the sum of \$1500 with  
interest thereon from the 1st of January  
1841 of being money for which he sold  
two slaves Deanna and Salina belonging  
to her mother Hearty Sledge for life and to  
her at her mother's death

In Tender consideration whereof and  
inasmuch as your Petition is without remedy  
at law and only entitled to relief in a court  
of equity where such matters are peculiarly  
cognizable she therefore prays that J. Q. Sledge  
both in his own right and as administrator  
of Sterling Sledge dec'd, E. J. Hart and Ophelia  
Hart his wife, P. H. Gray and Alice Gray  
his wife and John H. Popson and Mollie  
Popson his wife may be made parties  
defendant to this bill and that the court  
would compel them as full and perfect  
answer make to the allegations therein  
contained as if they had been summoned to  
more fully and specially interrogated that  
all necessary accounts may be ordered and

Taken and especially on account of all  
the real estate devised by Sterling Sledge  
its quantity, its value and to whom and  
if it should turn out on the return of  
the said accounts there is not personal  
estate enough in the hands of J. R.  
Sledge to pay all the debts now  
especially the debt of \$1500 and interest  
due your Oratrix, than that the real  
estate held by the devisees may be sold  
for that purpose and that the court  
would grant such other and general  
relief. The premises considered as equity  
may dictate and the nature of the case  
may require and as in duty bound your  
Oratrix will ever pray me

Shandon Low Jr. & Co.