

1893-65

Southampton County - Chancery

Spires, Lucy Ann vs Sledge, Jennie F. et al

"Account for provision
in will"

Sledge, Jennie F. - Admin.
of the Est of
Sledge, James E. - Adm.

Epics
Order of
publication

Sledge, Et al

In the Clerk's Office of the Circuit Court
of Southampton County. August 20th 1883.
Lucy A. Spiers } In Chancery
against

E. L. Sledge, V. F. Sledge, S. S. Underwood,
Sarah F. Lynn, W. J. Fisher & Rosa J. Fisher
his wife.

The object of this suit is to obtain partition of
the lands of which James A. Sledge died seized
and possessed. And to have dower assigned
to the widow of the said Sledge. And affidavit
having been made and filed, that Sarah
F. Lynn, W. J. Fisher & Rosa J. his wife are now
residents of this Commonwealth, it is ordered
that the said defendants appear here within
one month, after due publication hereof, and
do what is necessary to protect their interest
in this suit. It is further ordered that a copy
of this order be published once a week for
four successive weeks in the Franklin Ga-
zette, (a newspaper published in the Town
of Franklin) and that a copy hereof be pos-
ted at the front door of the Court house of
this County, on the first day of the next
County Court of this County.

Attest.

J. B. Prince C. C.

Reuben Redway, J. P.

Spirs

vs

3

Dee'ed

Sledge's Adm'r &c.,

This day this cause came on to be heard on the original and amended bills, taken for Confessed, on the exhibits therewith filed, with general replication thereto, and was argued by Counsel.

On Consideration whereof, the Court doth adjudge, order and decree, that a Commissioner in Chancery of this Court, Take and settle the following Accounts, to wit:

1st An Account of James C. Schell's ^{Transactions} as Adm'r d. b. n. of Fortunatus Dunn, dec'd;

2nd An Account of Jennie F. Sledge's transactions as Adm'r d. b. n. c. t. a. of James A. Sledge,

3rd An Account of all property received by Jennie F. Sledge in her individual capacity prior to her qualification as Adm'r d. b. n. c. t. a. of James A. Sledge, dec'd, and belonging to his estate; and,

4th An Account and report ascertaining the condition of Fortunatus Dunn's estate at the time of his death and before the revocation of his powers as Ex'r of James A. Sledge, dec'd, - whether or not, the same was solvent; and if insolvent, whether, in consequence thereof, or on account of any default or misconduct on the part of the said Fortunatus Dunn in his executorial office, the estate of the said James A. Sledge,

sustained losses or waste? And the said Commissioner is required to report his proceedings under this decree to Court.

And the Court doth further adjudge, order decree, that the said Jennie F. Sledge, in her own right, be summoned to appear at the next term of this Court to shew cause, if any she can, why she should not be required to give bond for the safe keeping and proper use of any property possessed ~~by~~ ^{by her}, belonging to the estate of James A. Sledge, dec'd., in her individual capacity, and prior to her qualification d. b. n. with the will annexed, Conditioned and payable as the Court shall prescribe.

Sprins ~~vs~~ Decree
vs
Sledge's Adm'r dec'd.
50
1885 May Terms
To be entered.

Spain

vs B

Decece

Sledge's admⁿ

This day This cause came on to be heard on The plaintiffs original and amended bill taken for confessed as to all The defendants on the exhibits therewith filed and was argued by counsel On consideration whereof The court doth adjudge order and decree that one of The commissioners of this court settle an account of Virginia F Sledge's Transactions as administrative de bonis regis with The will annexed of James A Sledge decd and The said commissioner will also report any Journal or ^{estate} vol^{ts} of The said James A Sledge other than The marriage estate in The hands of The said Virginia F Sledge and report The said accounts to court together with any matters specially stated demand pertinent by himself or which he may be so required to state by any of The parties interested

Spiers

to 3 Decree

Hodges adu - 100

Spiras 142
ns } Decru

Sledges' Admin &c.

Nov: Term 1884.

To be entered.

Spires

vs J Decree.

Sledge's Admin^{or} &c.,

This day this cause came on to be heard on the Complainant's bill taken for confessed, the exhibits filed, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court be appointed to take an account of the transactions of Jennie F. Sledge as Administratrix d. b. n. c. t. a. of James A. Sledge, dec'd, which account the said Commissioner will audit, state and settle and report to Court, together with any other matter specially stated deemed pertinent by himself or which may be required by any interested party to be so stated. And it appearing ^{to the Court} that there are others who should be made parties to this suit, leave is hereby granted the plaintiff for an amended bill at rule.

Spirors

r } Sum

Sledge is Admij. etah:
1885/ apt. Rules

Car: at apt
Execution March
25th 1885 by delivering
to Jas & Sebrill & ~~Wm~~
W.B. Riggs ~~by delivering~~
~~then~~ a copy of this
Summings.

Jennie F. Sledge not
found

G. H. Vick

apt Sheriff
Execution March 6th 1885-
by delivering to Jennie F.
Sledge a copy of the within
Summings by G. H. Vick Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Jennie J. Sledge both in her own
right and as Adm'r d. b. j. c. t. a. of James A. Sledge dec'd -
Jas. E. Sebrell, Adm'r d. b. j. of Fortunatus Dunn dec'd and
H. H. Briggs -*

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 *Lucy Ann Spier*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *24* day of *March*, 188 *5*,
in the *109th* year of the Commonwealth.

Teste J. B. Prince C. C.

Specis

is } summons

Sledge's Adm't J^r

1884. Oct. Rules

Executed by delivering
a copy of the within
summons on Jennie S.
Sledge, ~~as~~ within nam-
ed, on the 2nd day of
Octo: 1884.

W. C. P. M. 1884

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Jennie F. Sledge, both in her own right and as Administratrix de bonis non with the will annexed of James A. Sledge decd

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 *her* in our said Court by *Lucy Ann Speer*—

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *22* day of *September*, 188*4*,
in the *109th* year of the Commonwealth.

Teste. J. B. Prince C. C.

Spies 119

us } Nat: Rules
~~~~~

Sledge's Adversary  
~~~~~

In Southampton Circuit Court.

Lucy Ann Spruiell - Pltff.

against

Jennie F. Sledge, both in her own
right and as Adm^{or} de bonis non
with the will annexed of James A.
Sledge decd..

Def.

In
Chancery.

1884. Sept: 22. Summons issued to Oct: Rules.

" Oct: Rules " ret^d Exec^{or} - Bill filed - Decree
 nisi vs def.

" Nov " Cause set for hearing.

Shino

3/3 Lat. Lines

Shogin Admex & also

In Southampton Circuit Court,

Lacy Ann Shires Plff } In
against }
James F. Sledge, late in }
her own right and as adm'r }
of James F. Sledge dec'd }
James P. Sledge Adm'r of }
of Fortunesville Dec'd }
& H. W. Briggs - Def't.

1885

March 3rd, Amoson filed to ~~File~~ Rules -

Apr 6. Rules. " outd Ex'cts. Bill & Exhibits filed
Secur'nix & Def'ts.

May " Cause set for hearing -

Know all men by these Presents, That we

W. W. Briggs

J. A. Dunn, Ass.

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

Fifteen Hundred

Dollars, to the payment whereof well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And

we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our

seals and dated this

17

day of

September

A. D. 1883

THE CONDITION of the above obligation is such that if the above bound

*J. A. Dunn, as. Executor of the last will
and testament of James H. Bridge seed*

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

Signed, sealed and delivered }
in presence of the Court.

J. A. Dunn, Ass.
W. W. Briggs



In the name of God Amen. I James
Sledge of the County of Southampton
County State of Virginia being of
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
Gemma Sledge, during her natural
life time or widowhood, 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 called
off to her during her life time,

Item 3rd at the death of ~~my~~ my wife Gemma
Sledge or in the event she marry again
I give and bequeath unto my Uncle
Stedding Sledge One hundred dollars
in cash or to be made out of my per-
sonal estate,

Item 3^d The remaining portion of my Estate
not disposed of herein before I give
and bequeath unto my Sister Lucy
A. Springer to her and her heirs forever

Stewards I do hereby constitute, nominate and
appoint my friend Tothman Dean
Executor of this my last will and
Testament hereby making all other
~~will and testament~~ hereby making
all other wills heretofore made by me
in testimony whereof I have hereunto
set my hand and affixed my seal
this 16 day of Novr in the year of
our Lord one thousand eight hundred
and Sixty two.

James A. Fledge

Signed sealed published

&c in the presence of

Witness J. H. Devaney

P. T. Williams

Benny C. Everett

At County Court held for the
County of Southampton at the
Court House this 17 day of
September 1883.

This last will and testament of
James A. Fledge was proved by
the oaths of James H. Devaney and
Benny C. Everett, two of the subscribing
witnesses thereto and ordered to
be recorded, and on the motion of Tothman

after James the Executor therein
named who reads said according
to law and together with W W Briggs
his Secretary who justified on oath
as to this sufficiency entered into
and acknowledged above in the
presence of fifteen hundred dollars
conditions as the law directs, Certif-
icate is granted him for obtaining
a probate of the said will in due form
and the bond of the said Testaments
James is ordered to be recorded
It is also ordered that the letters
of Administration on the Estate
of the said James A Sledge, formerly
granted the said to Thos A Rice be
and the same are hereby revoked

Testo J. B. Peirce Clk
Attest J. L. McLaure Sec

Know all men by these Presents, That we *V. F. Sledge*
Robert et. Williams and *W. F. Brasschaw*

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

Fifteen Hundred Dollars, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this *19* day of *may* A. D. 188*7*

THE CONDITION of the above obligation is such that if the above bound

V. F. Sledge, Adm^r do bonis non, with the Will annexed of Jas. A. Sledge - deceased

shall faithfully discharge the duties of *her* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

V. F. Sledge
R. et. Williams
W. F. Brasschaw



At a County Court held for the
County of Southampton May 19th 1884

on the complaint of W. W. Briggs
praying for relief & security
of J. Dunn for his due and
faithful administration of the
Estate of James A. Sledge decd
This day came the said W. W.
Briggs by his attorney &
the said J. Dunn having been
duly summoned and not ap-
pearing and it also appearing
to the Court that the said J.
Dunn has had legal notice
of the order made in this case
on the first day of the ~~next~~ ^{last}
term, requiring him to give
on or before this day, other
good security for the per-
formance of his duties as
Executor of the will of the
said James A. Sledge decd
but failing to give such
security it is ordered that
his powers as Executor as
aforesaid be revoked and
annulled.

Whereupon upon the motion

of V. F. Sledge widow of Jas
H. Sledge decd who made oath
according to law and together
with C. C. Williams and W. J.
Bradshaw her securities, who
justified on oath as to their
sufficiency, entered into and
acknowledged a bond in the
penalty of Fifty Two Hundred
Dollars, conditioned according
to law which bond is ordered
to be recorded. Certificate is
granted her for obtaining
letters of administration on
the Estate of the said Jas. H.
Sledge decd ~~now administered~~
by the said F. Sum with his
will aforesaid annexed in
due form -

Copy

Teste J. B. Pinner Clk

Exhibit
"F"

In the name of God Amen. I, James
A Sledge of the County of Southam-
pton and State of Virginia,
being of a sound and perfect
mind and memory do make &
ordain this my last will and
Testament in manner and form
following (To wit:)

Item 1st my desire is that my Exec-
utor herein after named pay
all my just debts, after that I
leave to my wife Guiney Sledge
during her natural life time
or widowhood my whole Estate
both real 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
Guiney Sledge or in the event
she marries again, I give and
bequeath unto my thurs, Sterling
Sledge, one hundred dollars
in cash to be made out my
personal Estate.

Item 3^d. 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 forever.

Item 4th I do hereby Constitute nominate and appoint my friend For instance Ann 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 the 26th day of March in the year of our Lord one thousand Eight hundred and Sixty two.

signed sealed
published &c

James A. Sledge. 

in the presence of us.

Witness James H. Devany

P. J. Williams

Benja. L. 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 Benjamin Everett two of the
subscribing witnesses thereto
and ordered to be recorded and
on the motion of Fortunatus
Lunn, the Executor, the court 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 bonds in
the penalty of fifteen hundred
dollars conditioned as the law
directs, certificate is granted
him for obtaining a probate
of the said Will in due form -
and the bond of the said Fortunatus
Lunn is ordered to be recorded
It is also ordered that the letters
of administration on the Estate
of the said James A. Sledge, form-
erly granted to Wm. A. Sledge be
and the same are hereby revoked.

Attest

J. B. Pineda by

Saundershampton County Court May
April 1884

On the Complaint of W. H. Briggs
praying for relief as security of F. D. Dunn
for his due and faithful administration
of the Estate of James C. Sledge decd.
This day came the said W. H. Briggs by
his Attorney and the said F. D. Dunn having
been ^{duly} summoned and not appearing
and it also appearing to the Court that
the said F. D. Dunn has had legal
notice of the order made in this cause
on the first day of the last term, requir-
ing him to give on or before this day
other good security for the performance
of his duties as Executor of the will
of the said James C. Sledge decd. but
failing to give such security, it is ordered
that his powers as Executor aforesaid
be ~~revoked~~ ^{suspended} and annulled. It be upon report
the motion of V. J. Sledge widow of James
C. Sledge decd. who made oath according
to law and together with R. F. Williams
W. J. Bradshaw her securities, who justified
on oath as to their sufficiency entered into
and acknowledged a bond in the sum of
Fifty Thousand Dollars, conditioned
as the law directs, which bond is ordered

Recd of
 Letter J. B. Linnally
 John

Know all men by these Presents, That we *James E. Sebrice*
Thomas E. Sebrice and *W. J. Sebrice*

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

Two Thousand

Dollars, to the payment whereof well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And ~~and we the obligors herein hereby waive all claim right or privilege to discharge any~~
we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our
~~liability over any under the bond in any currency come to claim or offer~~
seals and dated this _____ day of _____ A. D. 1882

~~other than legal tender currency of the United States~~
THE CONDITION of the above obligation is such that if the above bound

J. E. Sebrice admin of *T. Sebrice* dec'd

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

Signed, sealed and delivered }
in presence of the Court. }

J. E. Sebrice
Thomas E. Sebrice
W. J. Sebrice



Attest
Teste J. B. Prince

Know all men by these Presents, That we *Wm. F. Sledge*
Robt. A. Williams & Wm. F. Bradshaw

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

Fifty ~~Hundred~~ Dollars, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this *19* day of *May* A. D. 188 *4*

THE CONDITION of the above obligation is such that if the above bound

W. F. Sledge *Adm'r de bonis non* *est* *the*
will annexed of Jas. A. Sledge, deceased

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

Signed, sealed and delivered }
in presence of the Court.

W. F. Sledge
R. A. Williams
W. F. Bradshaw



A Copy
Teste J. B. Prince

Know all men by these Presents, That we

J. H. Briggs

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

Fifty Hundred

Dollars, to the payment whereof well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And

we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our

seals and dated this *17* day of *Sept*

A. D. 188*3*

THE CONDITION of the above obligation is such that if the above bound

*J. Deane, Executor of the last will and
Testament of James A. Deane, Decd*

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

Signed, sealed and delivered }

in presence of the Court.

Fortunatus Deane
J. H. Briggs



*A Copy
Teste J. B. Foxe*

Spiros
vs 3 Bill &c.,
Sledge's Adm't &c.,

1884 Octo: Rules.

Parker, &c.

ty, she should not be allowed to control
~~it~~ any longer, but the Court should
appoint some proper person to take pos-
session of the same with directions as to
its management.

Your Complainant would ask for
an examination of the said will, together
with the law applicable in such cases, in
order to a correct and proper Construc-
tion thereof.

In tender consideration
whereof, and forasmuch as your Com-
plainant is remediless in the premis-
es, save by the aid of a Court of equity
where such matters are proper to be
heard, To the end, therefore, that jus-
tice may be done, your Complainant
prays that the said Jennie F. Sledge,
both in her own right and as Adminis-
tratrix d. b. n. & t. a. may be made
a party defendant to this bill and
be required to answer the same on
oath; that Fortunatus Denny be re-
quired to render an account of his
executorial proceedings up to the time of
the revocation of his powers as such
Ex^r; that the said Jennie F. Sledge also
be required to render an account of.

her transactions as Administrator. b. n. c. &c.
that she be required to render an
account of all property received by
her prior to her qualification as such
Admin^r; and that she be required to
give security for the property of a per-
ishable nature seized and claimed by
her under the will of the late James
A. Sledge, within a reasonable time,
in order that no injury may be suf-
fered or sustained by your Complainant,
and upon her failure or refusal to give
such security within the ^{time} required by the
Court, that she then be made to sur-
render and deliver the said property to
some fit and proper persons to be des-
ignated by the Court, whom the Court
will instruct as to its management and
control. And that your Honor will
grant such other, further, general and
special relief in the premises as to
equity may seem meet, and the na-
ture of the case may require.

And as in duty bound your Com-
plainant will ever pray &c.,

May it please the Court &c.,

W^m H. Parker, f.c.
— " —

To the Hon: Geo: 19th Nov, Judge of the
Circuit Court for Southampton County,
In Chancery.

Your Complainant, Lucy Ann
Spikes, humbly complaining, sheweth
to your honor,

That James A. Sledge, late
of the said County of Southampton, some-
time during the year 1883, departed this
life, seized and possessed, in fee simple,
of a large real and personal estate, leav-
ing a widow, Jennie F. Sledge, and a
sister, your Complainant, him surviv-
ing. The said James A. Sledge, in his
life-time, to wit: sometime during the
year 1861, made and published his last
will and testament according to law
which, shortly after his death, was duly
admitted to probate in the County Court
for the said County of Southampton; and,
at the September Term 1883 thereof,
Festimates Dunn qualified as his execu-
tor by giving bond and surety as re-
quired by the law; all which will more
fully appear by certified copies of the
said will and bond herewith filed,
marked exhibits "13" and "14", and made a
part of this cause. But the powers of

the said Fortunate Dunt as such Executor were, at the May Term 1884 of the County Court for the said County of Southampton, revoked; and at the same Term thereof, Jennie F. Sledge, the widow of the said James A. Sledge aforesaid, qualified as administratrix d. b. n. c. t. c. by giving bond and surety as required by the law, all which will more fully appear by certified copies of the order of revocation and bond herewith filed, marked exhibits "E" and "F", and made a part of this cause.

The said James A. Sledge, in the first item of his will, after directing the payment by his Executor of all his debts, for his widow, the said Jennie F. Sledge, makes the following provision, namely: "I leave to my wife Jennie Sledge during her natural life-time or widowhood 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 provides for his sister, your Complainant, as follows: "The remaining portion of my estate not

disposed of hereinbefore I give and be-
queath unto my sister, Lucy Ann Spiro,
to her and her heirs forever."

Since the death, however, of the
said James A. Sledge, and before the
powers of the said Fortunatus Dumas
as his Executor had been revoked, and
also, before the appointment and quali-
fication of the said Jennie F. Sledge as
Administratrix &c., the said Jennie F. Sledge,
wantonly and in fraud of the rights and
interests of your Complainant, possessed
herself of a large quantity of property
amounting in the whole to the sum of
\$1000. &c., and for the safe keeping and
proper use of which, so that at her
death it might pass under the testator's
will into the residuary fund and be
enjoyed in remainder by your Com-
plainant, she positively and emphat-
ically refuses to give security, although
often requested by your Complainant
to do so.

Your Complainant charges that
the property of which the said Jennie
F. Sledge has thus possessed herself,
is perishable, and is being rapidly
eliqued and otherwise disposed of to

the great prejudice and injury of her interests, in consequence of which she apprehends that, unless security be required, the whole of the said property will soon be consumed in useless, wasteful and wanton use, and that after the death of the life-tenant nothing will have been left, for the residuary legatee in remainder, thereby, willfully and fraudulently, defeating the manifest intentions and objects of the testator.

It is contended by the said Jennie F. Sledge that, during her life-time or widowhood, she is, under all circumstances, absolutely and unqualifiedly, entitled to the use and enjoyment of the entire estate, both real and personal, of which the said James A. Sledge died seized and possessed, and that, moreover, she has the right, at her will and pleasure, to encumber it, or even to dispose of the same by a sale thereof. This construction, your Complainant is advised, is erroneous, and cannot, therefore, be sustained; and, unless the said Jennie F. Sledge shall give such security as will save your Complainant from suffering any loss or injury in respect to said property

Spiras 105
To 3 Bill &c.
Sledge's A. M. &
others -

1885 April Rules.

Parker, f.c.

To the Honorable George How, Judge
of the Circuit Court for Southampton County.
In Chancery.

Your Complainant, Lucy Ann
Spies, humbly complaining, sheweth
unto your honor, by way of amended bill,
That James A. Sledge, late of the said
County of Southampton, some time during
the year 1883, departed this life, seized
and possessed, in fee simple, of a large
real and personal estate, leaving a widow,
Dennis F. Sledge, and a sister, your Com-
plainant, him surviving. The said James
A. Sledge in his life-time, to wit: some time
during the year 1861, made and pub-
lished his last will and testament which,
shortly after his death, was duly admit-
ted to probate in the County Court for the
said County of Southampton; and, at the
September Term 1883 thereof, Fortunatus
Dennis qualified as his Executor by giving
bond, as required by law, with Wm. L. Briggs,
as surety; Copies of which said will
and bond are herewith filed, marked Exhib-
its "13" and "14", and prayed to be read as
parts of this bill. But the powers of the
said Fortunatus Dennis as such Executor
were, at the May Term 1884 of the County

Court for the said County of Southampton,
revoked; and at the same Term thereof,
Jennie F. Sledge, the widow of the said
James A. Sledge aforesaid, qualified as
Administratrix d. b. n. c. t. a. by giving
bond and surety as required by law;
Copies of which said order of revocation
and bond are herewith filed, marked Ex-
hibits "E." and "F.", and prayed to be read as
parts of this bill;

That soon after the
qualification of the said Fortunatus
Dunn as executor aforesaid, and before
the estate of his decedent had been fully
administered, he departed this life; and,
at a County Court held for the County of
Southampton at the October Term 1884,
whereof, James C. Selwell qualified as his
Administrator, d. b. n. That neither the
said Fortunatus Dunn in his life-time,
nor the said James C. Selwell since his
death, has rendered any account, in
their representative capacities, of the
estate of the said James A. Sledge.
Nor has the said Jennie F. Sledge ever
rendered any account of her transactions
as Administratrix d. b. n. c. t. a. It is be-
lieved that the said Fortunatus Dunn

died insolvent, but his surety, the said W. W. Briggs, is amply ^{able} to make good and safe any losses which may have been occasioned by the said Fortunatus Dunn in his ~~executorial~~ character.

The said James A. Sledge, in the first item of his will, after directing the payment by his executor of all his debts, for his widow, the said Jennie F. Sledge, makes the following provision, namely, "I leave to my wife, Jennie Sledge, during her natural life-time or widowhood, 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 lifetime." And in the third item thereof, he provides for his sister, your complainant, as follows: The remaining portion of my estate not disposed of hereinafter, I give and bequeath unto my sister, Lucy Ann Spores, to her and her heirs forever."

Since the death, however, of the said James A. Sledge, and before the powers ~~of~~ of the said Fortunatus Dunn, as his executor, had been revoked, and also, before the subsequent appointment and qualification of the said Jennie F. Sledge.

as Administrator, &c., the said Jennie F. Sledge, wantonly and in fraud of the rights and interests of your Complainant, possessed herself of a large quantity of property, amounting in the whole to the sum of \$1000.00, and for the safe keeping and proper use of which, so that, at her death, it might pass under the testator's will into the residuary fund and be enjoyed in remainder by your Complainant, she positively and emphatically refuses to give security, although often requested by your Complainant to do so.

Your Complainant charges that the property of which the said Jennie F. Sledge has thus possessed herself, is perishable, and is being rapidly elquired and disposed of to the great prejudice and injury of her interests; in consequence of which, she apprehends that, that unless security be required, the whole of the said property will soon be consumed in useless, wasteful and wanton use, and that, after the death of the life tenant nothing at all will be left, for the residuary legatee in remainder, thereby, willfully and fraudulently, defeating the manifest intentions of the testator.

It is contended by the said Jennie F. Sledge that, during her life-time or widowhood, she is, under all circumstances, absolutely and unqualifiedly, entitled to the use and enjoyment of the entire estate, both real and personal, of which the said James A. Sledge died seized and possessed, and that, moreover, she has the right, at her will and pleasure, to encumber it, or even to dispose of the same by a sale thereof.

This construction, your Complainant is advised, is erroneous, and cannot be sustained; and, unless the said Jennie F. Sledge shall ^{give} such security as will save your Complainant from suffering any loss or injury in respect to said property, she should not be allowed to control it any longer, but the Court should appoint some proper person to take possession of the same with directions as to its management.

In Tender consideration whereof, and forasmuch as your Complainant is remediless, save in a Court of equity where such matters are properly Cognizable, she, therefore, prays that the said Jennie F. Sledge, both in her own right and as Administratrix d. l. n. c. t. a. of James A. Sledge, dec'd, James C. Schell administra-

d. b. n. of Fortunatus Dunn, dec'd, and
W. W. Briggs, surety, of Fortunatus Dunn,
Ex'r of James A. Sledge, dec'd, may be made
parties defendants to this bill, and be re-
quired to answer the same on oath; That
the said Jennie F. Sledge, as adm'r d. b. n.
c. t. a. of James A. Sledge, dec'd, and James
C. Schell as adm'r d. b. n. of Fortunatus
Dunn, dec'd, be required to render before
one of the Commissioners of this Court,
an account of their transactions; That
the said Commissioners be directed to en-
quire into the Condition of the said Fortu-
natus Dunn's estate at the time of his
death and before the revocation of his ex-
ecutorial powers, and report to Court,
whether or not, the same was solvent;
That if it should appear that it was
insolvent, and in consequence of which,
on account of any default or miscon-
duct on the part of the said Fortunatus
Dunn in his executorial office, the estate
of the said James A. Sledge sustained
losses, that a decree be entered requir-
ing the said W. W. Briggs, as surety of
the said Fortunatus Dunn, to make good
such losses; That Jennie F. Sledge be
required to render an account of all

property received by her in her individual capacity, prior to her qualification as Adm^{or} d. b. n. c. t. a. of James A. Sledge, dec'd, belonging to the estate of the said James A. Sledge. And that she be also required to give security for the property of a perishable nature seized and claimed by her under the will of the said James A. Sledge, within a reasonable time, in order that no injury may be suffered or sustained by your Complainant, and upon her failure or refusal to give such security as shall be required by the Court, that she then be made to surrender and deliver the said property to some fit and proper person to be designated by the Court, whom the Court will instruct as to its management and control. And that your honor will grant such other, further, general and special relief in the premises as to equity may seem meet, and the nature of the case require.

And as in duty bound your Complainant will ever pray, &c.

May it please the Court, &c.

Wm. H. Parker. f.c.
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