

Suit Seeks To Bar Mrs. Abbott From Will Share

Contend Marriage To Late Editor Abbott Not Legal

CHICAGO—(ANP)—A petition contending that Mrs. Edna R. Abbott, widow of the late Robert Sengstacke Abbott, editor of the Chicago Defender, is a white woman was filed in Cook County Probate court Friday by Rebecca Sengstacke, through her attorney, Kirby H. Wells, white. Because Mrs. Abbott is white, her marriage in Indiana to the noted publisher was illegal under that state's laws and she therefore has no claim to any part of the estate, the petition sets forth.

Rebecca Sengstacke is understood to be the aunt of John Sengstacke, who until recently was president and general manager of the Chicago Defender. Mr. Sengstacke is also a nephew of the deceased publisher. But a few weeks ago a stockholder's meeting was held and Mrs. Abbott was elected president. Mr. Sengstacke was also deposed as general manager and as a member of the board of directors. He was named vice president and his salary reduced to \$45 weekly.

Notice of intent to file the petition was sent. Attorneys Earl B. Dickerson, Patrick B. Prescott and James B. Cushman who represent the Abbott estate. A hearing has been set for March 18 before Judge John F. O'Connell.

Miss Sengstacke says Mrs. Abbott cannot be the widow because she was never legally married to the late publisher. Their marriage at Crown Point, Indiana, on August 7, 1934, was void because Indiana law specifically prohibits intermarriage and Mrs. Abbott was a white woman and Mr. Abbott a Negro man, the petition states.

By forfeiting and renouncing the will of the deceased editor on February 10 and electing to take instead her legal share of his estate as provided by Illinois law,

she is now "entitled to no share in the estate because Illinois law makes no provision for a party so renouncing to take legal share of the estate unless such party is the lawful surviving wife or widow of the deceased," says the petition.

PETITION RIDICULED

For these reasons, it is asked that a court order be entered showing Robert S. Abbott left no surviving widow, that Mrs. Edna R. Abbott is not his widow and that the widow's award to her of \$5,000 "be disallowed, set aside and vacated."

However, the entire petition was ridiculed by Attorney Prescott who said:

"First, any allegation that Mrs.

Abbott is white is positively untrue. She most definitely is not.

"The question of the validity of the marriage would make absolutely no difference in the renunciation valid, the renunciation therefore would also not be valid and Mrs. Abbott would get the same bequest under the will as was specifically stated."

The attorney also said another petition had been filed by the opposition to reduce claims, among them the amount allowed Mr. Abbott's doctor who was white, the fee charged by Edward H. Morris, the deceased publisher's attorney, and the cost of his funeral.

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Suit Seeks

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neral which was \$1,000. This action was taken although previously in open court the amounts were discussed and agreed on, Mr Prescott declared.

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