

1879-03

Southampton County - Chancery

Bynum, Alexander Vs

Bynum, Josephine

Divorce

No 123
Alexander Pyman (colored)

vs

Josephine Pyman (colored)

Bill for Divorce

1879 September Rules

To the Hon George Blaw, -
Judge of the Circuit Court of Southampton County -

Humbly Complaining sheweth unto your Honor your
Orator Alexander (or Ellick) Byrnes (colored) of the
County of Southampton, and respectfully represents as follows:

That about the year 1866, your orator was joined in
the bonds of matrimony with one Josephine Cory, also colored,
by the Reverend Benjamin F. Woodard, a Minister of the
Gospel and duly authorized by Law to solemnize marriage;
^{a certified copy of which returns is herewith filed (marked A) as part of this Bill -}
That the said Josephine was all the time, during her
stay with your orator, a disobedient wife, and your
orator now believes that she was during said stay
unfaithful to your orator, though such was not his be-
lief till after the said Josephine had deserted and
abandoned your orator. In the month of July, in
the year eighteen hundred and seventy three, the said
Josephine, during the absence of your orator from their
home in said County, with the assistance of two carts
and of some person unknown to your orator, not only
went off herself from their said home, but also car-
ried off with her their two children (two little girls)
and all of the property (a small quantity of house-
hold furniture) of every kind whatsoever which your
orator owned, excepting his wearing apparel; since
which time your orator has never seen her.

So far as your orator's information goes, as to her
whereabouts the said Josephine is in the County of
Northampton, State of North Carolina; that is, your
orator hears, by common rumor, that she was
in said last named County, about a year ago, which
was the last time he had any tidings of her.

Your orator believes, because he has frequently so

heard since her said departure from his house, that the said Josephine has been residing in said last-named county ever since she abandoned or deserted your orator, and that she has been conducting herself there as a common prostitute.

Your orator expressly alleges and solemnly swears to your honor that he did, in all respects, do, and demean himself towards the said Josephine so long as she remained with him, as a kind, faithful and dutiful husband — That he is, and always has been, a sober and industrious man, and on the very day on which his said ~~so-called~~ wife deserted his home, he was toiling at his trade of a carpenter, honestly endeavoring to earn sufficient to contribute to the wants and comfort of his said so-called wife and children.

Your orator is advised that inasmuch as the said Josephine, of her own free will and accord, and without any fault or short coming on the part of your orator, deserted and abandoned your orator more than five years ago, since which time he has never cohabited with her or even seen her, ~~your~~ ^{he} orator is entitled to ask of your honor to grant a decree of divorce from the bond of marriage separating your orator forever from the said Josephine, and depriving her of all marital rights in and towards your orator.

Your orator therefore humbly prays, that ~~you~~ ^{your} honor, in consideration of the premises and inasmuch as your orator is without remedy save in a court of equity, as this honorable Court is, ~~that~~ the said Josephine Bynum may be made a party defendant to this bill and required to answer its allegations, specially by some proper person or guardian ad litem

that your honor will grant a decree forever divorcing your orator from the bond of marriage with the said Josephine, and forever debarring her from all marital rights in and towards your orator:

That your honor would grant such other and general relief, the premises considered as Equity may dictate and the nature of the case may require, ~~May it please the Court~~
And as in duty bound your orator will ever pray, &c.
May it please the Court &c.!!

J J Kinross
pg

Josephus Bynum is not a
resident of my County
W W Bynum Esq

Bynum

20.

20. Bynum Esq

Bynum

1879. Sept. Ruler

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon *Josephine Byars*, (who was formerly *Cary*.)

to appear at the Clerks Office of our *County* Court for Southampton County, at the Rules to be holden for the said Court on the first Monday, ⁱⁿ *September* next, to answer, a Bill in Chancery exhibited against her in our said Court by *Alexander Byars* (Color).

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of our said Court, at the Court House this *30th* day of *August* 187*7* in the *104th* year of the Commonwealth.

L. R. Edwards clk

Bynum
vs.
Bynum.
Exhibit A.

Marriage License



Virginia, Southamptow County to wit:

TO ANY PERSON LICENSED TO CELEBRATE MARRIAGES:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia, Alexander Bynum and Josephine Cary (persons of color)

Given under my hand, as Clerk of the County Court of Southamptow County this 8 day August 1867
L. R. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15th March 1861, and February 27th, 1866.

Time of Marriage, <u>8 Aug. 1867</u>	Condition of Wife, (widowed or single) <u>Single</u>
Place of Marriage, <u>Southamptow Co.</u>	Place of Husband's Birth, <u>Southamptow Co.</u>
Full Names of Parties Married, <u>Alexander Bynum & Josephine Cary</u>	Place of Wife's Birth, <u>Do.</u> "
Color, <u>(Persons of color)</u>	Place of Husband's Residence, <u>Do.</u> "
Age of Husband, <u>25 years</u>	Place of Wife's Residence, <u>Do.</u> "
Age of Wife, <u>19</u> "	Names of Husband's Parents, _____
Condition of Husband, (widowed or single) <u>single</u>	Names of Wife's Parents, <u>Catharen Cary</u>
Given under my hand this <u>8</u> day of <u>August</u> 18 <u>67</u>	Occupation of Husband, <u>Lawyer</u>
	<u>L. R. Edwards</u> Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 8th day of August 1867 at the Methodist Parsonage, Jerusalem, in Marriage the above-named and described parties, under authority of the annexed License.

A. Copy - Teste.

L. R. Edwards, Clerk Benj. F. Woodward

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

The Depositions of Allen Boone, Gideon Bynum, Willis Story & others Taken at the Office of the J. Kinross on the Town of Lismore, Southampton County, on Wednesday the 22nd day of October, between the hours of sun-rise and sunset -

to be read as evidence in a suit now pending in the Circuit Court of said County, in Chancery, in which Alexander (or Ellick) Bynum is plaintiff and Josephine Bynum is defendant -

to be read as evidence on behalf of the plaintiff -

An order of Publication having been duly made and published against the said defendant, ~~who~~ a non resident

taken before the Hon. St. Selwell, a Commissioner in Chancery for the Circuit Court of said County.

Present John J. Kinross Atty for Plaintiff

Allen Boone, having been first duly sworn deposes & says as follows.

Question, What is your age, where do you reside and do you know the parties to this suit?

Ans. I am 40 years old and have lived in this County all my life, I have known Alex Bynum from his infancy and have known Josephine ever since Alex married her.

Ques: How long did they live together as man & wife?

Ans: I can't say exactly, but at least three or four years, she left Alex about six years ago last August.

Ques: Why did Josephine leave or desert Alex?

Ans: She left him because she had taken up with another man, she said in my hearing that Elbert Branch another colored man had had to do with her, and Willis Storg was there and heard her say the same thing -

Ques: Where has she been ever since she left her husband

Ans: She has never been about here in this neighborhood, I have heard that she lives or has lived on Mr. Branch's land in North Carolina, ever since she went away -

Ques, Where has Alex lived since Josephine deserted or left him?

Ans. He has been living in this neighborhood on the same farm where he lives now, and where I also live, that is on Mr. Wm Ridley's farm ever since Josephine left him, except one year, when he lived in Mr. Henry Ferguson's farm which joins Mr. Ridley's

Question, How far is it from where you and Alex have been living ever since Josephine left Alex, to the place where you have

heard Josephine has been living during that time

Ans: About 18 or 20 miles to where I have heard she has been living. She has never been in our neighborhood, herself, since she left, nor have I ever known or heard of Alex's going to see her.

Question: What was Alex's treatment of Josephine during the time they lived together as man & wife?

Ans: He was kind to her as far as I ever saw or heard,

Question - Did they have any children while they were living together as man & wife & how many?

Ans: Only two - two girls -

Question - What has become of those children?

Ans: She carried them off with her, and I have never seen or heard of them since.

& further this Deponent saith not

his
Allent Boone
mark

Willis Story being first duly sworn, deposes and says as follows:

Question. How old are you and where do you reside, and do you know the parties to this suit?

Ans. I am 27 years old, and live on the farm of Mr. H. P. Pope which adjoins the farm upon which Alex now lives - and I know the parties to this suit very well. I have known Alex all my life and have known Josephine ever since she married Alex.

Question. State as well as you can remember when they were married?

Ans. I don't exactly remember, but it was some time before I was grown.

Question. What year did Josephine leave Alex?

Ans. About 6 years ago last August as near as I can count it up -

Ques. Where have you been living ever since they were married?

Ans. In the same place I am now living or within one mile of that place.

Question. Do you know why she left?

Ans. She left I suppose because she wanted to go off with another man. I heard her say that Elbert Branch had had something to do with her after she married.

Alex, This was just before she left

Question. Where has Josephine been since she left -

Ans. I don't know where she's been, I have never seen her since, nor has she been in our neighborhood or County since that I have ever seen or heard of. I have heard, I don't know whether it is so or not, that ^{she} has been living on Mr Branch's farm in North Carolina, about 18 or 20 miles from our neighborhood

Ques: Where has Alex lived since Josephine left?

Ans. He has been living at Mr. Wm. Ridleys all the time except one year when he lived at Mr. Ferguson's, which joins Mr. Ridleys

Ques: What was Alex's treatment of Josephine while they lived together.

Ans. He treated ^{her} always well & kindly so far as I ever saw or heard - I used to visit their house frequently, and I should have heard of it if he had treated her differently - I lived within one mile all the time of their house.

Ques: Has Alex ever visited Josephine or has she ever visited him since she left him?

Ans: No sir! she has never been in our neighborhood or in the County, that I've ever seen or heard of since she left, and I believe

they have not met since their separation - Alex has never been to North Carolina since that I've ever heard of.

Question: How many children did they have born while they lived together as ~~husband~~ & wife & what has become of them?

Ans. They had two girls - she carried them away with her when she left - I have never seen or heard of them since - & further this deponent saith not.

Willis^{hi} Story
mark

Gideon Bynum being first duly sworn
deposes & says as follows.

I am about 28 years old, and reside in this County where I have lived all my life. I have lived all my life at Mr. Wm Ridley's Mill Quarter where I was born. I know Alex Bynum he is my brother, and I have known Josephine ever since she married Alex. I have heard the depositions of Allen Boone and Willis Stony read, and agree with them in all they have said except about Josephine's telling them that she had let Elbert Branch have something to do with her. I was not there when she said that, it was common rumor and every body believed it, that she was too thick with Elbert Branch.

I further this Deponent saith not.

Gideon^{his} Bynum
marks

Geo. R. Ferguson being duly sworn deposes & says as follows.

I am nearly 21 years old, and live in this County, on my father's (Mr. Henry Ferguson's) farm, and have lived there for the last 18 years. I know Alex & Josephine Bynum. Alex has lived in my immediate neighborhood as far back as I can remember, and does now. His wife left him as ~~near~~ as I can remember about six or seven years ago. I have never seen or heard of her since. I don't think they

have ever met since she left. I have no idea at all of her whereabouts. I have known Alex: for many years. He once lived with my father - He has the reputation of being a kind hearted, industrious and good boy.

I further this deponent saith not
Isid R Ferguson,

The above depositions were taken before me J. N. Sebrall, a Court in Chancery for the Circuit Court of Southampton County - at the time & place mentioned in the Caption.

Given under my hand as Court aforesaid this 22nd day October 1879.

J. N. Sebrall
Court in Chancery

Fee for taking }
depositions }
\$5⁰⁰ Chg'd to Plff }

Brynion

or } afft

Brynion

In the Clerk's Office of Southampton District Court September
6th 1879

Alexander, or Ellick, Bynum

against

Josephine Bynum

Self

} In Chy
Deft

John F. Kindred made oath before me Clerk of the said Court, that
the Defendant Josephine Bynum, so far as he knows & believes is not a resident
of the State of Virginia. Given under my hand this day and year
above mentioned.

L.R. Edwards c.c

Bynum

v { Proff Pub.

Bynum

1877 Oct. 11th

Office of Norfolk Virginian,

Cor. Main and Commerce Streets.

I, M. GLENNAN, Publisher of the VIRGINIAN, a newspaper printed in the City of Norfolk, in the State of Virginia, do certify that the Order hereto annexed has been published once a week for four successive weeks, in the paper aforesaid.

Given under my hand this 10th day
of Oct^r A.D. 1879.

M. Glennan
Publ. S. S. Tottenham, Jr.

Cost of executing the said Order, paid by the above-named plaintiff, \$ 3.00

A COPIES HELD IN THE CLERK'S
Office for Circuit Court of Southampton County, on the first Monday in September, 1879.
Alex. W. or (Elmer) Bryan, Plaintiff.
Josephine Bryan, Defendant.
The object of this suit is to divorce the plaintiff from the bonds of matrimony with the defendant.
And after having been made and filed that the defendant is not a resident of the State of Virginia, the undersigned Clerk of this Court appears to the Clerk's Office of this Court within one week after due publication of this order, and it is necessary to protect her interest in this suit.
A copy—Teste
L. R. EDWARDS, C. C.
Jno. J. Edmunds, P. S.
sep-1879

Bynum
in } Dr Pub

Bynum

Copy posted at front door of House
1st day September Term 1879.

At rules held in the Clerk's Office for
Circuit Court of Southampton County
on the first Monday in September 1879.

Alexander or (Ellicks) Bynum, plaintiff
Against { In Chancery
Josephine Bynum, defendant.
The object of this suit is to divorce the
plaintiff from the bonds of marriage
with the defendant.

And affidavit having been made ^{and}
filed that the defendant is not a resid-
ent of the state of Virginia.
It is ordered that the defendant appear
at the Clerk's Office of this court within
one month after due publication of
this order and do what is necessary to
protect her interest in this suit.

A. Copy - Teste L. R. Edwards C. C.
J. J. Kindred p. q.

72)

L. R. Edwards, Clerk

Bynum to Bynum

Bynam
or
Bynam } Divorce

For the Clerk:

Please file with this Bill (and mark the Exhibit "A") a Certified Copy of the return made by Rev. B. F. Woodard, of the marriage of Alexander (or Edlick) Bynam to Josephine Cary, both colored -

The marriage was solemnized in '65 or '66 or '67 -
Appoint Guardian ad litem
to the said Josephine Bynam at Septem Rules -
Prepare order of publication for "The Norfolk Virginian", newspaper - to be published in the daily issue, once a week for four successive weeks

J J Kinard
14

Bynum
to J. Nat. Rules
J
Bynum

1879 Nov J. Decree for divorce

In Southampton Circuit Court

Alexander (or Ellie R) Bynum

Plaintiff

vs

Josephine Bynum

Defendant

} In Chancery

1879 Aug 30th Summons issued.

" Sep R

" Oct 11th

" Oct 24th

" Nov R

Case set for hearing &c

" " J. Decree for divorce

not found

returned

executed

Bill filed & prob. issued

Proof prob filed

Depositions filed

Pyman.
No 3 Dec 1879
Pyman

To be entered
Nov. Term 1879
Geo: Blow.

Bynum

17

Bynum,

This cause in which the Plaintiff appears to have proceeded against the Defendant who is out of this Commonwealth, in the mode prescribed by law against absent Defendants, and she still failing to appear and answer, came on to be heard on the bill, ^{Exhibits filed} examination of witnesses and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree, ^{Alexander on} that the marriage heretofore solemnized between Alex Bynum and Josephine Bynum be and the same is hereby dissolved, that the said Alexander Bynum be forever divorced from his wife the said Josephine Bynum, with leave to the said Alexander Bynum to marry again, and all right, title and interest of the said Josephine Bynum in or to the Estate of said Alexander Bynum shall henceforth cease and determine. And nothing further remaining to be done in this suit, it is ordered that the same be removed from the Docket but leave is reserved to the parties to make application to the Court for such further order as are authorized by law.