

1876-014 Chancery Causes: William H. Tynes vs Sally Tynes

Isle of Wight County

other surnames: Holloway,
Whitehead, Young

William H. Tynes

to
Sally Tynes

May Rules, 1843.

Bill O. filed - Summ. exp.
to de em nisi.

June Rules - Bill taken
for conf. & set for hearing

grounds for the dissolution of said marriage
& for a divorce a vinculo matrimonii.

In tender consideration whereof, & for as
much as your complainant is without
remedy at law & can only be relieved
by the aid of this Honorable Court of
Chancery where matters of this sort are
cognizable; to this end your complainant
prays that the said Sally Tyner may be
made a party defendant to this bill, and
be required to answer the same, & that
by the decree of this Honorable Court the
said marriage may be dissolved & your
complainant forever divorced from
the same & that such other & further
relief may be granted in the premises as
to the Court may seem meet. & your
complainant will ever pray &c

Hayden Jr

of the papers of said office incident to the war, the said license has been lost or mislaid so that your complainant is unable to obtain & produce before this Court a certified copy of the same. At the time of the celebration of said marriage, your complainant & the said Sally were both & are now residents of said County. That about seven months after said marriage, your complainant's said wife was delivered of a white child of which at the time of the said marriage without the knowledge of your complainant she was enceinte by some person other than your complainant. Soon after the birth of said child, your complainant's wife abandoned & deserted your complainant willfully and & voluntarily & has ever since willfully abandoned & deserted your complainant & still deserts & abandons your complainant, your complainant has not cohabited with his said wife since he had knowledge of the fact that she was enceinte as aforesaid. During the period of your complainant's desertion & abandonment by his said wife, she has had two white children, one of whom is now living. Your complainant is informed & so charges that said acts of abandonment & adultery on the part of his said wife are

To the Honorable George Blow Judge of The
Circuit Court of Law & Chancery for the County
of Isle of Wight in Chancery sitting;
Humbly complaining sheweth to the court
your complainant William H. Tynes of Moses
colored, that on the 15th day of January 1865 in
the County of Isle of Wight in the State of Virginia
a marriage was solemnized between your
complainant & Sally Holloway daughter of
Titus & Martha Holloway colored, by the
Rev. Joseph B. Whitehead a minister of the
Methodist Episcopal Church authorized by
law to celebrate the rites of marriage.

That said marriage was celebrated by the
said minister under a marriage license
issued by J. Junius Wilson a Justice of the
Peace for the County aforesaid, the clerks
office of said County being closed & there
being no clerks for the Court of the said
County resident therein in consequence of
the pendency of the Civil War then prevailing
the certificate of said J. B. Whitehead of said
marriage & of the Registration thereof, marked
A is herewith filed, & proposed to be taken as
a part of this bill. The aforesaid marriage
license was returned to the clerks office of
the County Court of the County aforesaid
according to law, but owing to the confusion

Exhibit.
A

Executed by delivering to the within
named Sally Sykes a true copy of the
within Summons April 8th 1849.

A. B. Edwards D.S.

Wm. H. Sykes

Sheweth To
all men. That

Sally Sykes

Do Mary Wicks, 1849

circled

Shageluck

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon *Sally Tynes (formerly Holloway)*
wife of William H. Tynes, colored

to appear at the Clerk's Office of the *Circuit* Court of Isle of Wight County, at Rules to be holden
 for the said Court, on the first Monday in *May* next to answer *The Bill*
in chancery of William H. Tynes

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *Circuit* Court, at the Courthouse,
 the *3^d* day of *April* 18 *73* in the *94th* year of the
 Commonwealth.

N. P. Young Clk

Trinity
In Chancery
Trinity

Notice to take Depositions

Executed by delivering
to the within named
Daddy Lyons a true
copy of the within
Injunction Sept. 10
1870.

A. B. Edwards Shff

Acts. 6th 1870. Came to
hand under seal of said.
Test J. D. Gandy clerk.

To Sallie Fyones wife of William H. Fyones
Take notice that I shall on the
30th day of September at the office of C. B.
Hayden, in the town of Smithfield, between
the hours of 6 A.M. and 7 P.M. of that day,
proceed to take the depositions of H. P.
Young and others, to be read as evidence
in my behalf in a certain suit in Equity,
depending in the Circuit Court for the Co-
unty of Isles of Wight, wherein you are a
defendant and I am a plaintiff; and if,
from any cause, the taking of the said dep-
ositions, be not commenced on that day or,
if commenced, be not concluded on that
day, the taking of the same shall be adjourn-
ed and continued from day to day, or
from time to time, at the same place and
between the same hours until the same
shall be completed.

William H. Fyones
per C. B. Hayden, his Atty.

two years of age.

And further this document is the work.

A. R. Whitehead

William H. Jones, Colored his deposition in the south and back
Question 1st What is your age, and are you acquainted with the plaintiff and defendant and their relations to each other? and are you acquainted with their names and are you acquainted with their names and are you acquainted with their names?

Ans I am 29 years old, I am acquainted with both the plaintiff and defendant, have known them all my life, being a couple of miles from them, and am first cousin of the plaintiff.

2nd State what you may know, of anything, of the marriage of the plaintiff and defendant, and of their relations to each other since their marriage? Ans I was present at their marriage on January 1865, I do not know what day of the month it was, they were married at the house of the defendant's mother by Mr Joseph B Whitehead, a minister of the Methodist Episcopal Church. They lived together as man and wife until the month of June 1865, she told me that she intended leaving her husband; that she had been with Lieutenant Ballard a Federal officer, the period martial and martial field and that he had divorced her from her husband, she had been away from her husband about one month, she then went back and had a child ^{born in July 1865} the child was a mulatto. She ^{and her husband} are full blooded colored persons. In September she left her husband again soon after the birth of her child and they have never lived together since. Since she left her husband she has had another mulatto child and I think two, but I am only positive as to one. And further this document is the work.

W. H. Jones

William H. Jones and
A. M. Jones.

The above named parties were taken before
me on the 1st day of September, 1873
pursuant to the process which to be read as evidence in behalf
of William H. Jones in a suit on a promissory note
and out of the County of Montgomery, Alabama, between
plaintiff and said his wife, defendant.

And returned being first duly sworn depose and say

Question 1st What is your age?

Ans. I am 23rd year old.

" 2nd

Are you acquainted with the plaintiff and defendant in this
cause and what was your opportunity of becoming acquainted
with them? Ans. I am acquainted with them. William H.
Jones for some time before his marriage was in the employment
of my mother, and after his marriage he lived on my mother's
land, where said defendant was also at the time of their marriage.

3 Are both of them very dark colored?

Ans. I have not seen them since their marriage, they
are both of them very dark colored.

4 What do you know of the marriage of the plaintiff &
defendant, and of their marital relations?
Ans. They were married early in 1865 and came to live on my mother's
land, she lived there about six months, when she went off with some
Federal soldiers, and stayed about a month when she came back and
about seven months from the date of her marriage she was deliv-
ered of a white child, and soon after the delivery of the child she left
her husband and has never lived with him since. Since she left
her husband she has had another white child which is now about

That the exhibit filed with said bill is a copy from the said Register but does not show the certificate in full, of the Minister because the law does not require his certificate in full to be spread upon the Register but only requires the name of the minister to be entered. That the original marriage license and certificate of marriage was not to be found and are supposed to have been lost in changing the records back to the country or have been mislaid. And further this department certifies not.

J. D. Young

The foregoing depositions were sworn to, taken and subscribed before me a Commissioner in Chancery of the Circuit Court of Sale of West County at the day and the place named in the caption and in pursuance of the adjournment.

Given under my hand as Commissioner of said Court this 4th day of October 1893

Chas. H. H. H. H. H.

Time employed 2 1/2 hours \$2⁵⁰

The taking of the depositions was adjourned to.
the 1st day of October, 1873.

Indictment Error.

The taking of the said depositions was resumed in accordance
with the above adjournment.

A P Young being duly sworn deponeeth as follows

Question 1 What is now and has been, for some years, your occupation
and what was it on the 13th day of January 1865?

Ans. I am, and was Clerk of the County Court of Dale of Wight
County, on that day.

2 State what you may know of the certified copy of the Registra-
tion of the marriage of the plaintiff and defendant in this cause
filed as an exhibit with the plaintiffs bill
and of the civil case of marriage of B B Whitehead assumed
therein? Ans. At the May term of the County Court of said
County in 1862, an order was made directing the records of
the County to be removed to a place of safety, and they were sub-
sequently removed to the County of Greenville at which place
defendant was temporarily residing and continued to reside
until the end of the war. The courts of the County were regularly
held, and at February Court 1865, J F Wilson who was a justice
of the peace of the County of Dale of Wight delivered to defendant
the marriage license of William H. Tyner and Sally Holloway
free colored persons, ^{which he had issued} with a certificate attached of Joseph B
Whitehead a minister of the gospel authorized to solemnize
marriages. That the said license and certificate were taken by
defendant to Greenville and there registered in the marriage register
of Dale of Wight, and the name of Joseph B Whitehead was entered
upon the Register as the minister who performed the marriage ceremony.

Tyres

"

Tyres -

Rough Heave

Oct Term 1876

To be entered -

Bill of material lost

Cost

G.P.

Entered.

Tynes

Tues -

This cause in which the
Bill is taken for confessed as to the Defendant
on whom process has been duly served
she still failing to appear plead
answer a demurr, came on this day
to be heard on the Complaints Bill,
exhibits filed Examination of witnesses
was argued by the Plaintiffs Counsel,
on consideration whereof the Court doth
adjudge order & decree that the mar-
riage heretofore had & solemnized
between the Plaintiff
and the Defendant-
formerly shall be and the same is hereby dissolved,
& that the said
be forever divorced from the said
; & the Court doth further
adjudge order & decree that the Defendant
do pay unto the Plaintiff his costs expended
in the prosecution of this suit