1829-013 Chancery Causes: Merit M. Tynes + al, by + c vs Robert F. Tynes + Robert Tynes' admr
Isle of Wight County

other surnames: Whitehead, Woodley

ane Melchisedeck, Dick, Charlotte, & the
then children to wit

and patience, Violet and Mary, which
he has no objection to surrendering upon
condition that a refunding Bond be given
conditioned as the law directs. He can't
say any thing in alleviation in the premises
but he denies all fraud & charges against
him

Exon &c
3 Sec ctg
Exon &c

June 2d 1820
Bill filed and order of Publication
October Tht. 1828 Subscribed
Answer
April 6th. 1829 report
Sold

April Judgment
1829

who took possession of the said slaves, & she died before Robert F Tyus did arrive to the age of twenty one years, that being the period at which she was to cease to hold the aforsaid slaves and to take another provision under the will, but she dying before that period the dower was never set apart as provided - Franklin C Tyus died sometime about the day of a domicile without issue, and as no division had taken place, under the will, his representatives are entitled to no part of the slaves aforsaid, and they belong to your orators Robert Mariah Tyus, Mercia Ann Tyus, Virginia Tyus, Wingfield Scott Tyus and your orator James Tyus who is the child of which his mother was pregnant at the time the testator made his will and is therein provided for, and to one Robert F Tyus the only child of the said Robert Tyus dec'd who your orators suppose, is of this state & upon whom they ask leave to proceed in the mode prescribed by Law against absent defendants. Your complainants understand and charge that since the death of the first representative of the estate of said Robert Tyus, the same has been by an order of the County Court of Isle of Wight committed for administration, to the hands of one Andrew Woodly late sheriff of the County of Isle of Wight, into whose the said slaves have come, & your orators further charge that it will not, in the payment of debts be necessary to sell any of the said slaves, & pray that the Court will decree a division thereof in kind, or if impracticable to direct a sale of the whole or such as may be necessary in order to make a just & equal distribution - In consequence of the omission of the administrator to give up the slaves for a division and the absence from the state of the said Robert F Tyus no division will be had except by the intervention of your worships - In tender consideration whereof do they pray that the said Robert F Tyus who is out of this state, and the aforsaid Andrew Woodly late sheriff of Isle of Wight & committee of the estate of Robert Tyus be made defendants to this Bill and that they be compelled to answer the same, as fully as if the same were here again repeated they more particularly interrogated. That your worships will make any decree in the premises for their relief which may seem just and proper, and as in duty bound they will pray &c.

Attorney p.s

To the County Court of Isle of Wight. The separate answer of Andrew Woodly late sheriff of Isle of Wight into whose hands was committed for administration the estate of Robert Tyus left unadministered by Martha Tyus his former representative at the death, to the Bill of complaint exhibited against him & Robert F Tyus by Mariah the F Tyus and others, infants suing by Joseph B. White - their next friend - This defendant saving & to answer says that the estate of Robt Tyus unadministered & Lo has been put into his hands. The slaves that are in his possession & which are subject to a division

To the County Court of Isle of Wight sitting
in Chancery. Humbly complaining, shew
unto your worships your orator and oratrix
Elmit M Tynes, Biloidna Tynes, Wingfield
Scott Tynes and James Tynes infants under
the age of twenty one years who sue by
Joseph B Whitehead their next friend; that
one Robert Tynes late of the County aforesaid
departed this life on or about the year 1877
having first made his last will & testament
~~in writing~~, which has been duly
admitted to record in the County Court of Isle
of Wight, a copy of which is hereto annexed
marked A and is prayed to be considered
a part of this bill - among other things the testa-
-tor devising to his wife, ~~during~~ ~~his life~~ the
following negro slaves to wit; Dick, Patina
Charlotte, Fizziah, Matilda, Ned, Melchize
[illegible] Jack and Violet until the testators son
[illegible] Tynes should arrive to the age of [illegible]
[illegible] at which time he devises that
wife should take one fourth of the said negroes
and their increase in valuation as he
knows of the said slaves & the balance of them
to be equally divided between his children
Robert F Tynes, Elmit M Tynes, Biloidna Tynes
, Franklin C Tynes and Wingfield S. Tynes &
the child with which his wife was then
pregnant, and he moreover provides by the
said will, that if one or more of the above
named children should die before such
division takes place, that the said slaves should
be divided equally among the surviving
children including the one of which his wife
was then pregnant, and he provided moreover
that after the death of his wife, the negroes
that she was to take as her dower should be
equally divided between all his living children
and the issue of such of them as should be
dead at that time excepting his son Henry Tynes
and his heirs - That the estate of the said
Robert Tynes was administered on by the widow

Tynes Vad: Wfreind

vs. Spec: in Chy

Tynes's Admor &c

Allinson Atty
for Pets

Execution on Judgt in Detinue

Execution on Judgment & Costs. Return
Tynes no estate to be found
Ramsay D.S.
for Fees Costs &c

The Commonwealth of Virginia to the Coroner of Isle of Wight County greeting: We command you that you summon Joseph Godwin Sheriff and Administrator of Benjamin F Tynes dec'd: Andrew Woodley late Sheriff & administrator of Robert Tynes dec'd: and Robert F. Tynes to appear before the Justices of our county court at the court house on the first Monday in May next to answer a bill in Chancery exhibited against them by Belvedeira, Merit, Wingfield Scott, and James Tynes infants by Joseph B White their next friend — and this they shall in no wise omit under the penalty of £100 each: And have then there this writ. Witness Nathaniel Young Clerk of our said Court at the courthouse the 23th day of April 1820 in the 52d Year of the Commonwealth

Nath'l Young

Ayer

Ayer — order

of publication

Suit Bill
Bill, ~~Suit~~, Wingfield Scott & James
Lynn infant suing by Joseph B Whitehead
their next friend ... complts.
against
~~Complaint Sheriff &c~~ ~~Deft~~ ~~Bill~~ L L Andrews
Woodley late Sheriff of Isle of Wight County
and admor of Robert Lynn dec'd and
Robert F Lynn ... Defendant

The defendant Robert F Lynn
not having entered his appearance accordg
to the acts of assembly & the rules of this Court
and it appearing to the satisfaction of the
Court that he is not an inhabitant of
this State, on the motion of the complts
by Counsel; it is ordered that the
said Robert F Lynn do appear here
on or before the first monday in
~~September~~ next, and answer the bill
of the complainant that a copy of
this order be forthwith inserted in some
newspaper published in the Borough of
Norfolk for ~~one month~~ two months successively & posted
at the front door of the Court
House of this County.

Туниз Дуеси
из Порт
Туниз

In Obedience to the annexed decree, finding it impossible to divide the Slaves named therein I proceeded on the 31st day of December 1858 after having advertised the time & place of Sale in the North Beacon and in various places in this County to sell to the highest bidder the Slaves named in the decree according to the directions thereof, at which sale Wm H Jordan became the purchaser of Sarah a child of Charlotte for eighty four dollars he also purchased Mary for $88 and Violette for $149. John R Jones purchased Patience for $30 John Urquhart purchased Dick for $105.00 Henry L Tynes purchased Melchisideck for $409.00 Josiah Underwood purchased Charlotte and two Children for the sum of $213.50 which several sums make the sum of one thousand & seventy eight dollars & fifty cents from which sum deduct the sum of $73.87 Cost of Suit & Commissions leaves the sum of $1004.63: four fifths of which I assigned to Jos B Whitehead Guar. to the four infant Complainants to wit Merritt M Tynes Belvidere

Tynes, Wm Gould S. Tynes, & James Tynes
the demands set forth & against the
the defendant Robert F. Tynes.

all of which is respectfully
Submitted

Febr 27th 1829

J. H. Whitehead Com.

N. B Each Claimants share was
two hundred dollars & ninety two cents

J. H. Whitehead

Febr 27. 1829

decree, that shall each of the infants by their Guardians and the defendant by himself execute bonds with security payable to the said Andrew Woodley admnor of Robert Tynes conditioned to refund a ratable proportions of any debts which may hereafter arise against the estate of the said Robert Tynes together with the costs attending the same, and make report thereof to the court in order to a final decree.

A Copy Teste Nath. Young Cl
" C. C. "

Atty fee $10:00
Clerks fee 3:97
$13:97
6.00 order of Pubn
19:97

Tynes &c &c Pf's Bill
vs
Decree
Tynes admor &c

A Copy

Isle of Wight County October Court 1878

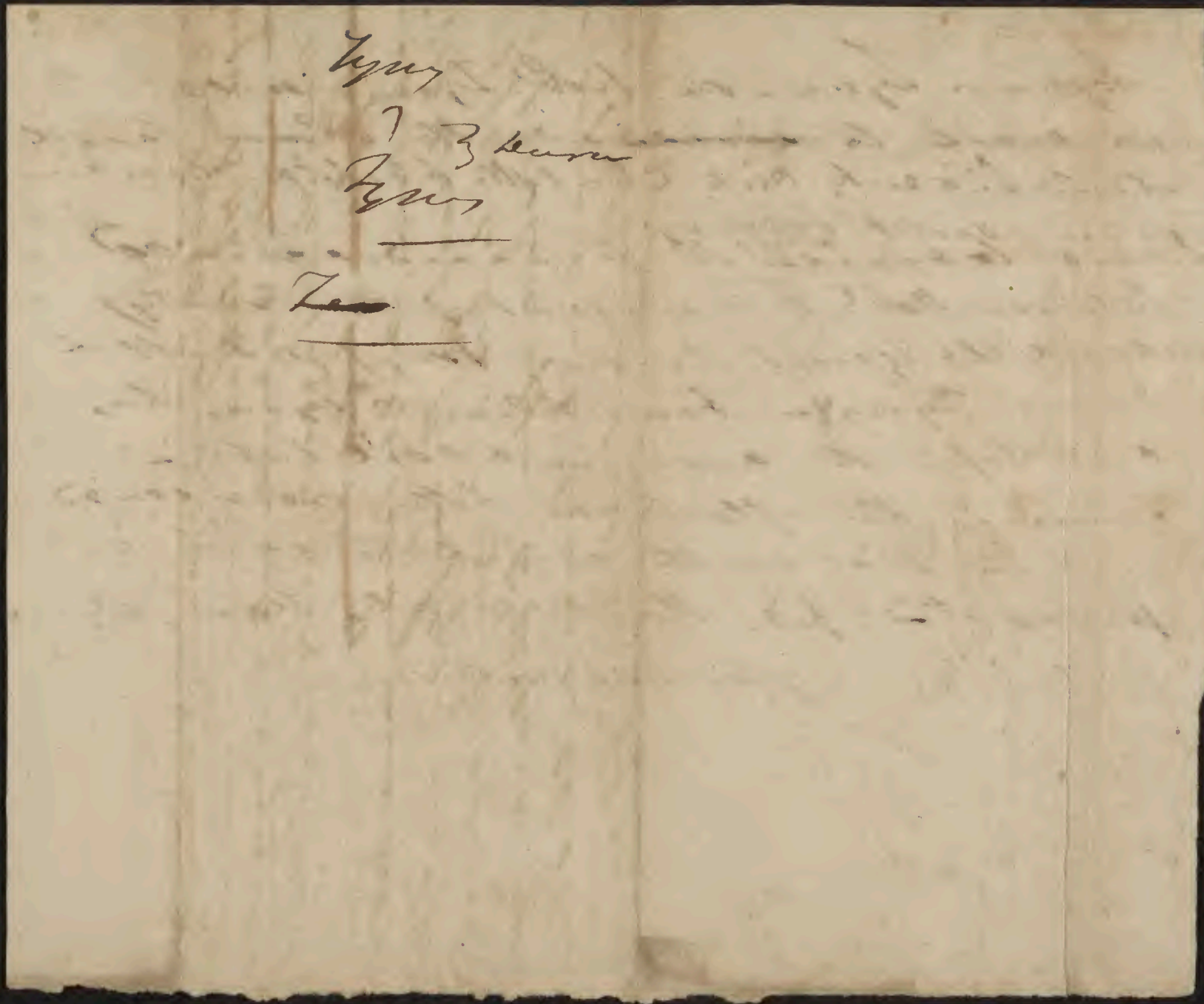
Merit M. Tynes, Belvidenia Tynes, Wingfield T. Tynes, and Laura Tynes infants who sue by Joseph B. Whitehead their next friend — complainants

against

Andrew Woodley late Sheriff of Isle of Wight and administrator of Robert & Robert H. Tynes deceased — Defendants

In Chancery

This cause in which the bill of the complainant hath been taken for confessed as to Robert H. Tynes against whom the plaintiffs seem to have proceeded in the mode prescribed by law against absent defendants, and who has failed to appear and file his answer, came on this day to be heard on the bill of the complainants the answer of the defendant Andrew Woodley administrator &c. of Robert Tynes deceased, exhibits filed and was argued by counsel. On consideration whereof the court doth adjudge, decree and order that Joseph B. Whitehead do divide into five equal shares the slaves Melchesidech, Dick, Charlotte and her three children and Patience, Violet and Mary, and allot one fifth to each of the complainants, and the other one fifth to Robert H. Tynes one of the defendants, but if it shall appear to the said commissioner that it is impracticable to divide the slaves aforesaid in kind without manifest injury to some of the parties concerned, then having advertised the time and place of sale for at least thirty days in such manner as to give publicity he do sell to the highest bidder for a credit of six months, except for so much as will be required to pay the expenses of this suit and of the sale, which will be for cash, the slaves aforesaid or such part as it may be necessary to sell in order to make division upon the aforesaid principles, and in the event of selling he is ordered to take of the purchasers bonds with good security in such way as to make him to comply with this decree, and pay over to the Guardians of the complainants one fifth each, and the other one fifth to the defendant Robert H. Tynes, if application be made by him, otherwise the said commissioner is directed to bring the bond to which the said Robert H. Tynes may be entitled into court to be filed subject to the future order of this court, and the court doth also adjudge order and decree that before the plaintiffs or the defendants Robert H. Tynes can have the benefit of this



Lyons - Lyons - vs Robt. Lyons's wid
et ceras to ~~sue~~ sell the slaves to sat
Malsbia and Dick, Charlotte & children to satisfy
petition, Violet delivery
and to decide the Decisions already
between Robt. F. Lyons (out of the County)
Demit de Lyons, Belvidera Brayfield Scott &
James Lyons - Franklin C Lyons has
dies before the decision & don't take -
Lyons is the after born & the one allowed
as to the that with which the writ is
[illegible] file the Bill at Rem &
Lyt ordered Publication

Mary M Tyus, Belvidera Tyus, Irving Field Scott
Tyus and James Tyus infants under the age of Corpl
B Whitehead their next friend — — Compts,

In Chy

Andrew Woodby late of Pk. & Robt Tyus dec'd & Robt F Tyus &c Defts

This cause is which the Bill of the complainants hath been taken for confessed as to Robt F Tyus against whom the Pltffs. have proceeded in the mode prescribed by law against absent defendants & Leroy has failed to appear & file his answer, came on this day to be heard on the Bill & the exhibits & the answer of the exrs. Andrew Woodby & Robt Tyus dec'd & exhibits filed & was argued by Counsel; On consideration whereof the Court doth adjudge, decree & order that

Corpl B. Whitehead

do divide into five equal shares the slaves Melchisedeck, Dick, Charlotte, the children Patience, Violet & Mary

and Patience, Violet Bellamy, and allot one fifth to each of the complainants & the other one fifth to Robt F Tyus one of the defendants; but if it shall appear to the said Com. that it is impracticable to divide the slaves aforesaid in kind without manifest injury to some of the parties concerned, then having advertised the time and place of sale for at least thirty days in such manner as to give publicity, do sell to the highest bidder for a credit of six months, except for so much as will be required to

pay the expences of this suit & of the sale, which is
to be for Cash, the Slaves aforesaid or such part as
it may be necessary to sell in order to make
division upon the aforesaid principles, &
in the event of selling he is ordered to take of
the purchasers bonds with good
security in such way as to enable him to
comply with this decree and pay over to the
Guardians of the complts one fifth each &
~~Lewis the Broadnax~~ the other one
fifth to the sepd Robt F Lyons, if application
be made by him, otherwise the said Com.r is
directed to keep the Bond to which the said
Robt F Lyons may be entitled into Court, to
be filed subject to the future order of this Court
and the Court doth also adjudge and decree
that before the plffs or the sepd Robt F.
Lyons can have the benefit of this decree
they shall each of the infants by their Gd.n &
the defendant by himself execute bonds with
security payable to the Rt Hon.ble Wm Wyndham
Lord Grenville conditioned to refund
their proportion of any debts which may
hereafter arise against the estate of the sd
Robt Lyons, together with the cost attending the
same, & make report thereof to the Ct. in due
& official Course —

Robert Fynes's

Will

A Copy for

W B Whitehead

exhibit A

See on the other
Plans named in
the Will? -

that the negroes as set apart as her dower shall be equally divided between all my living children, and the issue of such of them as may be dead at that time, except my son Henry and his heirs. —

I Give unto my daughter Nancy Tynes one negro boy Driver to her and her heirs forever —

I Give unto my Daughter Belvidera Tynes one bed and furniture, and all my right and title, in and to Bennett Jordans estate, to her and her heirs forever —

I Give unto my son Henry L. Tynes provided he arrives to the age of twenty one years the land and plantation I now live on, after the death of my wife, to him and his heirs forever: but provided he should die before arriving to that age, then its my will and desire that the first of my children that arrives to twenty one years of age shall have the said plantation to him and his heirs forever. —

I Give unto my son Wingfield L. Tynes the land I purchased from James Gwaltney and wife to him and his heirs forever, but if necessary I hereby give unto my said wife full power and authority to dispose of the said land or as much of the pine timber growing thereon as she may think fit, and out of the proceeds thereof first pay and satisfy my just debts after the perishable part of my estate may have been used in that way: and the balance of the sale of the said land or Timber to be applied to the interest of my said son Wingfield L. Tynes —

I Give unto my son Henry L. Tynes my half stock Gun and four volumes of Goldsmith to him and his heirs forever. —

my will and desire is that if all or any part of my negroes shall prove headstrong and ungovernable, my executrix is hereby authorized and required to dispose of all or any one or more of them for the best price she can, and apply the proceeds thereof in purchasing other negroes in lieu thereof or put the money on Interest for the benefit of my estate —

The balance of my estate not hereinbefore disposed of I wish to be sold and out of the proceeds thereof first pay all my just debts, and the balance if any to be equally divided among all my children —

I constitute and appoint my wife my whole and sole executrix to this my last will and Testament, but should it so happen that my wife should not qualify to this my said will, I wish it to be understood that the administration of my estate may not be granted to any person whatsoever who is in the least connected either to myself or to my wife either by blood or by marriage — In Witness whereof I have hereunto set my hand and seal this 30th day of November 1817 —

Robert Tynes (Seal)

Signed sealed and ackn.d
In presence of
Barth: Leightfoot
Richard Reynolds
Thomas Gray

At a Court held for Isle of Wight County the 2d day of March 1818
The foregoing will was presented in court and proved by the oath of Barth.e Lewis Leightfoot one of the witnesses thereto & continued for further proof —

A Copy Teste Nath.l Young Jr.

I Robert Tynes of the County of Isle of Wight and State of Virginia, being in a low state of health but of a sound mind and memory, do make and ordain this my last Will and Testament in manner and form following

Item: I give unto my wife, all my household and kitchen furniture (except my beds and furniture) to her and her heirs forever.

Item I lend unto my wife all my beds and furniture during her life and at her death its my will and desire that the said beds and furniture may be sold and the proceeds thereof equally divided among my children.

Item I give unto my wife one bay mare, all my stock of hogs, cattle six head of sheep, one cart and wheels, and all my farming utensils my present crop of corn and pork, to her heirs forever

Item I lend unto my wife during her life the reasonable use of the plantation I now live on, upon the following conditions. that she shall pay to my son Henry, when he arrives to the age of twenty one years or marries thirty dollars yearly after arriving to that age or marries, or deliver in his possession all the lands lying over the road at the bars extending towards Mr. Holland Godwins, it being left to her choice

Item I also lend unto my wife the following negroes, Dick, Patience, Charlotte, Keziah, Matilda, Ned, Melchizedeck, Jack, and violet to be kept together with all my children for the purpose of raising clothing and educating all my children until my son Robert F. Tynes arrives to the age of twenty one years at which time its my will and desire that my wife shall have one fourth of the said negroes and their increase in valuation as her dower of the said slaves, and the balance of them to be equally divided between my following children Robert F. Tynes Merritt M. Tynes, Belvedera Tynes, Franklin C. Tynes and Wingfield S. Tynes and the child my wife is at present pregnant with, and proved if one or more of my above named children should die before such division takes place that the said negroes shall be equally divided among the surviving children including the one my wife is at present pregnant with, after the death of my wife its my will and desire

Lynn

3 Mens

Lynn

Jan 1818 Sea
Fish Publication
to Sept 1818—

Belvidera, Merit, Mansfield
Scott & James Lyons ~~Joseph~~
infants suing by Joseph B Whitehead
their next friend vs Joseph
Goodwin Sheriff &c. of Bay &
F Lyons ~~——~~ Andrew Moody
Sheriff &c. of Robert Lyons &
Robert F. Lyons - Sp. in Eq.
To May Court

Demur to bill or decision of case
of B Whitehead Con.

Atalanta, Deck,
Patience, Violet, Mary
Charlotte & Children

375
150
40
150
100
815

Lyon

" Mr Rodier

Lyon

At Rules held in the Clerk's Office of the County Court of Isle-of-Wight, the 2d day of June, 1828:

Merit M. Tynes, Belvideria Tynes, Wingfield S. Tynes & James Tynes, infants, under the age of twenty-one years, sueing by Joseph B. Whitehead, their next friend, *Compl'nts.*

AGAINST

Andrew Woodley, late Sheriff of Isle-of-Wight County, and administrator of Robert Tynes, deceased, and Robert F. Tynes, *Def'ts*

IN CHANCERY.

THE Defendant Robert F. Tynes not having entered his appearance according to the act of Assembly and the rules of this Court, and it appearing to the satisfaction of the Court that he is not an inhabitant of this State: On the motion of the complainants by counsel—It is ordered, that the said Robert F. Tynes do appear here on or before the first Monday in October next, and answer the bill of the complainants, and that a copy of this order be forthwith inserted in some newspaper, published in the Borough of Norfolk, for two months successively, and posted at the front door of the Court-House of this County.

A Copy.—Teste,

NATH'L YOUNG, *C. C.*

July 3 Th2m

I Certify that the annexed Notice, in the Case in Chancery, of Tynes against Woodley & Tynes, has been inserted in the American Beacon published in Norfolk, for two Months successively, commencing on the 3rd July 1828

Thos. Hadden

Printer

Subscribed & Sworn to before me, an Alderman of the Borough, this 29th day of July 1828.

Geo. L. Turnbull.