

1916-014 Chancery Causes: Henry Tynes, Junior VS Annie Maud Tynes

232

Isle of Wight County

other SURNAMES: Briggs,
Ellis, Bracy

In Chancery.

Henry Tynes,

against,

Annie Marie Tynes.

1st. 2nd. March Rules, 1916.

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

3/1 1916

Filed

Teste, Johnson Clerk.

2nd. March Rules: 1916
Process returned executed.
Rule filed. Deeds nisi

3rd March Rules 1916
Defendants not appear.
Case set for
hearing

F. N. HUBBARD
ATTORNEY AT LAW

Newport News, Va.

respondent, Annie Maud Tynes, in Isle of Wight County, Virginia, where the respondent now lives.

In consideration whereof, and for as much as your complainant is remediless in the premises, save in a Court of Equity where matters of this kind are alone cognizable, your complainant prays that the said Annie Maud Tynes may be made a party respondent to this bill and required, but not under oath, to answer the same, the answer under oath being expressly waived; that proper process may be issued; that a divorce *A VINCULO MATRIMONII* may be decreed him from the said Annie Maud Tynes; and, that your Complainant may have all such further, other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet. And your Complainant will ever pray, etc.

Henry Tynes, Jr.

Complainant,

By Counsel.

J. N. Hubbard p. q.

Henry Tynes, Jr., Complainant,
against.) In Chancery.

Annie Maud Tynes, Respondent.

Bill of Complaint.

To the Honorable B. D. White, Judge of the Circuit Court for
Isle of Wight County, Virginia.

Your Complainant, Henry Tynes, Jr., respectfully represents:

1st. That your Complainant was lawfully married on the 27th.
day of August, 1903, to the Respondent, Annie Maud Tynes, (former-
ly Annie Maud Briggs) in Isle of Wight County, Virginia, as will
appear from a certified copy of the marriage license herewith
filed, marked "Exhibit A." and made a part of this bill;

2nd. That continuously from the date of said marriage until
the day and year, to-wit, the _____ day of June, 1907, your Complai-
nant and the said respondent lived together as husband and wife,
in the aforesaid County and State;

3rd. That the said Respondent has wilfully deserted and abandoned
your Complainant, her husband, for more than **THREE YEARS**, that is
to say: on the day and year to-wit, on the _____ day of June, 1907,
the said Annie Maud Tynes did voluntarily, wilfully and without
any just cause whatever leave her home and that of your Complai-
nants. That before leaving the said respondent stated to your
complainant that she was going to leave him and her home never
to return again, whereupon the said respondent did leave and des-
ert your complainant, and although your complainant protested
and admonished with his wife not to leave him and did, on several
occasions since, importune her to return and live with him, yet she
refused and still refuses to do so, and has not since the said
desertion returned to or lived with your complainant, her husband;

4th. That your Complainant has resided, and has been domiciled
in this State ever since the aforesaid marriage and for more than
ONE YEAR next preceeding the commencement of this suit, and is
domiciled, and now resides in this State, in Warwick County; and,

5th. That your Complainant last cohabited with the said re-

Tynes
n { Cy No 232
Tynes

Subpoena

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

9/6

1916

Teste, William H. H. H.
Clerk.

I executed the within summons this the 4th, day of March,
1916, in the County of Isle of Wight, by serving a true
copy of same on Annie Maud Tynes in person.

R. Guy Eason
Sheriff of Isle of Wight County

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you, in the name of the Commonwealth of Virginia, to summon Annie Maud Tynes to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the Third Monday in March, 1916, to answer Henry Tynes, Jr., a bill in chancery exhibited by him against her. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, on this 1st. day of March, 1916.

Teste,

A. S. Johnson Clerk.

F. N. Hubbard, p.q.

9th ,Q,Have they lived together as husband and wife since she left him?

Ans, No sir.

10th,Q,Where is Henry Tynes,now living?

Ans At present he is living at Newport News,Virginia,where he came soon after his wife left him andvhe has been living here at Newport News,ever since.

11th,Q,When did you leave Isle of Wight County,and come to Newport News to live?

Ans, I moved from Isle of Wight County,to Newport News,in June 1915.

12th,Q,Since you have been living at Newport News,do you ever see any thing of Henry Tynes?

Ans, Yes sir,we live some distance a part,but I see him quite often on the streets of the city and some times at church.

13th,Q,If they had lived togethher as husband and wife since she deserted him,you would have known it,would you not?

Ans, I am sure that I would.

14th,Q,Have you ever seen or heard of his wife being in Newport News, since she left him?

Ans, No sir,I have not.

15th,Q,Has Henry Tynes,ever lived any where but in the State of Virginia since you have known him?

Ans, No sir. And futher this deponent sayeth not.

Ada Bracy

State of Virginia,

to wit:

City of Newport News,

I,W T Moss, a Commissioner in Chancery,for the Cprporation Court,for the City of Newport News,do hereby certify that Maggie Ellis,and Ada Bracy,whose names are signed to the foregoing depositions,were duly ~~XXXX~~ taken,subscribed and sworn to before me,at the time and place,and for ~~the~~ the purpose in the caption hereto mentioned.

Given under my hand this 30th day of Sept.1916.

Fees,paid by plaintiff,

Commissioner in Chancery.

\$3.00,

Witnesses,waived attendance fee.

10th, Q, How long has Henry Tynes, been living in the State of Virginia, continuously since you have known him?

Ans, About fifteen years, I have never known him to live anywhere else.

11th, Q, Where do you now live, and did you ever live in Isle of Wight, County?

Ans, At present I am living in Newport News, I formerly lived in Isle of Wight County, left there six years ago last March.

12th, Q, Did Henry Tynes' wife leave him before you left Isle of Wight?

Ans, Yes sir. And further this deponent sayeth not.

By the Commissioner Maggie V. Ellis

The next witness, Ada Bracy, of lawful age being first duly sworn,

deposeth and sayeth as follows:

1st, Q, Please state your age, residence and occupation and whether or not that you know the parties to this suit?

Ans, I am 43 years old, and reside in Newport News, Virginia, occupation is washer-woman, and I do know the parties to this suit.

2nd, Q, How long have you been knowing Henry Tynes and Annie Maud Tynes,

Ans, I have been knowing them both about twelve or thirteen years.

3rd, Q, Were they living as husband and wife when you first got acquainted with them?

Ans, Yes sir.

4th, Q, Do you know whether or not that Annie Maud Tynes deserted her husband? Ans- Yes sir, I know that she left him, she was ~~XXXX~~ living next door to me at the time, and we were living in Isle of Wight County, Virginia.

5th, Q, Do you know of any just cause on the part of Henry Tynes, that would have made his wife desert him?

Ans, No sir I do not.

6th, Q, How long did you folks live in Isle of Wight, as next door neighbors

Ans, We live next door neighbors, nearly two years.

7th, Q, Was Henry Tynes, a hard working man, and good to his family?

Ans, Yes sir, I never want to see a better person.

8th, Q, To the best of your knowledge how long has it been since his wife left him?

Ans, I remember it, by the Jamestown Exposition, it was that year, 1907

Virginia: In the Circuit Court of Isle of Wight, County:

Henry Tynes,.....Plaintiff,

Vs, In Chancery.

Annie Maud Tynes, Defendant.

The depositions of Maggie Ellis and others taken before me,
W T Moss, a Commissioner in chancery for the Corporation Court, for the
City of Newport News, Virginia, pursuant to notice hereto annexed.

Present, F N Hubbard, Attorney for the plaintiff,

No attorney present for the defendant.

The witness Maggie Ellis of lawful age being first duly sworn, deposeth
and sayeth as follows:

1st ,Q, Do you know Henry Tynes and Annie Maud Tynes, the parties to this
suit? Ans, Yes sir.

2nd ,Q, How long have you been knowing them?

Ans, I have been knowing them about ten years.

3rd ,Q, Are they husband and wife, if so where were they married?

Ans, Yes sir they are husband and wife and they were married in Isle of
Wight County, Virginia.

4th ,Q, Do you know whether or not that Annie Maud Tynes, has deserted her
husband? and if so when did she desert him?

Ans, Yes sir I know that she deserted her husband, and it has been
between eight and nine years.

5th, Q, Where were they living when she deserted him?

Ans They were living on Mr Junius Thomas' prpoerty, in Isle of Wight.

6th ,Q, Do you know of any reason on Henry Tynes' part that caused her to
desert him?

Ans, No sir, I do not because I do not know of anything that made her
leave him.

7th ,Q, Was Henry a working man, and always providing for his family?

Ans, Yes sir, always has been ever since I have known him.

8th ,Q, Have they lived together since she left him?

Ans, No sir.

9th ,Q, Where are they now living?

Ans, Henry Tynes is living in Newport News, I do not know where his wife
is living.

Henry Syner
vs.) in Chancery.

Annin Mand Syner

Notice to take depositions

~~I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original of the said document as the same appears in the Court of the County of Isle of Wight.~~

By ~~_____~~ Sheriff,
D. S.

I executed the within ~~notice~~ ^{notice} this the 28 day of Sept. 1916 by delivering a true copy of the same to Annin Mand Syner in person in the County of Isle of Wight. at her residence

R. Augustus Edwards
Sheriff of Isle of Wight Co.

Filed 10/2/1916
Wm. Ashmun Clerk

To Annie Maud Tynes:

Take notice that I, Henry Tynes, shall, on the 30th. day of September, 1916, between the hours of 10: 0'clock A. M. and 2: 0'clock P. M., on that day, at Number 240 - 25th, Street, in the City of Newport News, Virginia, proceed to take the depositions of Maggie Ellis and others, before W. T. Moss, Esq., a Commissioner in Chancery, to be read in evidence in my behalf, in a certain suit in chancery depending in the Circuit Court of Isle of Wight County, wherein you are the respondent and I am the complainant, and if from any cause the taking of the depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same shall be adjourned 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 given under my hand the day and year first above written.

F. N. Hubbard, p.q.

Henry Tynes.
By Counsel.

HENRY TYNES,

against.) In Chancery.

ANNIE MAUD TYNES.

DECREE.

1916
Oct. 2.
Entered his
B.D.W.

COA 7, page 362

F. N. HUBBARD
ATTORNEY AT LAW

~~Newport News, Va.~~
Newport News, Va.

Virginia: In the Circuit Court for Isle of Wight County, this 2nd.
day of October, in the year 1916.

Henry Tynes, Complainant,
against.) In Chancery.
Annie Maud Tynes, Respondent.

Decree.

in which the defendant has been ^{in person} served with process,
This cause came on this day to be heard upon the complainant's
bill, and the "exhibit A," filed therewith, regularly filed and
matured and continued, and the depositions *after notice duly served in person on the defendant* ~~having been~~ taken before
a Commissioner in Chancery, and filed on behalf of the complainant,
and was argued by counsel.

On consideration whereof, and it appearing to the Court inde-
pendently of the admissions of either party in the pleadings or
otherwise, that the said parties were lawfully married on the 27th
day of August, 1903; that the said respondent, Annie Maud Tynes,
has wilfully deserted and abandoned her husband Henry Tynes, the
complainant, for a period of more than three (3) years, without
~~any justification whatever~~ *cause*; that the said complainant has resided
and has been domiciled in this State ever since the aforesaid
marriage, and for more than one year next preceeding the commence-
ment of this suit, and is now domiciled and residing in this State,
in the City of Newport News; that the said complainant has not co-
habited with the said respondent since the said desertion, to-wit,
in the year 1907; that the said complainant and the said respondent
last cohabited in the County of Isle of Wight, Virginia.

Therefore the Court doth adjudge, order and decree, that the
marriage heretofore had and solemnized between the complainant,
Henry Tynes, and the respondent, Annie Maud Tynes (formerly Annie
Maud Briggs), in Isle of Wight County, Virginia, ^{shall} be, and the same
is, hereby dissolved; and that the said Henry Tynes be forever
divorced from the said Annie Maud Tynes. And the object of this suit
having been accomplished, it is ordered that the same be stricken
from the docket of this court.

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Dynes

F. N. HUBBARD

ATTORNEY-AT-LAW

SENATE HOTEL

NEWPORT NEWS, VA., February 28th, 1916. ~~X91~~

To the Clerk of the Circuit Court for Isle of Wight County,
Virginia:

Henry Tynes, Jr., Complainant,

against

Annie Maud Tynes, Respondent .

Issue summons in Chancery to ^{Second}~~first~~ March rules, 1916.

F. N. Hubbard, p. q.

County (or City) _____

Husband,

and

} Marriage License

Wife.

Date of Issue _____

Marriage Register No. _____ Page _____

MARRIAGE LICENSE

Virginia Isle of Wight 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,

Henry Tynes, Jr.

and

Annie Maud Briggs

Given under my hand, as Clerk of Circuit Court Court of Isle of Wight County (or City) this 25th day of August 1903

N. F. Young

Clerk.

By A.S. Johnson, D.C.

MARRIAGE CERTIFICATE

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Isle of Wight

Date of Marriage August 27th, 1903 Place of Marriage Isle of Wight Co. Va.

FULL NAMES OF PARTIES

Henry Tynes, Jr.

and

Annie Maud Briggs

Age of Husband Thirty-seven years; Condition (single, widowed or divorced) Wid.

Age of wife Nineteen years; Condition (single, widowed or divorced) Single

Race (White or Colored) Col.

Husband's Place of Birth Isle of Wight Co. Va. Residence Isle of Wight Co. Va.

Wife's Place of Birth Isle of Wight Co. Va. Residence Isle of Wight Co. Va.

Names of { Husband Henry Tynes and Amelia Tynes

Parents { Wife Alfred Briggs and Josephine Briggs

Occupation of Husband Laborer

Given under my hand this 25th day of August 1903

N. F. Young

Clerk.

By A.S. Johnson, D.C.

Certificate of Time and Place of Marriage

I, Rev. J. Strange, a minister of the A.M.E. Church

Church, or religious order of that name, do certify that on the 27 day of August 1903

at Smithfield, Virginia, under authority of the above License, I united in Marriage the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of _____, State of Virginia.

Given under my hand, this _____ day of _____ 191____

Copy. J. F. Johnson, Clerk

(Person who performs ceremony sign here.)

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).