

FOUND IN THE ARCHIVES, no. 26 – November 2016

Fairfax Circuit Court Historic Records Center



Greetings! The Fairfax Circuit Court Historic Records Center is excited to continue bringing our monthly newsletter, *Found in the Archives*, to you.

This month's edition was written by one of our George Mason University interns, Amy, who has spent several months researching a turkey theft court case (just in time for the Thanksgiving holiday!) from 1887. We thank Amy for her hard work!

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The Commonwealth of Virginia vs. M. M. Carter was a court case begun around August 1887, concluded in October 1887, and stands as Fairfax County's leading example of fowl theft. This case includes many different elements, such as an unusual theft (18 turkeys!), and an unfortunate assault and battery on the man whose turkeys were stolen.

The order of the events cited in the case is not exactly clear, but judging by the dates penned on the back of the case documents, the story most likely began with M. M. Carter's theft of M. E. Thompson's turkeys. On August 27, 1887, Thompson traveled to the Fairfax Courthouse to make a complaint to Justice of the Peace Ben Simpson that Carter had stolen his turkeys. In the complaint, Simpson noted:

... Whereas M. E. Thompson of the said County hath this day made complaint... that on the 26 day of Augt. 1887 in the said County, that nine Turkeys[,] one-old hen turkey and eight young turkeys[,] one of the young turkeys some what of white colour of the goods and chattels of him the said M.E. Thompson were feloniously taken and carried away from him by one M. M. Carter...¹

How Carter was able to abscond with eighteen turkeys in a single day is a mystery, and his exact motive for wanting to steal so many turkeys is unknown. According to records held by the Fairfax Circuit Court, M. M. Carter was a man troubled by debt.² One might hypothesize that Carter stole the turkeys to store food for the winter, or possibly he wanted to sell them for cash or goods.

¹ B. Simpson in *Commonwealth of Virginia vs. M. M. Carter*, August 1887, Box 136, Folder 4, 1887 Term Papers, Fairfax Circuit Court Historic Records Center.

² For example, two months after the Fairfax Court heard Thompson's case against Carter, he was brought to court for an outstanding debt to the county. The value of the debt was \$15.56, a large sum of money in 1887-1888. Carter was able to resolve most of this debt by January 1888. See *Commonwealth of Virginia vs. M. M. Carter*, December 1887, Box 137, Folder 7, 1887 Term Papers, Fairfax Circuit Court Historic Records Center.

Unfortunately for Carter, M. E. Thompson not only knew that Carter was the turkey thief, but also where the stolen turkeys were hidden. As part of the complaint, Justice Simpson penned the following warrant:

... [With] just cause to suspect, and doth suspect, that the said turkeys are concealed in the hen house of the said M. M. Carter in the said County. These and therefore, to authorize and request you [the sheriff], in the name of the Commonwealth of Virginia with necessary aid, to enter in the day time the said hen house of the said M.M. Carter and [then] diligently search for the said goods, And if the same or any part thereof – befound upon search, that you bring the goods and also the body of the said M.M. Carter before me or some other Justice of the said County to be disposed of and dealt with according to law.³

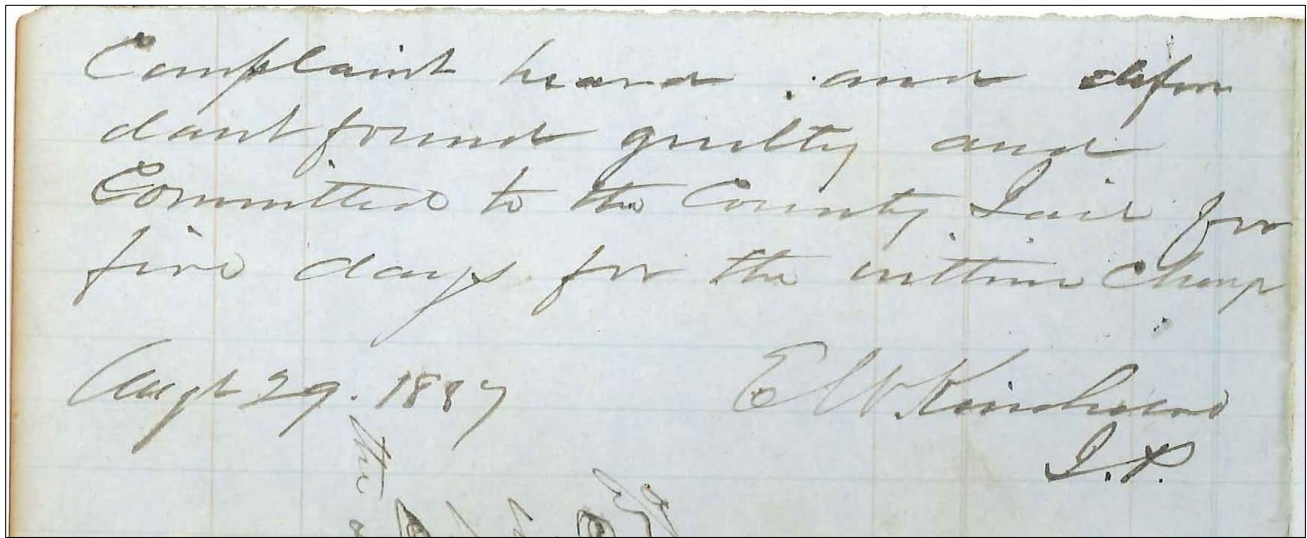
Sanford County to Wit
Whereas M. E. Thompson of the said County, hath this day made complaint under information on oath before me Ben. Simpson a Justice of the County that on the 26 day of Aug. 1887 in the said County, that nine turkeys and also hen turkey and eight young turkeys one of the young turkeys four what of white colour of the goods and chattels of him the said M. E. Thompson were feloniously taken and carried away from him by one M. M. Carter and that hath just cause to suspect, and doth suspect, that the said turkeys are concealed in the hen house of the said M. M. Carter in the said County, these are therefore, to authorize and require you, in the name of the Commonwealth of Virginia with necessary aid, to enter in the day time the said hen house of the said M. M. Carter and then diligently search for the said goods, and if the same or any part thereof befound upon search, that you bring the goods and also the body of the said M. M. Carter before me or some other Justice of the said County to be disposed of and dealt with according to law
Given under my hand and seal this 27th day of Aug. 1887

B. Simpson J.P.

Complaint, Commonwealth of Virginia vs. M. M. Carter, August 1887

³ See Commonwealth of Virginia vs. Carter, August 1887.

It appears that this warrant was carried out and the stolen goods located on Carter's property, because according to a notation made on the back of the warrant, the complaint was heard "and defendant found guilty and committed to county jail for five days for the within charge."



Complaint heard, and defendant found guilty and committed to the County Jail for five days for the within charge.
Sept 29. 1887 E. W. Thompson J.P.

It appears that Carter's stay in jail was not the end to this strange case, because in early September 1887, the Thompsons made another complaint to Justice Simpson, this time regarding an assault made by Carter on Mortimore Thompson, son of M. E. Thompson. Mortimore Thompson's age is not known, nor is the circumstances surrounding the confrontation. J. M. Love, the prosecutor for this trial, documented the following information about the alleged altercation:

...M.M. Carter on the [] day of September 1887 in the County of Fairfax, State of Virginia, in and upon one Mortimore Thompson an assault did make, and him the said Mortimore Thompson did there and [then] unlawfully beat, wound, and ill treat and other wrongs to him then and there to the great damage of him the said Mortimore Thompson and against the peace and dignity of the Commonwealth of Virginia.⁴

Carter had committed the assault and battery "upon the public highway" in front of nine witnesses, including two other Thompson family members – Oscar H. Thompson and Adalaide Thompson - who were called to court "to testify and the truth to speak on behalf of the Comlt. [Commonwealth]."⁵ Carter was found guilty of the assault, and therefore found himself in even more trouble with the law.

The Commonwealth of Virginia vs. M. M. Carter leaves us with many unanswered questions – how did Carter abscond with so many turkeys? How did he fit them inside a hen house? What led his confrontation with Mortimore Thompson? While the theft of so much poultry seems a bit ridiculous

⁴ Commonwealth of Virginia vs. M. M. Carter, September 1887, Box 136, Folder 4, 1887 Term Papers, Fairfax County Circuit Court Historic Records Center.

⁵ Ibid.

to us now, we must keep in mind that these turkeys were likely Thompson's livelihood and would have been a valuable asset. Carter's assault on Thompson's son just rubs salt in the wound.

What we do know is that 1887 was an interesting year for the court. In the same year Carter's case was heard, the court addressed a serial clothing thief, a female bootlegger who hid alcohol in her dress skirts, and a young child who burned down the barn of a man he did not like. All of these court cases, and more, are available at the Fairfax Circuit Court Historic Records Center.

For more information about the documents in this edition of *Found in the Archives* or about other court records, please email the Fairfax Circuit Court Historic Records Center at historicalrecords@fairfaxcounty.gov or call 703-246-4168.

The Fairfax Circuit Court Historic Records Center would like to thank Amy Glen for her research and writing of this edition of Found in the Archives.

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Fairfax County's 275th Anniversary Save the Date!



- Signature Celebration June 17, 2017 10am - 4pm on the grounds of the historic Fairfax Courthouse
- Family-friendly activities and entertainment
- History exhibits, living history, performances, and more

Visit www.Fairfax275.com for more information on this event and other anniversary events being held throughout the year!