

FOUND IN THE ARCHIVES, no. 19 – April 2016

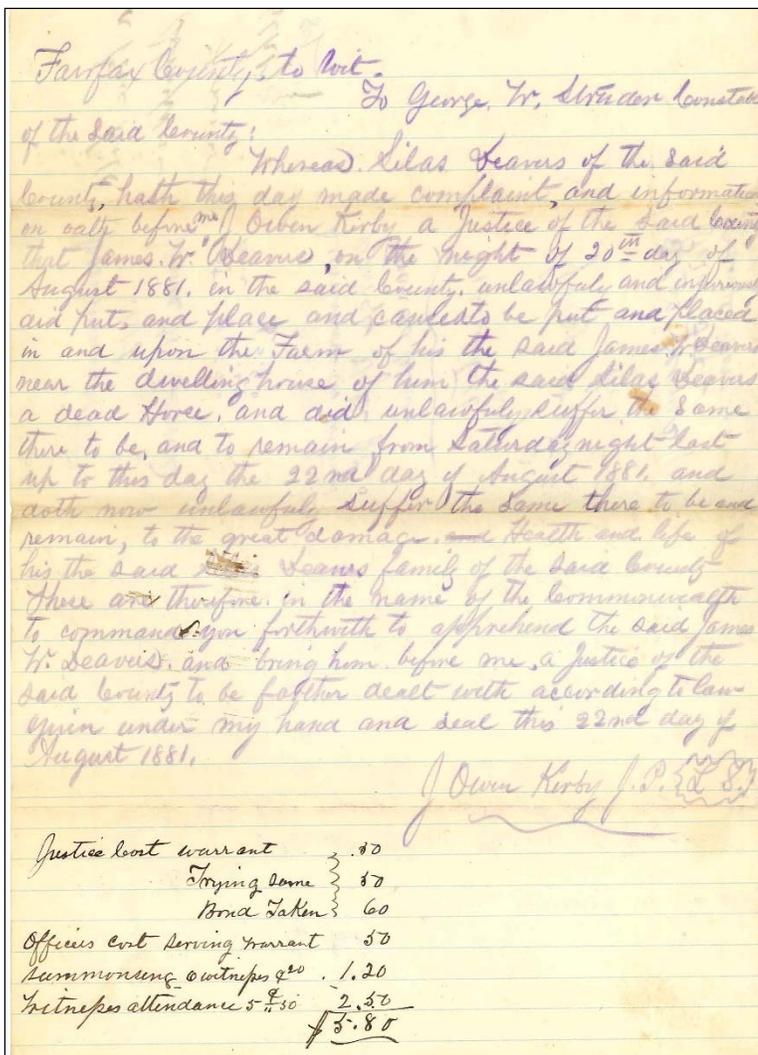
Fairfax Circuit Court Historic Records Center



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

This month, we will examine a record group not yet discussed in *Found in the Archives* – court cases. The HRC holds the records of thousands of cases dating from the early 1800s through the early 1940s. Court cases are particularly valuable historic resources, in that they usually include the bill of complaint, bonds, witness statements, and – most of the time – a ruling on the case. All of these elements help shed light on the court process.

The case we will examine dates from March 1882. Styled as *Commonwealth of Virginia vs. James W. Deavers*, this case involves a dispute between family members and a dead horse!



This is the bill of complaint:

“To George W. Struder, Constable

Whereas, Silas Deavers of the said county, hath this day made complaint, and information on oath before me, J. Owen Kirby, a Justice of the said County, that James W. Deavers, on the night of 20th day of August 1881, in the said County, unlawfully and injuriously did put, and place and cause to be put and placed in and upon the Farm of his the said James W. Deavers near the dwelling house of him the said Silas Deavers, a dead horse, and did unlawfully suffer the same there to be, and to remain from Saturday night last up to this day the 22nd day of August 1881, and doth now unlawfully suffer the same there to be and remain, to the great damage, health, and life of his the said Silas Deavers family, of the said county. These and therefore, in the name of the Commonwealth, to command you forthwith to apprehend the said James W. Deavers, and bring him before me, a Justice of the said county, to be further dealt with according to law...”

So, it appearing that James W. Deavers had left a dead horse near the house of Silas Deavers, causing Silas much distress, James W. was arrested a few days after the incident and brought to court. He was charged with a misdemeanor and posted bail for \$100, with the help of Thomas Ogden.

Recognition of Bail to appear before the ^{County} Corporation Court,
 to answer a charge of Misdemeanor
 Fairfax County, To-wit: Alexandria City

Be it remembered that on this 27th day of August 1881
James W. Deavers and Thomas Ogden of said
 County personally came before me, Owen Kirby a Justice of the said County, and severally
 and respectfully acknowledged themselves to be indebted to the Commonwealth of Virginia in the manner and form
 following, that is to say: The said James W. Deavers in the sum of 100
 dollars, and the said Thomas Ogden in the sum of 100 dollars to be
 respectively made and levied of their several goods and chattels, lands and tenements to the use of the Commonwealth
 of Virginia if the said James W. Deavers shall make default in the performance of
 the underwritten condition.

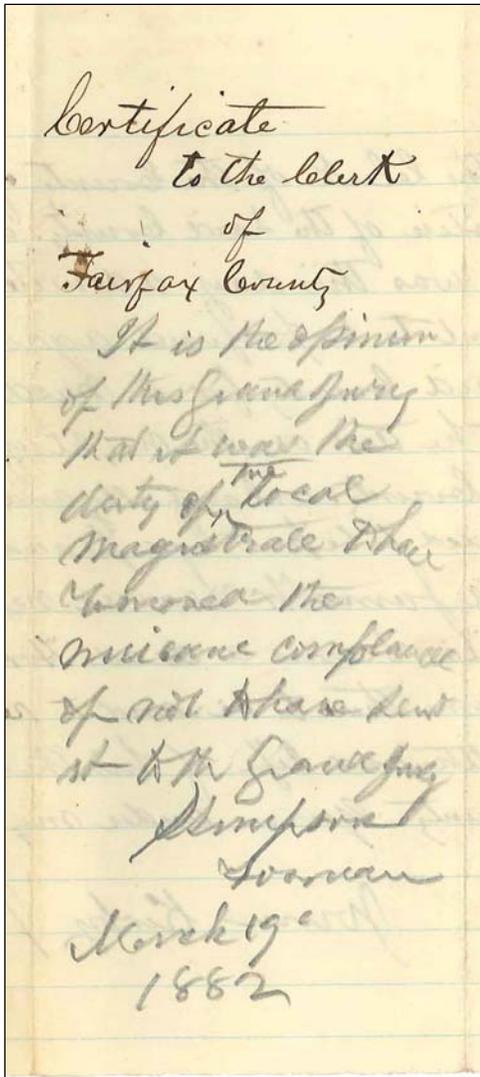
The condition of the above recognizance is such that if the above bound James W. Deavers
 do and shall personally appear before the ^{County} Corporation Court of Alexandria City on the first day of the next December
 term thereof, then and there to answer an information, presentment or indictment to be preferred against him the said
James W. Deavers for a Misdemeanor by him committed in this
 that he did on the 20th day of August 1881 in the said County
unlawfully and impudently did put and place, and
caused to be put and placed in and upon the Farm of his
the said James W. Deavers near the dwelling house of him the said
Silas Deavers a dead Horse, and did unlawfully suffer the same there to be
and to remain to the great damage, health and life of his the said Silas Deavers family of the said County
 whereof the said James W. Deavers stands charged and shall not thence depart without leave of
 said Court then the above recognizance shall be void and of no effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me the day and year first above written.
Owen Kirby J. P.

The next step in the court process was for Justice of the Peace, J. Owen Kirby, to inform the Clerk of Court, F. W. Richardson, of his preferred indictment of a misdemeanor for James W., for placing the dead horse (remember, this was August, a hot month in Virginia usually) near the dwelling of Silas Deavers. A grand jury would now review the complaint and make their determination of whether there was enough evidence to proceed with a trial.

Fairfax County, to-wit:
 To the Clerk of the County of the said
 County. I Owen Kirby a Justice of the said County, do hereby
 certify, that James W. Deavers was this day admitted to bail
 by me, to answer an indictment to be preferred against him
 in the County Court of the said County, for a Misdemeanor
 by him committed in this that he did on the night of the 20th
 day of August 1881, in said County, unlawfully and impudently
 did put and place, and caused to be put and placed in and
 upon the Farm of his the said James W. Deavers, near the dwell-
 ing house of him the said Silas Deavers a dead Horse, and
 did unlawfully suffer the same there to be, and to remain
 to the great damage, health and life of his the said Silas
Deavers family of the said County. Given under my this 27th
 day of August 1881.
Owen Kirby J. P.

The jury did review the bill of complaint and this was their opinion:



“Certificate to the clerk of Fairfax County

It is the opinion of this grand jury that it was the duty of the local magistrate [who received] the nuisance complaint, not [illegible] sent it to the grand jury.

S. Simpson, Foreman

March 19, 1882”

Based on the grand jury’s opinion, it appears that they felt it should have been dealt with at the town level, as it was a “nuisance complaint.” The grand jury indicated that the indictment was “not a true bill,” and the case did not proceed to trial.

The case of *Commonwealth of Virginia vs. James W. Deavers* is an interesting one for many reasons, the most obvious being – why dump a dead horse outside the home of your relative and leave him there? Unfortunately, we do not have more details about the circumstances of this incident.

It is also interesting to note that even though this case did not proceed to trial, a paper trail was still left!

For more information on documents in this edition of *Found in the Archives*, please email historicalrecords@fairfaxcounty.gov or call 703-246-4168.

SAVE THE DATE: April 30, 2016

The archivists at the Fairfax Historic Records Center are participating in Civil War Day 2016 at Historic Blenheim, hosted by The City of Fairfax Museum. Come see original Civil War and post-war court records inside the Civil War Interpretive Center! Hope to see you there!

SAVE THE DATE: CIVIL WAR DAY 2016:

Saturday, April 30, 2016

10 a.m. - 5 p.m.

Historic Blenheim Estate, 3610 Old Lee Highway, Fairfax, VA 22030

Phone: 703.591.0560

\$5 for ages 12 and older; \$3 3-12; free under 3. Free parking at Fairfax High School and free shuttle to site

