

FOUND IN THE ARCHIVES, no. 44 – June/July 2018
Fairfax Circuit Court Historic Records Center



Over the last century, the Fairfax Circuit Court’s Historic Records Center has become a repository for artifacts in addition to the Court’s paper records. Included in the Clerk’s custody is a small collection of artifacts that were submitted as evidence in court cases. In a modern trial, these are still called “physical evidence.” Some of these pieces of trial history demonstrate the changing technologies used by the Fairfax Clerk of Court. Also, we have a collection of fixtures and fittings that were once part of the Historic Courthouse

and its attendant buildings. In this month’s *Found in the Archives*, we examine some of the more compelling pieces of trial evidence stored in our vault.

Robert T. Jenkins vs. Cuthbert Land Development Company (1915)

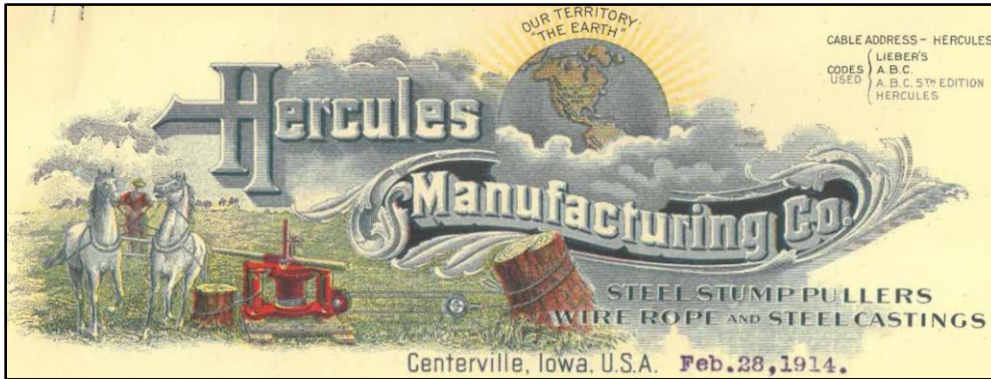


Part of Leg Bone sent to Clerk of Court as Evidence in Robert T. Jenkins vs. Cuthbert Land Development Co., September 29, 1915

This artifact is a three inch piece of leg bone mailed to F. W. Richardson, Clerk of Court, as evidence in the case of *Robert T. Jenkins vs. Cuthbert Land Development Company*, which was a workers’ comp case, of sorts. The greenish tinted areas, large pitted marks and surface loss are due to the extreme fracture and resulting necrosis of Jenkins’ upper right leg bone

in a job-related accident. Jenkins’ deposition describes the accident in detail. On December 12, 1914, Jenkins, “at the special instance and request” of his employer – Cuthbert Land Development Co. – was driving a horse-drawn tree stump puller, when the machine malfunctioned and part of it hit his right leg above the knee. The impact was so severe that his leg was “badly bruised, cut, lacerated and mangled and the bone thereof injured, broken, shattered and fractured, and the bone became diseased and his leg became and is now a running sore, discharging a foul and obnoxious pus...” Following this accident, a doctor removed this part of the bone to save Jenkins’ leg.

Jenkins charged that the stump puller's mechanisms were not well-maintained, which made the machine unsafe, and that his employer was negligent in not providing him with enough help in operating it.

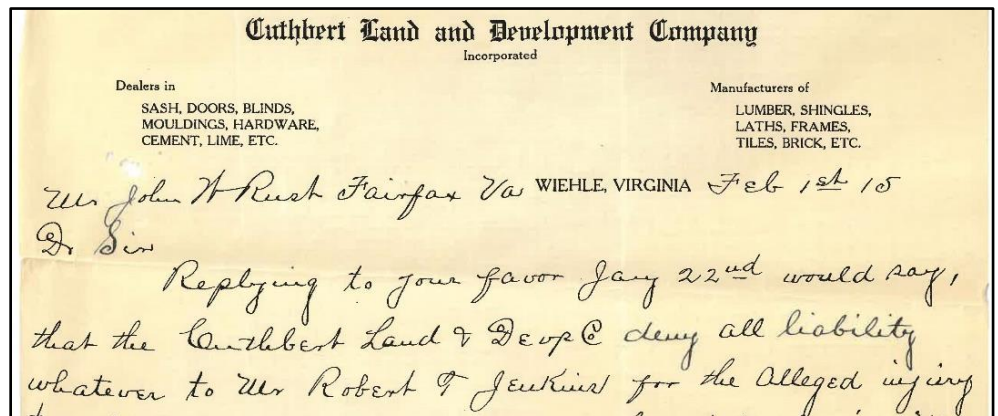


Hercules Manufacturing Company Letterhead, sent to the Cuthbert Land Development Company on February 28, 1914

The stump puller in question was manufactured and delivered by the Hercules Manufacturing Company. This letterhead shows how the machine was operated, and how the component parts fit together. The picture clearly shows a rounded pole being used as

the “sweeper,” which was the arm pulled by the horses which turned the winch, allowing the cable attached to the tree stump to be pulled in. According to Jenkins, the sweeper provided by his employer was square-edged and very sharp which is why it dug into his leg, causing irreparable damage. He believed that the sweeper should have been round-edged.

The Cuthbert Land Development Co. stated in a letter to attorney John Rust that Jenkins had two ways of operating the stump puller, and he “voluntarily chose the dangerous way, and in consequence thereof was injured, he was guilty of such contributory negligence.”



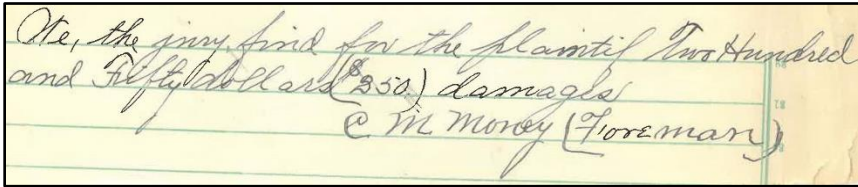
Cuthbert Land Development Co. Letter Denying all Liability, February 1, 1915

In the letter, the company president, E. D. Seamans, denied “all liability” for the “alleged injury” and stated that the stump puller was “new and in good order.”

The case came to Court in September 1915. For the Plaintiff's cause, the Court instructed the Jury to consider whether the Cuthbert Land Development Co. had exercised “ordinary care” in “providing safe and suitable appliances and instrumentalities for the work to be done, and in providing generally for the safety of the servant.” The Court also instructed the jury to

consider the mental and physical pain suffered by Jenkins, the extent of his injury, and whether the injury would affect his future earning potential.

For the defendant's cause, the court instructed the jury to acknowledge that the plaintiff assumed the risks of his duties when he accepted employment with the company, and that the company were not negligent purely because an accident had occurred. Jenkins had to prove the Cuthbert Land Development Company's negligence.

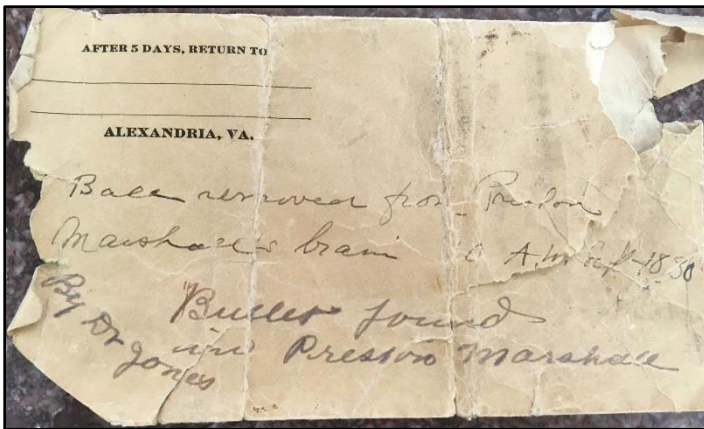


The jury find for the plaintiff Two Hundred and Fifty Dollars (\$250) damages
C. M. Money (Foreman)

Jury's Verdict in Jenkins vs. Cuthbert Land Development Co., delivered October 1, 1915

Robert T. Jenkins asked for \$6,000 compensation from the Cuthbert Land Development Company. The Jury awarded him just \$250 and costs.

Commonwealth of Virginia vs. Raymond Davis (1930)



Envelope used to house the bullet that killed Preston Marshall, September 10, 1930

On September 10, 1930, a fight broke out among members of the local African American community at Jones' Dance Hall in Baileys' Crossroads. Raymond Davis shot and killed Preston Marshall and wounded John Douglas. Marshall was only 24 years old, the son of Solomon and Bessie Pinkett Marshall. The envelope at left tells us that the autopsy on Marshall's body was performed on September 18, and that the presiding doctor, Dr. Jones, removed a bullet from his brain. Owing to

eyewitness accounts, Davis was arrested and held in Fairfax County Jail to await indictment and trial by the Commonwealth. According to our 1929 Court Order Book, Davis was indicted for murder on October 3, 1930, and the trial was set for November 18.

"We the Jury find the defendant guilty of Voluntary Man Slaughter and fix his punishment at four years confinement in the penitentiary.

Henry A. Hollins,
Foreman"

After two days hearing the evidence, the Jury found Davis guilty of a lesser charge of voluntary manslaughter,

Fairfax Court Order Book 1929, p. 346, November 19th, 1930

and he was sentenced to four years in the state penitentiary. However, attorney Mackey asked the Judge to set aside the verdict, as the Court had neglected to prove that the bullets and shell casings offered as evidence had been fired from Davis' pistol. Davis was released from jail on a bond of \$3,000 and given sixty days to apply to the Supreme Court of Appeals for a Writ of Error.



On March 16, 1931, Raymond Davis appeared at Court having failed to get his Writ of Error, and, "surrendering himself to the Sheriff," the sentence of four years' hard labor in the state penitentiary was imposed.

Shell Casings from the scene of the murder of Preston Marshall

Pearl Virginia Hudson vs. Edward Taylor Hudson (1943)

In November 1941, three items (pictured below) were submitted as evidence in a particularly fraught divorce case: *Pearl Virginia Hudson vs. Edward Taylor Hudson*. Pearl and Taylor had married in 1937.



Butcher's Knife, evidence submitted in Hudson vs. Hudson divorce case

Shortly after the birth of their daughter, Charlotte, in 1937, Pearl left Taylor for an extended period of time. There were many periods of separation – some long, some short. In both 1938 and 1940, Pearl began divorce proceedings, reuniting with her husband each time on the advice of her attorney.

Letters sent from Pearl to Taylor and his oldest daughter, Hilda, during these separations reveal that she was very conflicted. In a letter dated December 27, 1939, Pearl referred to an



Torn Dress, evidence submitted in Hudson vs. Hudson Divorce Case

earlier letter in which she had asked Taylor if he wanted her back in time for Christmas. He never replied, so her retort was “I am done with you and will prove it.” She further added that “What you want to do, it is going to a show down, soon.” Pearl closed her letter by saying that she felt “so mean” but also “very happy to [hear] about you and Family.” A letter sent in February 1940 carried similarly contradictory phrases.

In August 1941, Pearl and Taylor separated for good, and she signed an agreement awarding custody of Charlotte and an infant, Herbert, over to their father. By November, Pearl had had a change of heart, and began divorce proceedings in earnest, to regain custody of her children.



Broken Butter Mold, evidence submitted in Hudson vs. Hudson Divorce Case

In Taylor Hudson’s defense, his attorney alleged that Pearl had committed adultery, born children out of wedlock, and that she was an alcoholic. Violence was also alleged, which is where the three artifacts pictured come into play.

Nearly two hundred pages of witness depositions show that Pearl and Taylor’s marriage was very troubled. Taylor’s three oldest children (from his first marriage) were called to testify, and all stated that they had seen Pearl throw various objects at their father and break dishes, windows, and doors. All three also stated that Pearl had drawn a butcher knife on Taylor many times; the butcher knife was entered into evidence at the divorce trial.

The Commissioner of the Court showed Taylor’s 9 year-old son, Thaddeus, a broken butter mold and torn dress. Thaddeus testified that Pearl had smashed the butter mold on Taylor’s head, and torn her dress to make people believe that her husband was physically abusive.

A. She had a big long knife -- that long butcher knife.
Mrs. HUDSON: I've never seen that knife before, I don't think.
The Witness: That is the knife that she had by her plate all the while. She drew that on my father lots of times; and then she drawn a paring-knife on me once.
But she drew this knife on all the others -- Hilda, and Edward and Daddy. That is the reason she had this blood

Witness Deposition p. 106, Thaddeus Hudson (age 9), November 13, 1941

A. That is the dress that she tore off of herself and then told everybody Daddy tore it off.

Q. When was that?

A. One night.

Q. And what about that butter mold, there? It seems to be broken, doesn't it?

A. Yes. She busted it open on his head.

Q. Did you see this happen?

A. Yes; she picked it up and slung it at him.

In February, 1942, Pearl was granted a limited divorce, \$40 per month alimony, and temporary custody of her two children. The Commissioner of Court explained his decision thus: that “while the morals of the children may not be as well safeguarded... still the other consideration as to ... love and affection offset the advantage of the moral atmosphere [of a foster home].”

Witness Depositions p. 107, Thaddeus Hudson (age 9), November 13, 1941

This sentiment changed, because in May 1942, the Department of Public Welfare removed the children from Pearl’s custody and placed them in a foster home, declaring “neither the Complainant nor the Defendant is a fit or proper person to have the care and custody of the children.”

Pearl was granted a full divorce on June 21, 1943. The Court ruled that Taylor had deserted Pearl by not allowing her back in the house after her last absence. They released Taylor from the alimony agreement and instead awarded Pearl a small lump sum. The fate of her children is unknown.

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All of the artifacts held at the Historic Records Center are housed according to museum standards and are kept in a temperature-controlled, secure space.

For more information on these and other records held at the Fairfax Circuit Court Historic Records Center, please call 703-246-4168 or email CCRHistoricRecords@fairfaxcounty.gov.

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<https://www.fairfaxcounty.gov/circuit/historic-records-center>