

Jesse Fouks

The *Alexandria Gazette* stated, “There was perpetrated in this community, on the evening of the 3rd day of December, 1874, a deed which has no parallel in the annals of crime, no counterpart anywhere in the entire category of savage brutality.” The article continued by noting that the Herndons were victims of an ignorant, cowardly, passionate, brutal and malignant assassin. Could Jesse Fouks get a fair trial from a jury pool that was given a barrage of this style of writing?

It was just before dark on December 3, 1874, when Jeremiah Herndon returned to his home from Bristow Station. He lived with his wife Sinah and a young house servant named Addison Russell. Jesse Fouks, who also lived and worked for the Herndon family as a farm worker, came into the house and started complaining about a piece of meat that he said was his. Jeremiah picked up an ax and threatened to hit Fouks. The argument then became so intense that Mrs. Herndon pushed Jesse out the door. Jesse said, “It would not take me long to kill you old wretches.” Nothing other than suppositions are known about what happened from this point until the next morning.

It was just about sun up the next day when Summerfield Herndon came to work at his father’s farm, as he did every day. As he approached the house and entered the yard, he discovered bloody foot prints leading to the front door. The first thing he saw upon entering the house was his mother covered with blood and lying on the bed. He started screaming for his father; however, with no answer, he searched the house. It was during this search that he found the dead body of little Addison Russell. His father was not in the house but was discovered by one of the neighbors, John Alexander, about 400 yards away, barefooted, bleeding with head and face cuts. Herndon was confused and bewildered; he said he had been wandering all night and didn’t know who had done this to him. On returning to the house, however, he began telling the story of his quarrel with Jesse Fouks. It was at this time the suspicion of guilt changed from his son Summerfield to Fouks. The strained relationship between the parents and the son was in evidence during the deathbed interrogation. When asked where her son Summer was last night, she replied, “I do not know but if he was here you know he would not help us.” During this questioning, both Jeremiah and his wife were asked if they had been attacked by Fouks, and both said they didn’t know.

When the coroner’s inquest ended, Jesse was arrested and taken to jail. At this point the only evidence against him was that all three of the dead appeared to have been killed with an ax. Just before he died, Jeremiah was reported to have remembered that Jesse was the person who attacked him. There were gold coins missing from the house and bloody fingerprints on the money box. The assumption was the prints belonged to the accused.

The same information given at the coroner’s inquest was introduced to the grand jury and then at the trial. The Commonwealth’s Attorney George W. Larkin made a passionate plea for the death penalty. As expected by all, Fouks was found guilty and sentenced to be hung the 19th day of March 1875 between 10 A.M. and 2 P.M.

The defense attorney for Fouks was Brentsville born James E. Williams, a Confederate Army Captain, son of the former clerk of court and son-in-law of County Court Judge Aylett Nicol. After the guilty verdict and execution sentence, Williams was in the process of filing an appeal when Fouks confessed. His lawyer didn't live to witness the execution because on or about February 27 James Williams was found dead just outside Brentsville. His death and the strange circumstances surrounding it only added fuel to the many conspiracy believers. The death was officially listed as "death through intemperance and exposure."

Jesse was in jail, awaiting his sentence, when he made an escape from his cell to an adjacent passageway, where there was nothing to prevent the escape except an unlocked iron grated door. The jailor's wife saw him flee in the direction that his sister lived at the Orear property. The jailor and others gave chase and eventually found him hiding in a straw rick about five miles from Brentsville. On being re-captured, Fouks declared again that he didn't commit the crime but that he knew who did. He told the jailor and others that "a colored man by the name of Willis Tebbs" was the person who killed the Herndons and Addison Russell. According to records, a warrant was issued for Tebbs; however, before the warrant could be served, Fouks recanted his story and confessed that he committed the crimes.

According to published reports, there were upwards of 1000 people in Brentsville to witness the hanging. The county, still probably embarrassed by the Clarke-Fewell debacle, wanted to make sure nothing went wrong, especially with all the newspapermen present. They hired 16 colored guards and 17 white guards to be present at the hanging. The colored guards included: Jesse Mitchell, F. M. Stokes, Charles Coleman, William Lomax, Edmund Foster, Burk Mitchell, John Garnett, Oscar Powell, John Olyer, Joseph Stokes, Howson Pinn Jr., George Primm, Oliver Hinton, and John Butler. The white guards included: Benjamin Cole, John G. Taylor, Jackson Payne, John Keys Jr., Mathew Woodyard, John Y. Roseberry, George B. Jones, John T. Goodwin, Cyrus Warring, Robert Molair, John D. Davis, Wilbur Rogers, James Weeks, Newton Woodyard, George Woodyard and Wallace Hixson.

The following is a list of payments made by the county with regard to the Jesse Fouks' hanging. The cost of the hanging was \$67.63 cents. Of this amount, the hangman received \$5.00; the coffin cost \$4.00; building the scaffold, \$12.00; a shroud for Jesse, \$4.00; digging the grave and taking Fouks to grave, \$2.50; making clothing and rope for the hanging, \$6.13; plank to cover coffin, \$1.00; 16 colored guards at the hanging, \$16.00; and 17 white guards at the hanging, \$17.00.

Ronald Ray Turner