

RECORDATUR

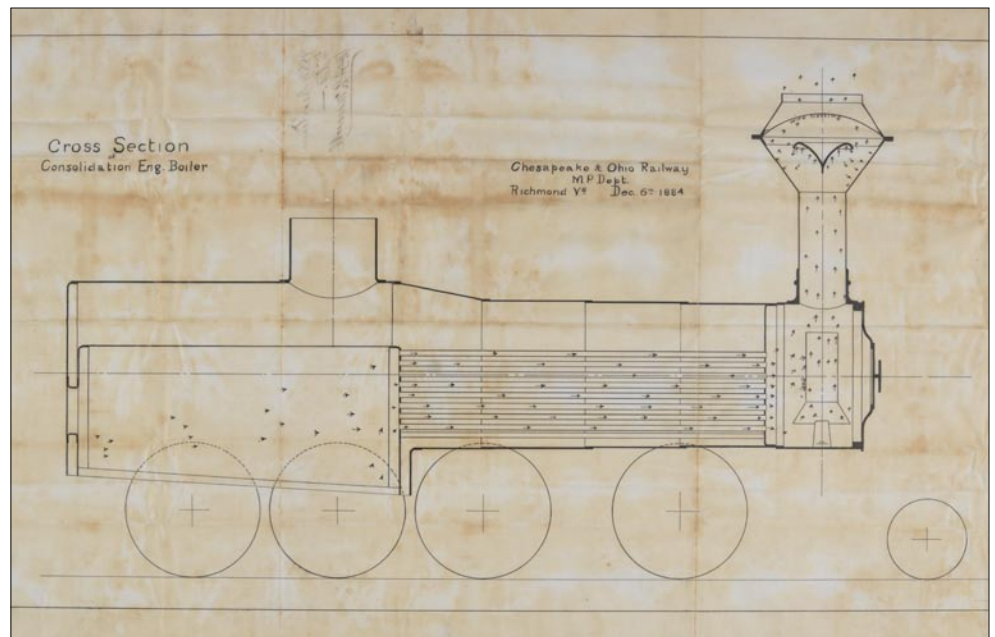
He Fought the Railroad and Won—Or Did He? James City County court records reveal a struggle between man and machine

While examining the James City County/Williamsburg court records recently, I came across a civil suit titled Gatewood versus the Chesapeake and Ohio Railway Company that contained two oversized exhibits. The first was a plat, which is not unusual since plats are commonly found in court records. The second, more unusual oversized exhibit was an illustration of the engine boiler of a steam locomotive, which included numerous tiny arrows showing the direction of air flow in the boiler. The exhibit piqued my curiosity, so I read the suit to determine its purpose.

The plaintiff, R. E. Gatewood, filed a civil suit against the Chesapeake and Ohio Railway Company in James City County Circuit Court on November 3, 1884. In his statement to the court, Gatewood blamed C&O Railway for a fire that caused extensive damage to his property on October 14, 1884. Gatewood claimed that a C&O steam locomotive passing through his property did not have a spark arrester or, if it did, that the spark arrester was not working properly. (A spark arrester was a wire netting designed to prevent sparks or other tiny flaming debris from escaping the locomotive's "balloon stack.") As a result of the "careless negligence" of the defendant, the plaintiff's property was set on fire by sparks emitted from the steam locomotive. Valuable timber including oak, chestnut, walnut, and pine worth \$370 was destroyed by the fire as were chestnut rail fences worth \$30.

Gatewood demanded \$400 in compensation for the severe injury done to him by the C&O Railway Company.

No rebuttal by C&O Railway Company to Gatewood's statements was found in the suit. However, the two oversized exhibits—the plat and the illustration of the engine boiler—were produced by C&O Railway Company perhaps to show that a) the fire damage was not as extensive as the plaintiff alleged and that b) all C&O steam locomotives were equipped with spark arrestors. The tiny arrows show how the mixture of cinders and ash flow through the locomotive, up the balloon stack, and into the spark arrester. It is interesting to note that the illustration shows some cinder and ash making it past the spark arrester. The C&O Railway Company may have intended to make the point that, while the spark arrester does a great job preventing most of the cinder and ash from escaping the balloon stack, it does not catch all of it. Consequently, the few escaping pieces of cinder and ash could start a fire such as the one on Gatewood's **see Railroad, page 3**



Drawing of a cross section of a consolidation engine boiler by the C&O Railway Co.

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RECORDATUR

“An entry made on record to prevent any alteration of Record”

This newsletter is published twice a year to keep circuit court clerks informed about the court records preservation program for the Commonwealth of Virginia. Reader participation is invited.



LOCAL RECORDS SERVICES

800 East Broad Street
Richmond, Virginia 23219
804-692-3605
804-692-2277 fax
www.lva.virginia.gov

Sandra Gioia Treadway
Librarian of Virginia

Conley L. Edwards III
State Archivist, State Records
Administrator and Director of the
Records Management Services Division

Carl M.C. Childs
Local Records Services Director

Glenn T. Smith
Grants Coordinator

Rachel Muse
Circuit Court Program Archivist

Michelle Washington
Administrative Assistant

Christine Sisis
Production

Grant Applications Due April 15, 2008
Contact Rachel Muse at
rachel.muse@lva.virginia.gov
or 804.786.6356 for information.

DIRECTOR'S CORNER

Let me begin by passing on my very best wishes to all of you for a healthy and successful 2008. As we face the uncertainties of the state budget talks, here's hoping that we all weather the storm in good shape with a minimal effect on our offices.

I want to take this opportunity to congratulate and welcome the 21 newly-elected clerks who took office on January 1. It was a pleasure meeting so many of you in December at the New Officers Training sessions that were held in Richmond. Chances are, the Library has provided a number of services to your offices in the past and we look forward to continuing to work with you to preserve your locality's records. If you have any questions at all about the Library and the services it provides for the courts, please feel free to call us.

The CCRP Grants Review Board met via conference call in November and reviewed 38 applications from 31 localities. The total amount awarded was \$471,389.48 (please see Glenn Smith's article for the

grant breakdown). Since the inception of the CCRP grant program, the review board has approved over 700 grants totaling more than \$11 million for records preservation. Obviously, we want to encourage everyone to participate in the program. Towards that end, I'd like to remind everyone that the spring deadline for applications is fast approaching on April 15, 2008, so please let us know if you need help with a grant proposal. Call Glenn Smith or Rachel Muse for assistance in discussing and developing your grant.

I also want to send out a special thanks to Larry Palmer of Lynchburg, Linda Timmons of Orange County, and Rex Davis of Newport News for serving so ably on the Grants Review Board.

As always, please let us know if you have any questions or concerns.

—Carl Childs
Local Records Services Director
804.692.3739
carl.childs@lva.virginia.gov

Circuit Court Program Awards Grants for Records-Preservation Projects

The Grants Review Board for the Circuit Court Records Preservation Program met on November 14, 2007, at the Library of Virginia. Following the evaluation of 38 grant applications, the Board decided to fund each one. Awards were made to 31 clerks' offices for a total of \$471,389.48. The project awards range from \$1,195 to \$101,396, with five offices awarded two projects and one office awarded three. Through these grants 23 offices will conserve historical volumes and papers, ten will reformat records, two will install camera security systems, two will procure records storage equipment, and one will undertake a records-processing project. A complete list of awards can be found within this newsletter. The next deadline for grant applications is April 15, 2008. Clerks are encouraged to begin preparing now for similar projects.

For those unfamiliar with this program, the General Assembly enacted legislation in 1990 that increased the cost of recording land

transactions. One dollar of this increase was earmarked for the preservation of circuit court records. With an increase in the allotment in 2001, the legislation, as amended, now reads: *One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by the Library of Virginia in cooperation with the circuit court clerks.*

That cooperation comes in part from the circuit court clerks who sit on the Grants Review Board, providing their expertise on court records. The clerks serving during the 2007–2008 term are Larry Palmer, City of Lynchburg; Rex Davis, City of Newport News; and Linda Timmons, Orange County. The Board is completed by State Archivist Conley Edwards and Local Records Services director Carl Childs.

—Glenn Smith
Grants Coordinator

RECORDS MANAGEMENT IN YOUR ORGANIZATION ARE YOU DOING ENOUGH?

On December 12, 2007, during the week of New Officer Training, some of you may have been introduced to Amy Judd, a records analyst from the Library of Virginia. During her brief session, she discussed records management and the LVA's Records Analysis Section. For those of you who did not get the opportunity to hear about the services that Records Analysis provides and how a sound records management program can benefit you, please read on.

Over the last several years, records management (or the lack of it) has become front-page news. Enron, Arthur Anderson, and Morgan Stanley are examples of organizations that suffered when proper records management procedures were not followed. What are the elements of a sound records management plan? Your records management program should have the following components:

- Records Inventories/Surveys
- Retention & Disposition Schedules
- Active Files Management
- Inactive Files Management
- Identifying/Protecting Vital Records
- Disaster Preparedness/Recovery Planning
- Archives Management

When these elements are in place, and you practice good records management in your organization, your program:

- Ensures that files needed for legal, fiscal, or administrative purposes are not prematurely destroyed yet are not kept after their value diminishes
- Identifies records with longer retention that can be moved to more economical storage space or to another repository for permanent storage
- Assists with making reformatting decisions, i.e., converting records to microfilm or scanning them for use on a computer
- Identifies vital or essential records
- Identifies records that are privacy protected
- Reduces time spent searching for individual documents
- Reduces space and equipment requirements and costs including electronic storage space
- Ensures the preservation of records with archival, historical, and research value

Finally, it's important to determine the responsibilities of your organization's records officer, which include:

- Developing and implementing office-wide policies, systems, standards, and procedures that are in compliance with the *Code of Virginia* and LVA standards, guidelines, etc.
- Ensuring compliance
- Providing assistance to other offices responsible for RM functions
- In conjunction with your LVA records analyst, preparing draft retention and disposition schedules for unscheduled

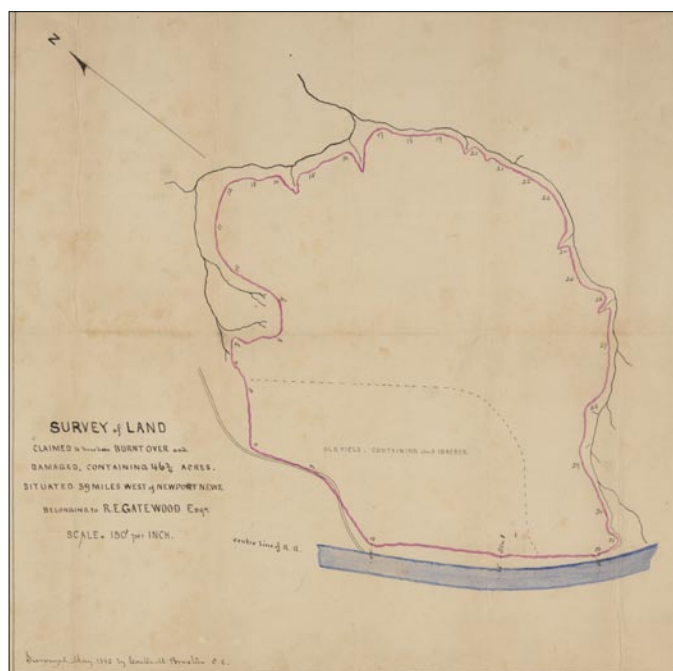
- or revised series and submitting them to the LVA for approval
- Authorizing the transfer and destruction of records

Also, it is important to remember that the records officer for your organization must have a signed RM-25 form on file at the Library of Virginia. The interactive RM-25 can be found online at www.lva.virginia.gov/whatwedo/records/forms/rm25ia.pdf.

If you're interested in learning more about records management, the Records Analysis Section of the Library of Virginia provides records management training throughout the year, both here at the LVA and at off-site locations. Contact the Records Analysis Section through our Web page, <http://www.lva.virginia.gov/whatwedo/records/contacts/contacts.htm>, or by phone at 804.692.3600.

Railroad . . . property. However, the cause of such a fire would be accidental and not "careless negligence" on the part of C&O Railway Company.

Although the jury sided with the plaintiff in its verdict in June 1885, Gatewood must have come away from the trial extremely



The C&O Railway Company's "survey of land claimed to have been burnt over and damaged" by R. E. Gatewood.

disappointed. The jury assessed the damages done to his property by C&O Railway Company at \$32.55. Apparently, the two exhibits produced by C&O Railway Company did influence the jury's decision. Was C&O Railway Company responsible for the fire? Yes. But was the fire due to "careless negligence" on the part of the railroad company and the damage caused by the fire as extensive as Gatewood claimed? No. The only consolation for Gatewood was that he received just enough money to buy new chestnut rail fences.

—Gregory Crawford
Local Records Coordinator

**The Circuit Court Records Preservation Program has awarded
788 grants from February 1992 through January 2008 totaling \$12,575,582.86**

The project types and the number awarded are:

Item Conservation	238	\$1,576,172.65
Preservation	46	339,965.48
Processing	137	2,272,081.77
Reader/Printer	69	828,502.75
Reformatting	192	6,744,426.53
Security System	106	814,433.68

**Virginia Circuit Court Records Preservation Grant Program
Awards for 2008-A Cycle**

Locality	Project Type	Awarded
Charlotte County	Security System - Camera	\$25,693.00
Culpeper County	Security System - Camera	13,986.00
Amelia County	Processing - Marriages	5,000.00
Nelson County	Reformatting - Film to Paper	1,195.00
Campbell County	Reformatting - Paper to Digital	101,396.00
Mecklenburg County	Reformatting - Paper to Digital	53,235.50
Wythe County	Reformatting - Paper to Digital	19,799.53
Floyd County	Reformatting - Plats to Digital	11,995.00
Nelson County	Reformatting - Plats to Digital	2,992.50
Patrick County	Reformatting - Plats to Digital	17,095.95
Warren County	Reformatting - Plats to Digital	4,900.00
Waynesboro, City of	Reformatting - Plats to Digital	7,500.00
Westmoreland County	Reformatting - Plats to Digital	9,808.00
Halifax County	Preservation - Storage	4,833.00
Suffolk, City of	Preservation - Storage	9,230.00
Amelia County	Item Conservation - Book	4,200.00
Amherst County	Item Conservation - Book	5,695.00
Augusta County	Item Conservation - Book	4,514.00
Bedford County	Item Conservation - Book	4,829.00
Buckingham County	Item Conservation - Book	4,222.00
Chesapeake, City of	Item Conservation - Book	3,238.00
Culpeper County	Item Conservation - Book	4,502.00
Cumberland County	Item Conservation - Book	3,447.00
Fluvanna County	Item Conservation - Book	3,408.00
Franklin County	Item Conservation - Book	4,718.00
Gloucester County	Item Conservation - Book	55,168.00
Halifax County	Item Conservation - Book	11,036.00
Highland County	Item Conservation - Book	4,332.00
Loudoun County	Item Conservation - Book	9,745.00
Mecklenburg County	Item Conservation - Book	4,983.00
Nelson County	Item Conservation - Book	14,000.00
Nottoway County	Item Conservation - Book	4,920.00
Pittsylvania County	Item Conservation - Book	14,380.00
Russell County	Item Conservation - Book	4,847.00
Suffolk, City of	Item Conservation - Book	2,866.00
Tazewell County	Item Conservation - Book	4,988.00
Virginia Beach, City of	Item Conservation - Book	4,986.00
Sussex County	Item Conservation - Paper	3,706.00

Total: \$471,389.48