

## FOUND IN THE ARCHIVES, no. 22 – July 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, we are pleased to announce the return of “lost” court records to our office! It was an unexpected but thrilling surprise and we are pleased to tell you about the documents that have been reacquired by the Historic Records Center.

In May, Suzanne Levy from the Historical Society of Fairfax contacted our office, indicating that she had received an envelope in the mail from the Center for Lowell History at the University of Massachusetts, Lowell. Inside this envelope was a small collection of documents that seemed to originate from Fairfax County.

The documents were accompanied by correspondence from the Special Collections Manager at the Center for Lowell History. The archivist indicated that she had discovered the papers while cleaning out an office at their repository. Noticing that “Fairfax County” was written on the documents, and seeing no direct ties to Lowell, she sought to repatriate them to the correct state and county of origin.

Included with the modern correspondence was a letter from 1990, gifting the documents to the Center for Lowell History. In this letter, the donor indicated that she had found this collection of documents in her father’s childhood home in Lowell, but that they had originally belonged to her grandmother, who lived in Rutland, Vermont. Presumably, the grandmother had been born just after the Civil War to a former Union soldier, who had taken these documents from the Fairfax County clerk’s office during the Civil War. The woman hoped that by donating the collection to UMass Lowell, the records would be useful to someone.

Well, it took over 25 years, but the documents have made their way “back home,” thanks to Suzanne Levy’s keen eye and her experience with Fairfax County history. Suzanne recognized the documents were court records immediately, and quickly arranged to bring the documents to our office. We were so excited to discover what was in the envelope!<sup>1</sup>

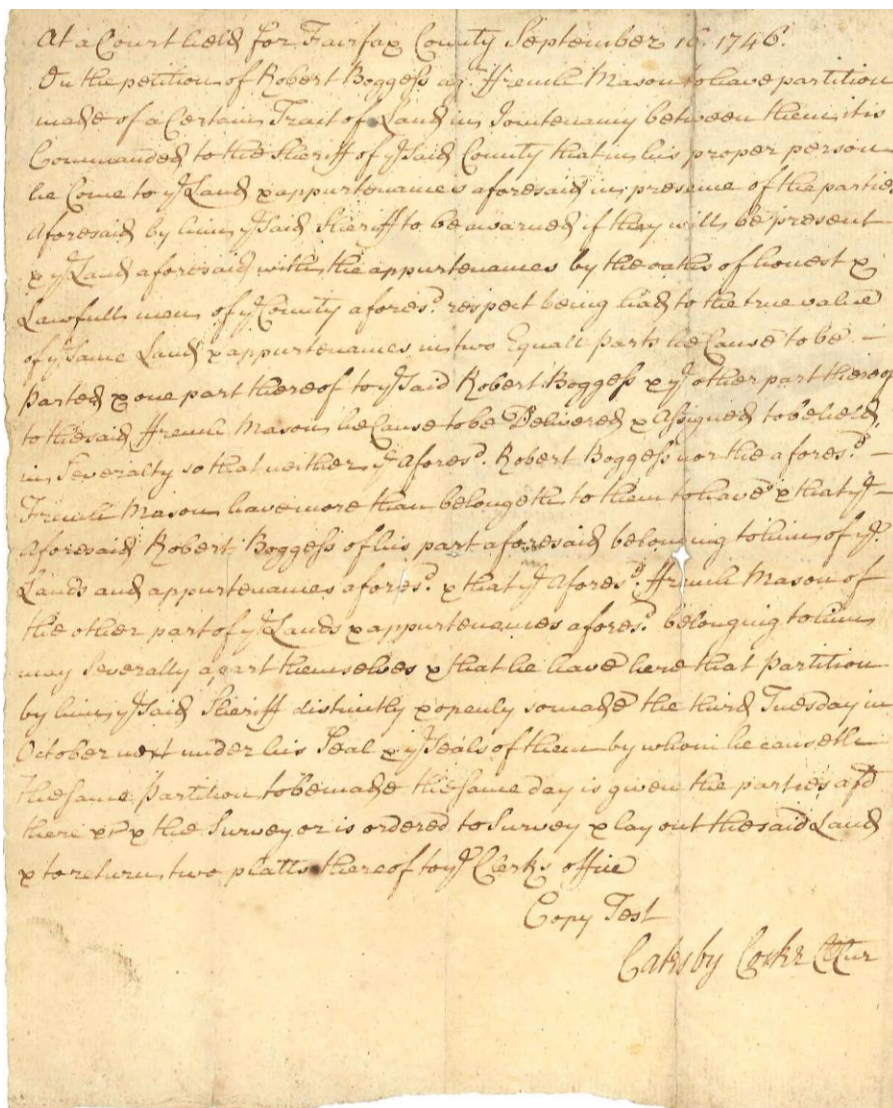
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<sup>1</sup> On behalf of Clerk of Court John Frey, the Historic Records Center staff personally thanked Suzanne Levy for delivering the documents to us, and we also sent a letter of gratitude to the archivist at the Center for Lowell History for sending the documents to the Historical Society of Fairfax.

**So, what was in the envelope?** There are about 27 loose papers, dating from the years 1744 to 1750. They concern all manner of court business – chancery and debt cases, estate administrations, a petition to build a mill, an order for a survey, and even the resignation of the county constable. Some of the documents are torn, but considering these documents are between 260 and 270 years old, they are in fantastic condition.

Besides their contents, the most exciting aspect of these documents is the date range they cover. Many predate our earliest surviving court order book, which starts in 1749. The county would have kept order books from 1742 until 1748, but they are gone from our collection. These records help us shed light on some of the court actions that took place prior to the earliest book we have.

One of the documents dates from September 1746 and is in the handwriting of Catesby Cocke, the county's first Clerk of Court. We were so excited to find this document, as we have only a handful of records in Cocke's own handwriting, with his signature. The document is an order of survey in Robert Boggess versus French Mason.



At a Court hold for Fairfax County September 10. 1746.  
In the petition of Robert Boggess against French Mason to have partition  
made of a certain Tract of Land in Controversy between the said  
Commanded to the Sheriff of said County that in his proper person  
he come to the said Land & appurtenances aforesaid in presence of the parties  
aforesaid by him, said Sheriff to be awarded if they will, be present  
& of Land aforesaid with the appurtenances by the oath of honest &  
Lawfull men of said County aforesaid report being made to the true value  
of said Land & appurtenances into two Equall parts he cause to be  
parted & one part thereof to said Robert Boggess & the other part thereof  
to the said French Mason he cause to be Delivered & assigned to be held  
in Fee simple so that with in aforesaid Robert Boggess & the said  
French Mason have more than belonged to them to have & that of  
aforesaid Robert Boggess of his part aforesaid belonging to him of  
Land and appurtenances aforesaid & that of aforesaid French Mason of  
the other part of Land & appurtenances aforesaid belonging to him  
may severally apart themselves & that he have had that partition  
by him, said Sheriff distinctly & openly somad the kind Tuesday in  
October next under his Seal & seals of them by whom he caused  
the said partition to be made the same day is given the parties afo  
there & the Surveyor is ordered to survey & lay out the said Land  
& to return two plat thereof to my Clerk's office  
Copy Test  
Catesby Cocke

Another interesting document from 1750 contains the original signatures of William Ramsay, Charles Broadwater, and John Minor, commissioners. It is a notice to John Mercer in Stafford County to appear before them as a witness in the chancery suit filed against him by Gerrard Alexander. It is remarkable to have all of the signatures of such important Fairfax County residents on one page. As you can tell at the bottom of the document, it has suffered some damage.

W<sup>m</sup> Fairfax County March 5<sup>th</sup> 1749/50  
This is to give you note that there is a Commission  
directed to us the subscribers to examine witnesses in  
the suit in Chancery ~~W<sup>m</sup>~~ by Gerrard Alexander Gent late  
Sheriff of the County of ~~Stafford~~ and others and now depending in  
the aforesaid County Court against you and we do hereby  
appoint to meet at <sup>Francis Porters</sup> ~~John Porters~~ <sup>in</sup> Alexandria  
the ~~22<sup>d</sup>~~ Twentysecond day of this Instant Given under our  
hands this date above writte  
W<sup>m</sup> Ramsay  
Char: Broadwater  
John Minor  
To John Mercer Gent  
In Stafford County

The document below also dates to 1750, and it is a motion for widow Elizabeth Grady to administer her husband, Francis Grady's, estate, being that he died "without making any wills." The clerk's notation on the back of the document notes Mrs. Grady not under her name, but as "widow."

Fairfax County to Wit / To the Worshipfull Court Sec.  
The petition of **Elizabeth Grady** Humbly sheweth that her husband Died without making any Will your Pet<sup>r</sup> therefore humbly prays Com<sup>rs</sup> of her Dec<sup>d</sup> Husband & states she being ready to comply with the Law in that Case made and provided and your Pet<sup>r</sup> will pray &c.

1750.6.11  
Widow Elizabeth Grady  
Clerk

This is just a small sample of the documents that have been returned to our repository. The records will be added to our "Drawer X" index, which consists of the miscellaneous court documents that survived both the Confederate and Union occupation of the courthouse during the Civil War.

For more information about these and other records held by the Fairfax Circuit Court Historic Records Center, please visit our website at:

[http://www.fairfaxcounty.gov/courts/circuit/historical\\_records.htm](http://www.fairfaxcounty.gov/courts/circuit/historical_records.htm) or call 703-246-4168





# HISTORIC BLENHEIM & the Civil War Interpretive Center



3610 Old Lee Highway  
Fairfax, Virginia 22030

(703) 591-0560  
[www.fairfaxva.gov](http://www.fairfaxva.gov)

*FREE PROGRAM*

**Saturday, July 23, 2016**  
**2 p.m.**



Fairfax County Courthouse, c. 1867

*"The Civil  
War and the  
Two Fairfax  
Courthouses"*



Bruins House and Jail, Alexandria, 1862

Katrina Krempasky and Heather Bollinger of the Fairfax Circuit Court Historic Records Division, will share the stories of the courthouse building, which was abandoned during the war, and how Court business continued in Alexandria in the Bruins House and Jail under the Restored Government of Virginia.

*Light refreshments served*

The hours for the Civil War Interpretive Center are Tuesday-Saturday, 10 a.m.-3 p.m. *The historic house is open with guided site tours at 1 p.m.* Reservations (\$) needed for groups of 8 or more (703) 591-0560.

**The Gift Shop carries Civil War-related books, prints, games, and toys.  
Cash, checks, and credit cards are accepted.**

# Forgotten Fairfax

## Uncovering Slaves in Court Records

A Talk by Archivist Heather Bollinger

*List of Slaves, belonging to the Estate of the late M. W. Fitzhugh Esq*

<i>Name</i>	<i>Age</i>	<i>Prices</i>
<i>Family, No. 1.</i>	<i>60</i>	<i>200</i>
<i>Lloyd</i>	<i>60</i>	<i>200</i>
<i>Charles Hicks</i>	<i>39 Defective</i>	<i>500</i>
<i>Ellen &amp; three children</i>	<i>Charles Marzetta and Ellenfrage Ellen &amp; 31</i>	<i>1330</i>
<i>Louisa and child</i>	<i>26</i>	<i>1100</i>
<i>Elizabeth</i>	<i>24</i>	<i>1000</i>
<i>Keywood</i>	<i>15</i>	<i>700</i>
<i>Marzetta</i>	<i>12</i>	<i>700</i>
<i>Bell Foot</i>	<i>56</i>	<i>500</i>

**Saturday, August 6 • 11:00 a.m.**

**City of Fairfax Regional Library**

**10360 North Street, Fairfax, VA**

Curious about the history of enslaved African-Americans in Fairfax County? Heather Bollinger, assistant archivist at the Fairfax Circuit Court Historic Records Center, will present how they're creating a slavery index database from court records. The Historic Records Center has been searching for slave names in wills, inventories, and deeds.

### Register for free:

- Call (703) 293-6227, extension 4
- Go to <http://www.fairfaxcounty.gov/library/events/>

[www.fairfaxcounty.gov/library](http://www.fairfaxcounty.gov/library)



Fairfax County Public Library  
12000 Government Center Pkwy.  
Suite 324  
Fairfax, VA 22035



A Fairfax County, Va.  
publication



Reasonable accommodations will be  
made upon request. Call 703-324-8380  
or TTY 703-324-8365.