

FAIRFAX COUNTY

VIRGINIA

Found in the Archives no. 88 Circuit Court Clerk's Office Historic Records Center

Pre-Revolutionary Records



Happy July, and welcome back to *Found in the Archives*, a publication of The Clerk of the Fairfax Circuit Court, 19th Judicial Circuit, who proudly serves The City of Fairfax & Fairfax County. Thank you for reading our newsletter! If you would like to reach out with questions or for more information, please email us at CCRhistoricrecords@fairfaxcounty.gov

In honor of the Independence Day holiday in July and given the outsized role Fairfax residents like George Washington and George Mason played in the Revolution, we look

at some of the documents at the Historic Records Center that predate the American Revolution.

As the archives of the Circuit Court, we retain all original court records from the founding of Fairfax County in 1742. As such, we have over three decades of official records that were generated when Fairfax was part of the Colony of Virginia, before the Revolutionary War and the establishment of the United States as an independent nation. While many 18th Century records are missing, we do still have a collection of records from the early years of Fairfax. These colonial-era records are particularly fascinating because they formally refer to being under the rule of the King. For example, we have a subpoena summoning two men in Fairfax County to come to court to testify *on behalf of King George II*.

George the Second by the grace of God of great Britain France and Ireland
King defender of the faith &c. Sheriff of Fairfax County greeting we command you
that you summon Robert Shutchberry and Walter English
to appear before the Justice of our said County Court at the Court
house thereof on the third Tuesday in August next to testify and the truth
to say ^{and} on behalf of ⁱⁿ ^{an} ^{action} ⁱⁿ ^{the} ^{said} ^{Court} ^{depending} [&] ^{undetermined} ^{between}
John Knight ^{and} ^{the} ^{said} ^{Shutchberry} ^{and} ^{English}
shall in nowise omit under the penalty of 100 ^{if} ^{they} ^{do} ^{not} ^{appear} ^{at} ^{the} ^{said} ^{Court}
witness John Graham Clerk of our said Court the 25 Day of July
in the 25th Year of our said King

Fairfax County Drawer X, X-I-0888

In the case styled *Rex vs John Knight* from 1749, a subpoena directs the attendance of Robert Shutchberry and Walter English. "George the Second by the grace of God of great Britain France and Ireland King defender of the faith...we command you that you sumon [sic] Robert Shutchberry and Walter English...to testifie [sic] and the truth to say." Note the word Rex is Latin for "King" and, in 1749, the then-ruling King of England was King George II. By the time of the Declaration of Independence just 27 years later, his son, King George III, ruled as the colonists complained of taxation by him, without representation before him.



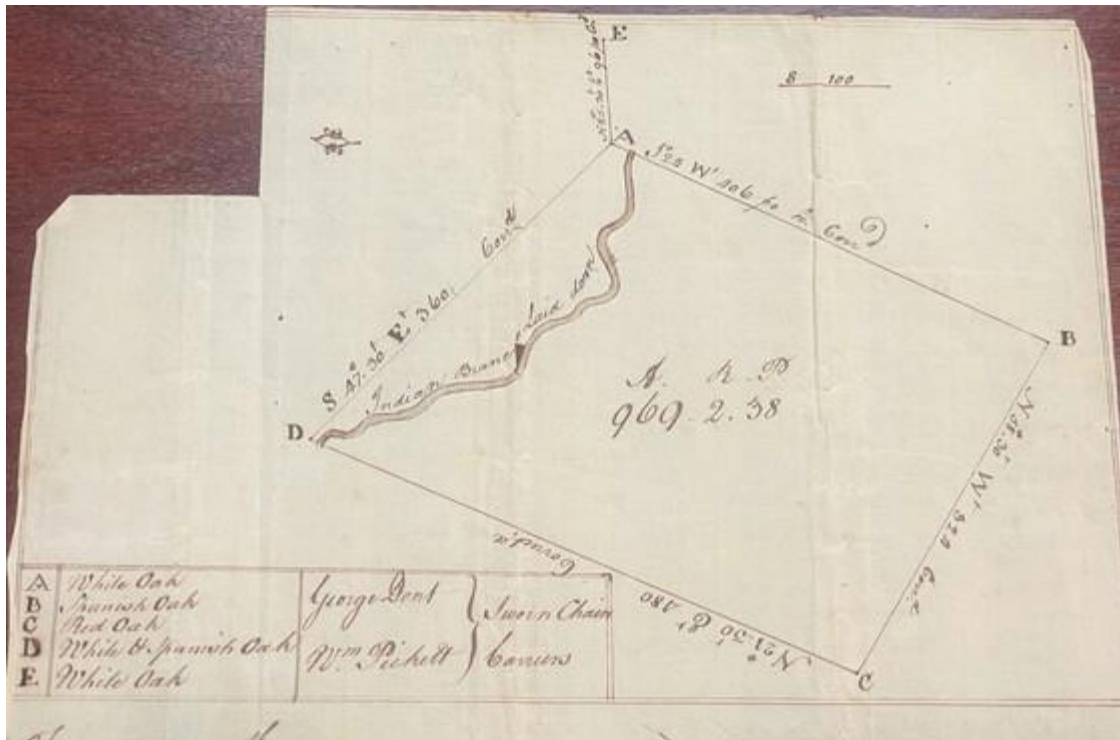
Fairfax County Drawer X, X-I-1031

Another Pre-Revolutionary document in our collections is from 1752, and the subject matter is highly unusual for the time: a domestic case, in which the wife sought relief from the court in her failed marriage. As one of our Chancery Cases, Mary Straughan complained that her husband, John, had begun cohabitating with another woman, estranged himself from her, and had treated her with "great cruelty." In our records, divorces are extremely rare until the early 20th Century. While this record is incomplete and we do not know if a divorce was eventually granted, this is the earliest record in our collection in which a woman made a complaint that she had legal grounds for release from the marriage to her husband based on his adultery.

George the second by the grace of God of Great Britain France & Ireland
King Defender of the faith &c. To the Sheriff of Fairfax County greeting
We Command you that of the Good and lawfull Charters by ~~the~~ Thomas Pinson
late in your Bailiwick & you cause to be made the Sum of thirty five
shillings Sterling, five hundred and sixteen pounds of Tobacco and fifteen shillings
or one hundred and fifty pounds of Tobacco, which to William Saunders lately
in our said County Court was adjudged for his Damages as well by occasion
of a certain Thrope Assault & Battery by the said Thomas Pinson to the
William Saunders lately offered as it is said as for his Costs in that
Suit reported whereof the said Pinson is convicted as appears to us of Record
and that you have the said Money and Tobacco before the Justice of our said County
Court at the Court house thereof on the third Tuesday in August next to
render to the said Saunders of the Damages and Costs of, and have then three
this writ witness Catelyn Cooke Clerk of our said Court the 29th day of
July in the 22th Year of our reign
Catelyn Cooke

Fairfax County Drawer X, X-I-1031

Another example of a case type in our archives is the 1747 case of *William Saunders vs Thomas Pinson*, a case for trespassing and assault and battery. Thomas Pinson was ordered to pay "thirty five shillings sterling, five hundred and sixteen pounds of Tobacco and fifteen shillings, or one hundred and fifty pounds of tobacco" in damages to Saunders, for the affront. This award of 'damages' is interesting because the Court ordered payment in both cash and in crops. In the 18th century, there was a heavy non-cash element to the local Fairfax commerce, because the King's coinage, legal tender, was only minted in England, so it was scarce in the Colonies. The easiest alternative was to exchange crops by their value, in lieu of coinage.



Fairfax County Drawer X, X-I-0406

One of our records from 1753 is especially fascinating because it includes an original, drawn plat for real estate in Fairfax. The case, styled as *Benjamin Grayson vs John Pagan*, arose over trespassing and illegally cutting down trees. The plat was drawn to outline the property in question, with Indian Branch clearly featured through the plat. The drawing also noted the types of trees that were used to mark the boundaries of the land.

These records are some of the oldest documents in the Fairfax Circuit Court's collection. Many of them have been conserved, and they are stored in a climate-controlled area in acid-free folders and boxes, so that future generations can examine what court cases looked like when Virginia existed as a colony.

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

The Historic Records Center is open to both walk-ins and appointments. You can make a research appointment by calling 703-246-4168.

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