

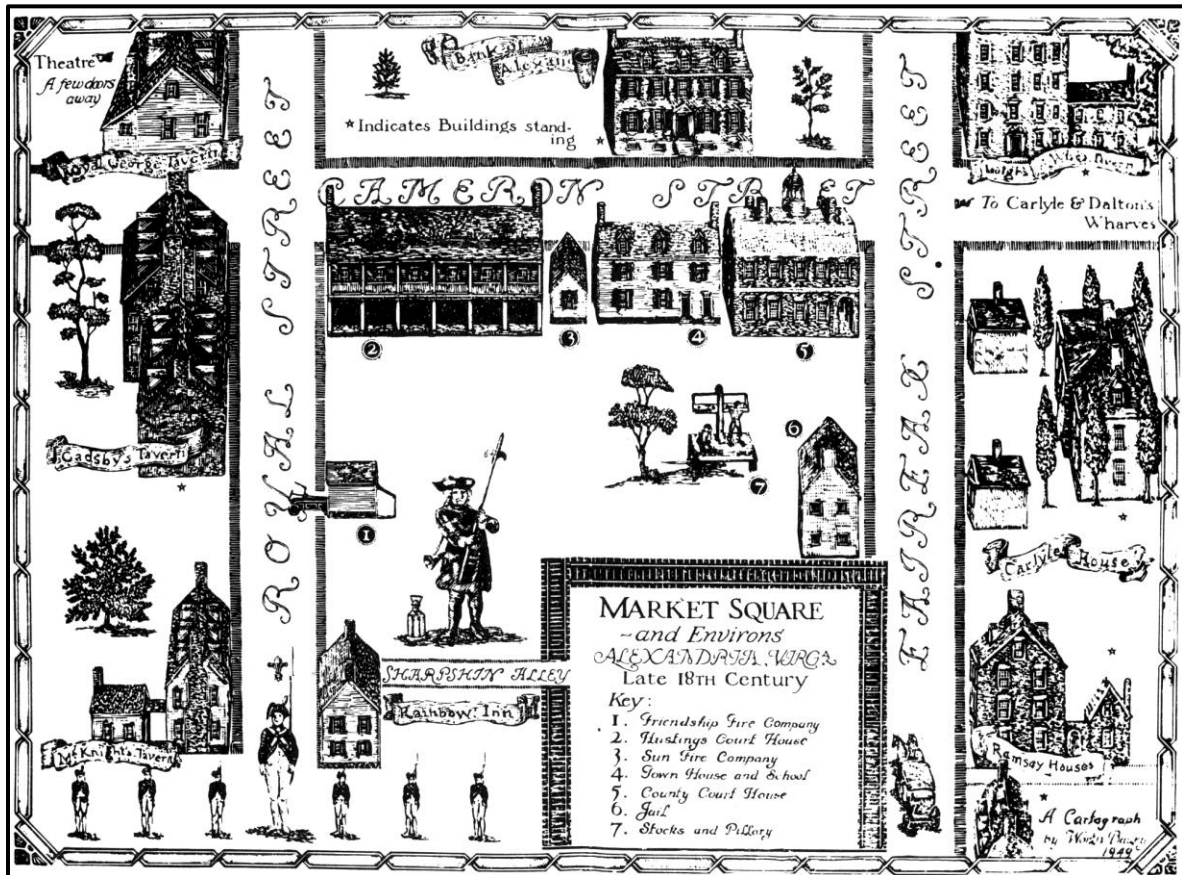
FOUND IN THE ARCHIVES, no. 7 – April 2015
Fairfax Circuit Court Historic Records Center



Happy Spring! This is the seventh installment of “Found in the Archives,” where the Fairfax Circuit Court Historic Records Center will highlight interesting and unique documents in our custody.

April 2015 marks the **215th anniversary** of the county/circuit court being held at its present location in Fairfax! In this issue, we will explore the courthouse’s history, particularly its move to Fairfax, its design, and the first court day in April 1800.

After the county’s founding in 1742, county court was held in two locations prior to Fairfax City. The first site was near present-day Tyson’s Corner. Court was most likely held in a small log-and-stone structure, until 1752, when the decision was made to move to Alexandria. The county court and jail were built on two lots in the Market Square, facing Fairfax Street, between Cameron and King Streets.

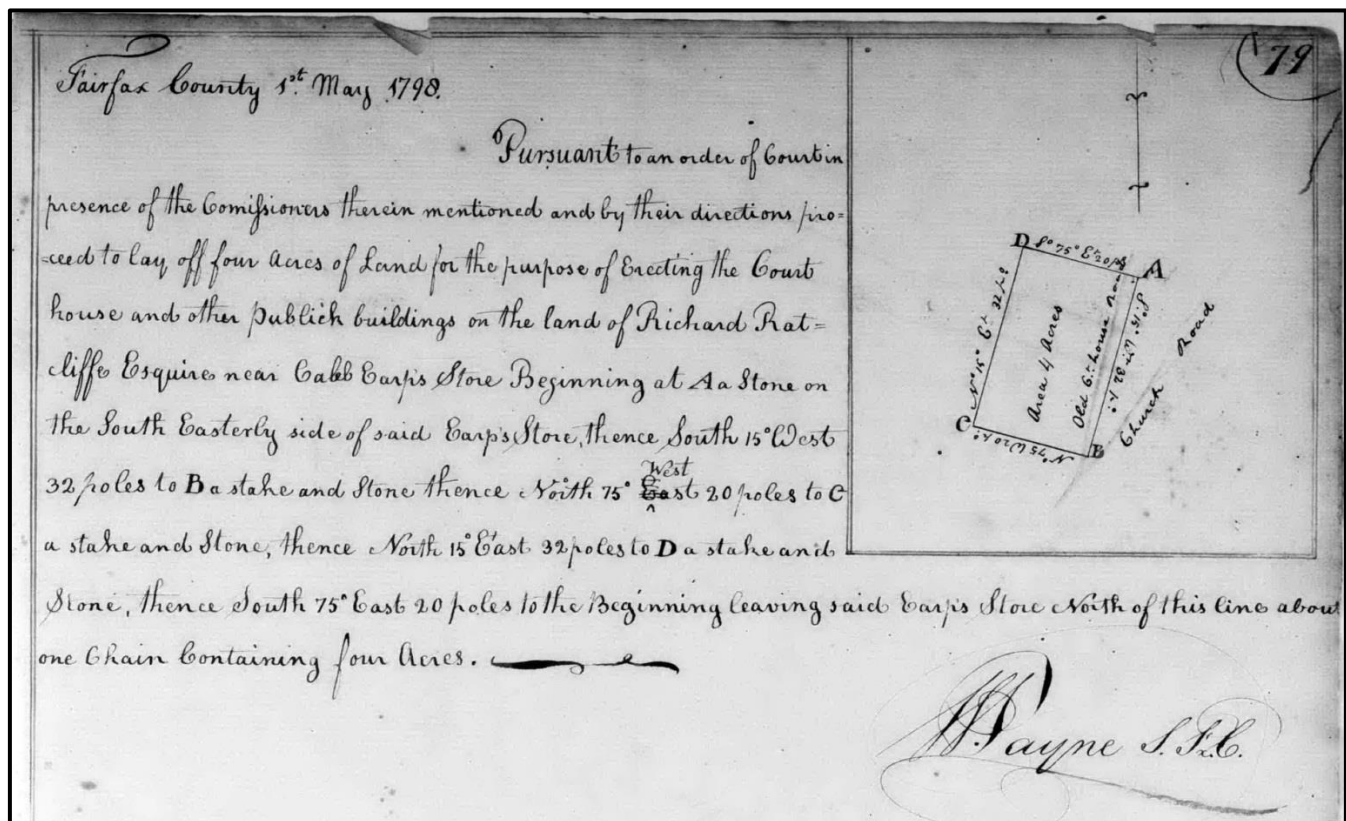


Worth Bailey, “Market Square and Environs, Alexandria, Virg., Late 18th century,” 1949. Published in *The Fairfax County Courthouse* by Ross D. Netherton and Ruby Waldeck, July 1977, p. 6. The Alexandria courthouse is location number 5 on this map. You can also see the site of the jail, stocks, and pillory. The Alexandria Market House and City Hall sits on the old courthouse site today.

During the Revolution, the Alexandria courthouse suffered significant damage due to neglect and lack of maintenance, and the building slowly deteriorated over time. Additionally, the fact that court was held in the easternmost part of Fairfax County became a point of contention for its western inhabitants.¹

In 1798, the Virginia General Assembly ordered that the court be moved to a location more centrally located in the county. Four acres were to be laid off for the purpose of building a courthouse and other public buildings donated from the land of Richard Ratcliffe.²

In the HRC's *Record of Surveys, 1742-1856*, the order and plat is recorded as follows:



Record of Surveys, 1742-1856, p. 215

With land set aside for the courthouse, orders were entered into court record for the specifics of the courthouse's design. Most of these orders were recorded in May, 1798. Richard Ratcliffe donated the land for the courthouse, but he was also responsible for sinking a well to provide public access to underground springs. Five gentlemen – Charles Little, David Stuart, William Payne, James Wren, and George Minor – were ordered to take bids for constructing the courthouse, jail, jailor's house, clerk's office, stocks, pillory, and whipping posts.³

We believe that the courthouse was designed and built by James Wren, a resident of the county and a veteran of the Revolutionary War. The court minute books show very specific dimensions for the courthouse and the clerk's office:

¹ Ross D. Netherton and Ruby Waldeck, *The Fairfax County Courthouse*, Fairfax, VA: July 1977, p. 8-9.

² *Ibid*, p. 9.

³ Fairfax Minute Book 1797, pp. I, N, and O, May 22, 1798.

Ordered that Charles Little, David Stewart
William Payne, James Wren and George Minor
be appointed Commissioners for the purpose of
letting and superintending the erection of the
necessary public Buildings for the use of
Fairfax County Court on the land of Richard
Ratchiffe, and that they or a majority of
them shall cause to be erected one Court house
forty feet by thirty exclusive of the base
with a twelve foot Portico
with sixteen feet pitch, One Gaol forty feet
by twenty with three rooms on the first floor
and two on the second, with an addition to
the back below of a room fifteen feet by
ten, One Clerks Office Twenty ^{four} feet by eighteen

The courthouse was ordered to be "forty feet by thirty exclusive of the base, with sixteen feet pitch, with a twelve foot portico; one Gaol [Jail] forty feet by twenty with three rooms on the first floor and two on the second, with an addition to the back below of a room fifteen feet by ten; Our Clerk's Office twenty four feet by eighteen..."

The dimensions of the courthouse structure match the dimensions of the Historic Courthouse located at the intersection of Chain Bridge Road and Main Street.

"... [Our Clerk's Office] to be arched or covered with slate tile, and our Jailor's House twenty four feet by eighteen with stocks, pillory, and whipping post..."

Fairfax Minute Book 1797,
pp. N, O/A

245

17. May 98. — 2.28 day

o/A

to be arched or covered with slate or Tile, and
One Gaoler House twenty four feet by eighteen
with Stocks, Pillory and Whipping Post
And that the said Commissioners be authorized
to let the building of the same to the lowest
bidder, and to contract with such undertaker
or undertakers for the completion of the same
And it is ordered that they do advertise the
time and place of letting the said Work for
three Weeks in the Alexandria paper.

Four acres was soon found to be too small to accommodate the needs of the court. The lot was soon expanded to 10 acres, allowing for additional structures to be built: a stable and storehouse, kitchen, and perhaps most interestingly, a brick tavern.




Record of Surveys, 1742-1856, p. 231


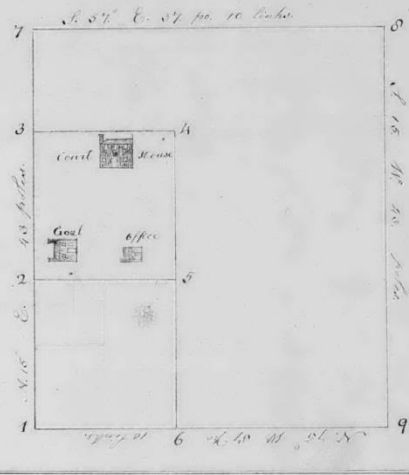
(93)

Fairfax County, Sect.

In obedience to the order of this worshipfull Court of this County hereunto annexed, we the subscribers in company with Col. William Payne the Surveyor of this County, proceeded this thirteenth day of March, Eighteen hundred, to lay off ten acres of ground for the Prison rules of this County, and have ascertained and bounded the same by the following meets and boundaries Viz. - Beginning at a stone planted at the south west corner of four acres, heretofore laid off for the use of this County for the purpose of erecting the Court House and other public buildings: Thence along the back line of the said four acres North fifteen degrees East forty three poles to another stone planted: Thence South seventy five degrees East thirty seven poles Ten links to another stone planted: Thence South fifteen degrees West forty three poles to another stone: Thence South seventy five degrees West thirty seven poles Ten links to the beginning. - Including the said four acres, The Court house, Goal, Clerks office, the brick Tavern, Kitchen Stable, and Stone House, and bog leave to repair the same with the plat thereof hereunto also annexed. - Given under our hands and seals.

A Copy
Signed


Thomas Gunnell - 
W. S. Hugh - 
J. Ellrey - 

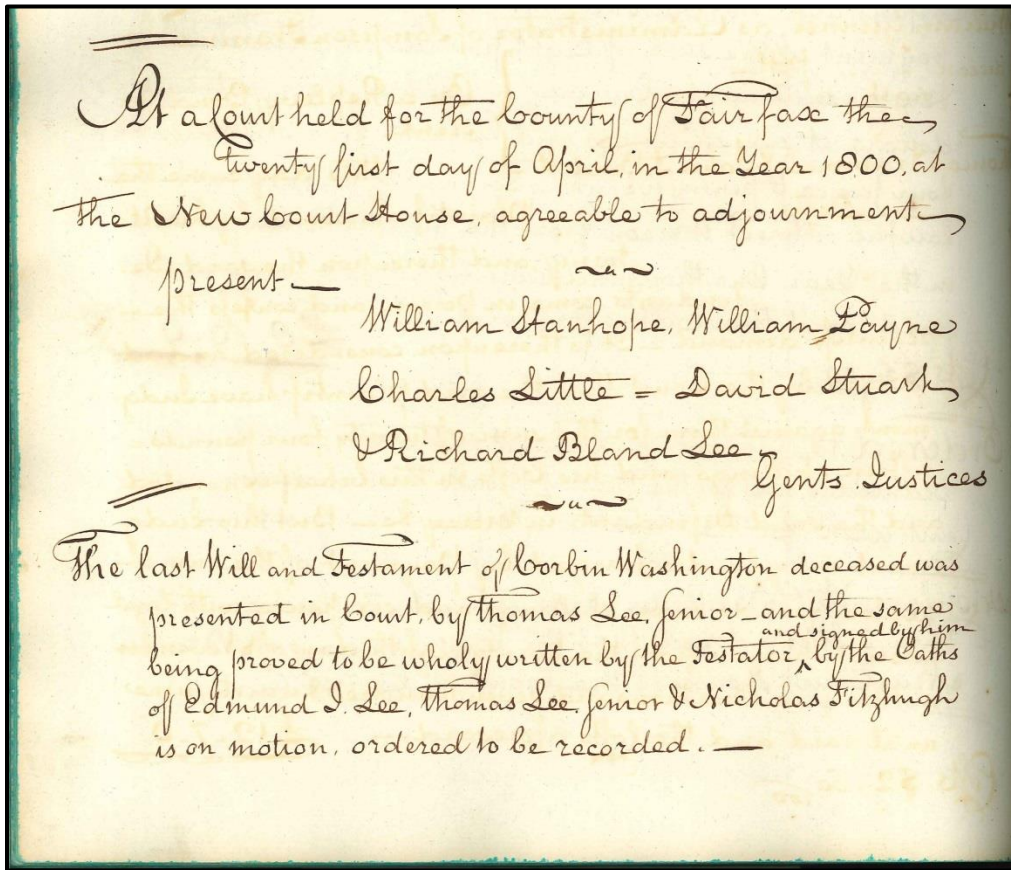
Fairfax County Sect.

The plat and figures 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. Represent stones planted and numbered, designating the bounds of ten acres of land for the prison rules including four acres formerly laid off for the purpose of erecting a Court House, and other buildings thereon.

for the use of the said County, Laid off by direction, and in the presence of three of the Commissioners named in the order of Court, this thirteenth day of March, one thousand Eight hundred.

 W. Payne S. S. C.

In April 1800, the first session of court was heard at the “new courthouse.” The minute book entry records the justices present and the first order issued and recorded:



Fairfax Minute Book 1799, p. 488

With this first court day on April 21, 1800, court has been heard continuously in or near the site of the Historic Fairfax Courthouse (with the exception of a few years during the Civil War). The larger, newer courthouse hears present-day cases, but that doesn't mean the Historic Courthouse is not open to the public!

The Historic Records Center offers tours of the 1800 courthouse, the showroom, and the records room every Friday at 11 am and 3 pm, barring inclement weather and holidays. Tours are free and last approximately 45 minutes. For information about the courthouse tours, please call 703-246-4168.

For more information about the documents in this issue and other court documents, please visit:

http://www.fairfaxcounty.gov/courts/circuit/historical_records.htm

The Historic Records Center archivists would like to thank one of their interns, Josie Ballato, for helping to compile a timeline of Fairfax County court events. Josie's research proved invaluable in the writing of this issue of Found in the Archives.