

FOUND IN THE ARCHIVES, no. 11 – August 2015

Fairfax Circuit Court Historic Records Center



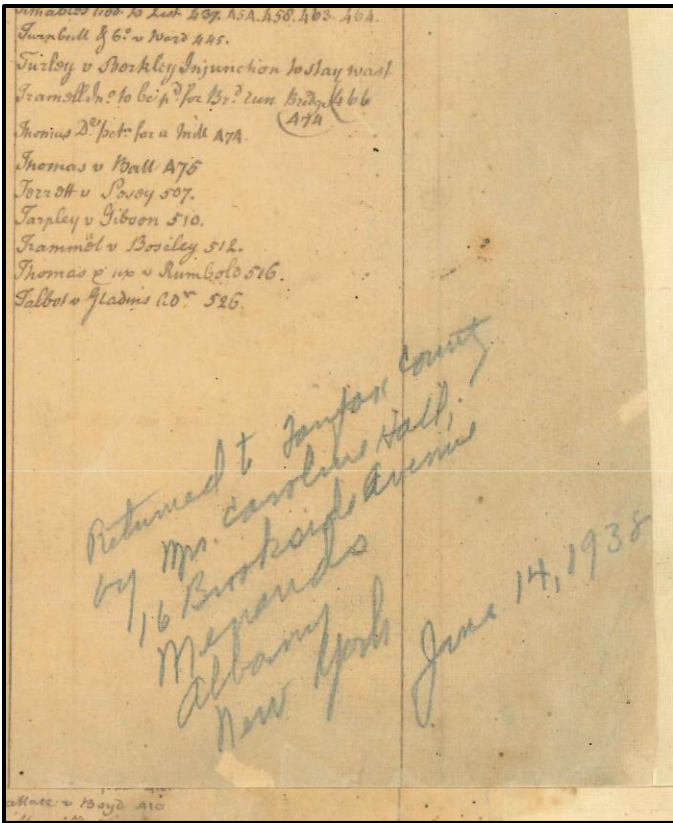
Hello! This is the eleventh installment of *Found in the Archives*, where the Fairfax Circuit Court Historic Records Center will highlight interesting and unique documents in our custody.

In this edition, we are going to examine the return of lost or stolen documents to the Fairfax Circuit Court over its 275-year history.

Like many courts in the state of Virginia, the Fairfax Circuit Court has lost many of its historic records, for a variety of reasons, over its long history. Two issues stand out – first, court has been held in multiple locations and buildings. The Fairfax County Court was first held in the present-day Tyson’s Corner area from 1742 to 1752. The court then moved to Alexandria from 1752 until 1800, when it changed locations again to its current location in historic Fairfax. On the lot on which court is now held, numerous office structures have been built and torn down over the 215 years court has been held here. Moving the documents from place to place has undoubtedly resulted in lost court records.

The second issue facing the court’s historic records is one that Fairfax County residents know well – the Civil War. The historic Fairfax Courthouse was occupied by both the Confederate and Union armies during the war, and as a result, many pre-1865 records are missing. Conducting research through first-person accounts has led the court archivists to discover that many of the loose paper records kept in the clerk’s office were burned in the courthouse fireplaces as kindling for warmth and cooking. Also, many of the records were taken as souvenirs by soldiers stationed in and around Fairfax Courthouse.

How do we know that records were taken as souvenirs or otherwise? Over the years, some of the records have been repatriated to the court. In the historic minute books, there are numerous entries, mostly from the early 20th century, indicating the return of court records. Below is a notation found on the first page of our 1749 minute book:



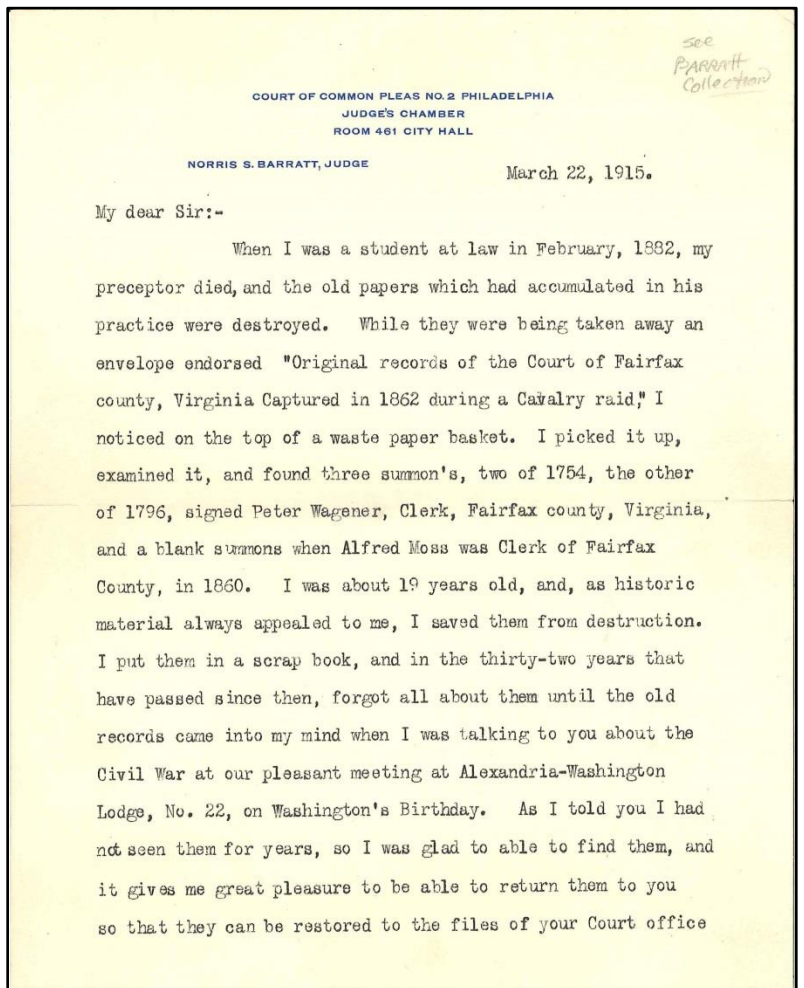
The notation reads:

“Returned to Fairfax County by Mrs. Caroline Hall, 16 Brookside Avenue, Menards, Albany, New York. June 14, 1938.”

The Historic Records Center has kept the correspondence concerning the return of court documents, and they are a fascinating read. Many of the letters – most from 50 years after the end of the Civil War and later – reference people being in “possession of” court documents and they express a desire to return the records to the court. An example of such a letter is show below:

The letter comes from a man named Norman Barrett, who served as a judge in Philadelphia in 1915. He had saved the records from his predecessor’s office and held onto them for *thirty years* before writing this letter, seeking to return them to the court.

The Historic Records Center is in possession of the records returned by Barrett and they are a valuable part of our collection.



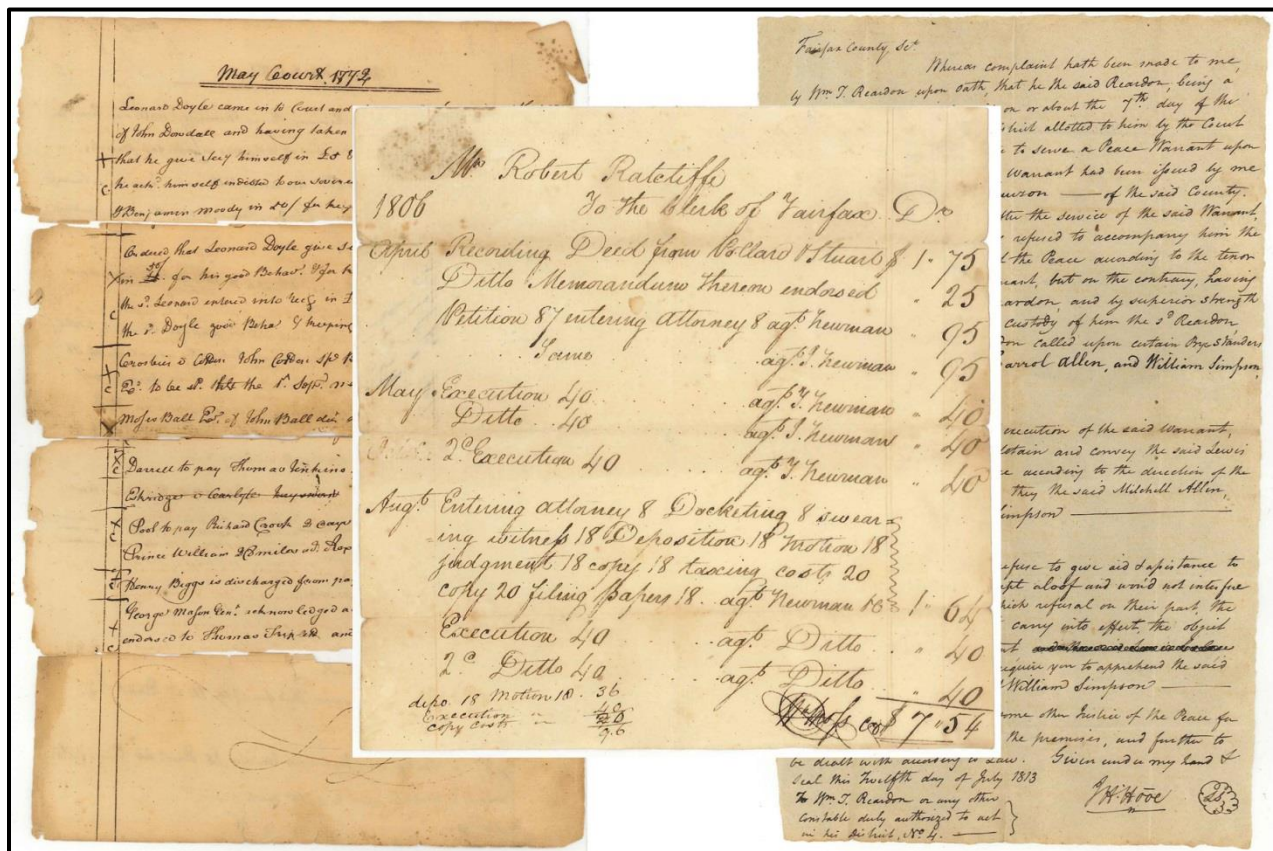
Court records are public records and as such, they belong to the Commonwealth and thus, the people. Some of the entries documenting the return of court records acknowledge the patriotism shown by the returner, stating that he or she fulfilled their civic duty by placing the records back in the hands of the people. One such entry in our 1912 minute book is shown below:

ord The Court being advised by the Clerk that the original will of Hannah Washington, which it is supposed was removed during the war between the States, from its resting place among the archives of this County, and taken care into the hands of Edward P. Eggleston, Esq., of New London, Connecticut, has voluntarily been restored by the said Edward P. Eggleston, Esq. to the Clerk's Office of said County, and the Court thinking it proper in behalf of the citizens of this County to spread upon the records of this Court some recognition of the patriotic and honorable action of the said Edward P. Eggleston in voluntarily surrendering said will, It is therefore ordered that the Clerk of this Court shall accept said will and shall file it in the appropriate and proper place among the records of this Court, that in behalf of the citizens of this County the Court extends its thanks to the said Edward P. Eggleston Esq. in voluntarily restoring said will to its rightful and lawful custody, and that a copy of this order be mailed by the Clerk to said Edward P. Eggleston, Esq.

Fairfax Minute Book 1912, page 361, January Court 1914.

The document returned was the original will of Hannah Washington, wife of Bushrod Washington, nephew of George Washington. The will had come into the possession of Edward P. Eggleston, Esquire, resident of New London, Connecticut. In January 1914, this order was written documenting Eggleston's "patriotic and honorable action" of returning the will to the Fairfax Court. The Historic Records Center still holds Hannah's will in its collection.

In July 2015, Chris Barbuschak, librarian at the City of Fairfax Regional Library's Virginia Room, reached out to the archivists at the Fairfax Court Historic Records Center regarding some miscellaneous court documents he found in their collection. The note included with the documents indicated that they had been taken from Fairfax Courthouse in October 1862. They were donated to the library very recently by a resident of Maryland, and Chris realized that they were court documents and that they were better suited in our collection. They were returned to the records center on July 27, 2015.



Court documents returned to the Historic Records Center in July 2015

The Fairfax Circuit Court Historic Records Center is actively seeking the return of court records to its archives. The records that have been returned have come from as close as Washington, D. C., and as far away as Ohio, Pennsylvania, New York, Connecticut, and Vermont. Keep your eyes and ears open for documents that may belong to the county! We never know where records may turn up – antique stores, estate sales, attics; all of these are possible locations where records may have been left and forgotten!

If you have any questions or comments about the lost records of the Fairfax Circuit Court, please email historicalrecords@fairfaxcounty.gov or call 703-246-4168.