

# FAIRFAX COUNTY

VIRGINIA

## Found in the Archives no. 93 Circuit Court Clerk's Office Historic Records Center

### The Clerk of Court

---



Happy Holidays, and welcome 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. In the last 2023 Edition of Found in the Archives, we will discuss the role of The Clerk of the Court, and take a brief look at some of the history of the role in Fairfax. This topic is especially pertinent as the current Clerk of Court is retiring after 31 years of service, and the residents of Fairfax elected a new Clerk in November.

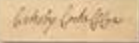
The Clerk of Court serves over 800 duties assigned by the Code of Virginia, including retaining both the modern and historic court records. Under the Virginia Constitution, Article VII, Section 4, the Clerk is an elected position, and serves for a term of eight

years. There is no term limit for the Clerk, and the Fairfax Court has had some long-serving Clerks throughout its history.

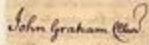
# Fairfax County Clerks of Court

## County Court

Catesby Cocke 1742-1746



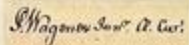
John Graham 1746-1752



Peter Wagener 1752-1772



Peter Wagener, Jr. 1772-1798



George Deneale 1798-1801



William Moss 1801-1833



F. D. Richardson (pro tem) 1833-1835

Thomas Moss 1835-1839

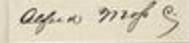


Alfred Moss (pro tem) Oct.-Nov., 1839

Spencer M. Ball 1839-1852



Alfred Moss 1852-1861



During the Civil War, the county clerks served the Union government once it took control of Fairfax County (see inset). The clerks named below served as Clerk of County Court. In 1903, an Act of Assembly abolished the County Court system, leaving only Circuit Court.

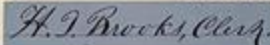
F. D. Richardson 1870-1880

F. W. Richardson (pro tem) 1880-1881

F. W. Richardson 1881-1903

The following men served as Clerk of the Court during the Civil War and Reconstruction:

Henry T. Brooks 1861-1865



W. B. Gooding 1865-1866

William M. Fitzhugh 1866-1867



F. D. Richardson (pro tem) 1867-1869

Daniel F. Dulaney 1869-1870



## Circuit Court

William Moss 1831-1835

F. D. Richardson 1835-1880



F. W. Richardson (pro tem) 1880-1881

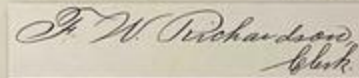
John W. Graham 1881-1887



William E. Graham 1887-1903



F. W. Richardson 1904-1935



John M. Whalen 1936-1945

Thomas P. Chapman 1945-1967

W. Franklin Gooding 1967-1973

James E. Hoofnagle 1976-1983

Warren E. Barry 1984-1991

John T. Frey 1992-

The very first Clerk of Court in Fairfax County was Catesby Coke, who came to Fairfax from being Clerk in Prince William County after Fairfax was established in 1742. The longest serving Clerk of Court was F.W. Richardson, who served for 55 years from 1880-1935.



F.W. Richardson

Count D. Nor. del 2. 1702.  
Duly authenticated and ordered to be recorded.  
Teste,  
F. W. Richardson, Clerk.

When F.W. Richardson retired, he was presented with a Silver Loving Cup by the Fairfax Bar Association, noting the bar association's "esteem and affection" for their long-serving Clerk. F.W. Richardson's own father, F.D. Richardson, had been the second-longest serving Clerk in Fairfax history, holding the office for 50 years, from 1830-1880. To the modern eye, the Richardsons were dynastic; with the father-son succession they held the office for a total of over 105 years. F.W. Richardson was also the first Deputy Clerk for Fairfax under his father.



F.D. Richardson

A photograph of a handwritten signature on lined paper. The signature is written in cursive and reads "John T. Frey". Above the signature, the words "and admitted to" are partially visible. The paper has horizontal blue lines and a vertical red margin line on the right side.

The third-longest serving Clerk is none other than our own, current Clerk John T. Frey, who is retiring at the end of this month after holding the office since 1992.

While the Clerk of the Court has many duties, one of the most important roles of the Clerk, especially before the digitization of records, was ensuring the safe-keeping of important records. Often described as “the custodian of the public record,” the Clerk keeps safe all court and land records, for all of Fairfax. Alfred Moss, the Clerk during the lead-up to the Civil War, took this role seriously when he and his wife fled Fairfax in 1861 with the original handwritten copies of George and Martha Washington’s Wills, as well as the Votes for Secession from the Union. Both documents went on their own journeys during and after the Civil War, with George’s Will ending up in Richmond, and Martha’s Will making its way into the private collections of New York tycoon J.P. Morgan. Both of these Founders’ Wills now reside with the Historic Records Center, their original repository. Serving his duty-bound role as custodian of the public record, Alfred Moss’s quick thinking to spare these priceless records, ensured that these documents survived the occupation of the Fairfax Courthouse and Clerks office by Civil War soldiers.

Today, Fairfax Circuit Court is the largest trial court in the Commonwealth of Virginia, and handles all manner of cases, because it is a “general jurisdiction” trial court, in addition to its Clerk serving as The Recorder of Deeds, the Probate Office over all wills, and the issuing-agency for all marriage licenses and concealed handgun permits, among other essential duties. The Clerk of the Court oversees all of these documents and court records, and, with the help of numerous deputy clerks, keeps Fairfax Circuit Court running for all of the citizens of Fairfax!