

**FOUND IN THE ARCHIVES, no. 69 – January 2021**  
***Pandemic Projects***  
**Fairfax Circuit Court Historic Records Center**



Happy New Year from the Historic Records Center! In this installment we will discuss a major project the Historic Records Center's staff accomplished while our repository was temporarily closed to the public. HRC staff sorely missed assisting researchers and giving tours in the Historic Courthouse, however, less foot traffic meant we were able to analyze our space and rearrange collections in a way that maximizes

functionality. So, while this issue is not about something *found* in the archive, hopefully our efforts will help our users easily find collections, documents, and information when they visit the Court's repository.

**Clerk's Books Re-Boxing Project**

Most of the court records found in the Historic Records Center are in bound form. Our most-used ledgers are Will Books, Deed Books, and Court Order (Minute) Books. While these books are largely intact and arranged chronologically, other, lesser-used court ledgers were housed in archival boxes haphazardly, housed with other bound books. Ledgers with similar content were not necessarily boxed together, so before the re-boxing project, it was quite challenging to locate a particular record. The substantive contents of these lesser-used ledgers – most still in their original 18<sup>th</sup> and 19<sup>th</sup> century bindings, and some damaged and torn – was largely unknown to staff.



*Fairfax Circuit Court Archives, circa 2003*

This thorough inventory and re-boxing project has been a classic study in court records management. The goal of the re-boxing project was to identify the governmental/court purpose of these ledgers and to establish a rough timeframe of the contents of each ledger. Logistically, we took the opportunity to wrap the ledgers in acid-free paper and rehouse them to protect them from further environmental damage. Physically, staff rearranged the Records Room to allow the

public display of these “like” ledgers, so they could be shelved together in chronological order. This records management project will allow HRC staff to facilitate research faster and more systematically, and to make court records easier for customers to access.

After completing a thorough examination and inventory of all boxed books, HRC staff created a spreadsheet to sort the ledgers into cogent record groups, which



*Completed Room Organization and Clerk's Box Consolidation, Fairfax Historic Records Center, 2021*

would assist in creating a new floor plan for the Records Room. Larger collections of bound volumes, such as the Chancery and Common Law dockets (which together totaled over 100 ledgers) were shelved first.

As the process continued, it became more difficult to determine the purpose of the remaining ledgers and their appropriate categories. Some record groups ended up having only one box, with a few books, such as the Process Books box seen at left. Service of Process, to this day, is still a core function of the Court system's

protection of due process rights. “Serving process” means that a sheriff (or eligible process server) physically delivers court documents to a defendant, or witness, or other party to the matter. The Sheriff then has to “return” a receipt to the Court, showing the public record that the person has been “served” and due process rights have been protected in that case. Even in the 18<sup>th</sup> and 19<sup>th</sup> centuries, process books that captured this part of a court dispute fell under the duties of the Sheriff or his deputies, and were grouped with other ledgers related to the Sheriff.

The table below shows the reorganized and consolidated Clerk's Books boxes. Knowing that countless volumes of court ledgers and individual records have been lost due to military occupation and poor storage conditions throughout Fairfax County's history, HRC staff were surprised by the depth and breadth of some of the record groups. For example, the Clerk's Fee Books, which recorded the fees citizens

paid to the Clerk for various court costs or taxes, date from the late 1790s. Today, this would be considered a financial “General Ledger,” and is now comprised of a complex accounting system that reports millions of dollars in taxes/fee revenues associated with Virginia’s largest Circuit Court, the Fairfax Circuit Court.

The Chancery Docket books recorded the plaintiffs, defendants, and any actions in the case. These Chancery dockets are of particular interest to historians and genealogists alike because they log the seizure and sale of personal property, which through the 18<sup>th</sup> and 19<sup>th</sup> centuries included slaves. Furthermore, the Chancery dockets cover a wide swath of American History, dating back to the years immediately following the American Revolution, serving as excellent primary resource materials from Virginia’s pivot from colony to state.

<b>Book Collection Type</b>	<b>Date Range</b>	<b>Number of Boxes/Books</b>	<b>Total No. Books in Collection</b>
Deeds for Recordation	1902 - 1936	14 boxes/17 books 54 boxes/113 books	18
Dockets (Chancery/Common Law/Criminal)	1786 - 1925	books	115
Elections	1902 - 1962	3 boxes/3 books	4
Evidence (ledgers used as evidence in cases)	1805 - 1934	6 boxes/9 books	9
Execution Books	1799 - 1903	14 boxes/17 books	21
Fee Books	1795 - 1947	16 boxes/32 books	33
Fiduciary/Commissioners Bond Books	1798 - 1919	13 boxes/22 books	32
Lien Books	1844 - 1924	6 boxes/9 books	14
Process Books	1809 - 1831	1 box/3 books	3
Road Petitions	1860 - 1908	3 boxes/3 books	3
Rule Books	1793 - 1872	9 boxes/10 books	12
Subpoena Books	1860 - 1926	2 boxes/3 books	4
Tax Books/Delinquent Lands	1817 - 1942	14 boxes/26 books	26
Witness Books	1834 - 1945	5 boxes/7 books	7

With the inventory and a complete Records Room shelf shift, HRC staff now have a better understanding of the contents of the lesser-used ledgers which documented the court’s activities. The next steps include a more thorough arrangement and description of each collection of records, and ultimately, indexing and/or transcribing them for public access.



The image above shows small notebooks that the Clerk set out for attorneys to handwrite their requests for copies of court records or court actions to be filed. The open notebook pictured here dates to the 1840s.



This ledger shows a page from a Sheriff's Execution Book from 1808. Execution books do not document capital punishment; instead, they record the Sheriff's attempt to satisfy an order for the repayment from a "judgment debtor," a party who has an outstanding court-ordered debt. The Sheriff seized and sold personal property to repay debt. Sadly, this often meant enslaved persons were taken from the debtor and sold, as in the case with the first four entries, enslaved men and women of Spencer Ball: Harry, Patty, Eve, and an unnamed woman.

## Room Reorganization

Beginning with a shift of the Marriage License collection to the secure and fireproof vault in the summer of 2020, HRC staff were prompted to assess the records space and the functionality of its layout. The HRC's temporary closure to visitors and researchers was an unexpected opportunity to plan for future space needs and records arrangement. Although we did not move any of the shelves or furniture, almost all books and boxes were re-shelved to improve function and create more available space for anticipated records processing projects and ongoing ledger conservation. Frequent researchers might be a little disoriented by the changes upon their return to the HRC, but hopefully the newly combined ledger collections and the improved Records Room arrangement will make future visits more streamlined and productive.



Marriage License Collection 1853 - 1957 in HRC Vault

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## Fairfax Circuit Court Awarded Grant to Preserve Historic Court Records

FAIRFAX, VA – The Fairfax Circuit Court Clerk’s Office has been awarded a grant from the Library of Virginia ‘Circuit Court Records Preservation’ (CCRP) program. This year, the grant award was increased by 23% to \$11,777.00, specifically targeted for 18<sup>th</sup> and 19<sup>th</sup> century court records preservation. The funds will be used to conserve *Fairfax Court Fiduciary Bond Book 1815-1822*, *Will Book B-1 (1752-1761)*, and *Plat Book 4 (1933-1941)*. After conservation work, these original records will be stored in the Court’s Historic Records Center, located in the 1928 addition of the Historic Fairfax Courthouse, which sits at the corner of the Fairfax Judicial Complex on Main Street and Rt. 123.

“We are grateful to the Library of Virginia for their help and counsel with our Preservation Plan,” said John T. Frey, who, as Clerk, has served as Fairfax’s custodian of the court record since 1992. “While it has always been a good time to study history from primary resource records like these Deed books, Court Minute Books and Plats, in an increasingly digital learning world, we hope to preserve these physical records so citizens and students alike can appreciate the books.” Given current COVID-19 restrictions, the Court’s Historic Records Center has temporarily suspended hosting tours of the 1799 Courthouse, but researchers can call the Historic Records Center to make an appointment to examine the original records.

The CCRP grant program is a part of the Library of Virginia's *Local Records Services Branch*. Funded through a \$1.50 portion of Virginia’s land recordation fee, the CCRP provides resources to help preserve and make accessible permanent circuit court records stored in the circuit courts around the Commonwealth, and in Richmond at the Library of Virginia. For more information on the Circuit Court Records Preservation Program’s resources and services, please visit [www.lva.virginia.gov](http://www.lva.virginia.gov).



*A recently conserved plat from Fairfax Plat Book 3, circa 1938, funded through CCRP Grant Cycle 2020.*

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If you have questions about the records profiled and found at the Fairfax Circuit Court Historic Records Center, or to schedule a research appointment, please email [CCRHistoricRecords@fairfaxcounty.gov](mailto:CCRHistoricRecords@fairfaxcounty.gov) or call 703-246-4168.