



THE OLD

FAIRFAX HERALD

FRIENDS OF THE HISTORIC FAIRFAX COURTHOUSE

Volume:1 Issue:2

www.olfairfaxcourthouse.org

Season: Fall 2015

Dear Friends,

Greeting from the President –

We have been busy.

For our inaugural event last year, we participated in and were a sponsor for the 2014 City of Fairfax Fall Festival at the historic Fairfax Courthouse under the auspices of the Fairfax County Clerk of the Court, John Frey, and the Fairfax Circuit Court Historic Records. It was very successful with speakers, the Honorable Clerk of the Court, John Frey, the Honorable City of Fairfax Mayor Scott Silverthorne, the Honorable Fairfax County Board of Supervisors Chairman Sharon Bulova, the Honorable Fairfax County Juvenile and Domestic Relations Circuit Court Chief Judge Dennis Smith, the Honorable Virginia Senator John 'Chap' Petersen, the Honorable City of Fairfax Commissioner of the Revenue Page Johnson and the President of the Friends of the Historic Fairfax Courthouse, Jenee Lindner. Dolores Testerman, retired Deputy Clerk, Supervisor of the Fairfax County Court services, was the Guest of Honor.

Friends of the Historic Fairfax Courthouse board members were introduced, Jenee Lindner, John Murphy and Eric Snyder. A new picture was unveiled commissioned by the Friends of the Historic Fairfax Courthouse called "The Old Fairfax Courthouse" by esteemed artist Paul McGehee. The City of Fairfax was our first gold corporate sponsor and had the event filmed. Excerpts from the speeches given on October 11, 2014 are featured in this month's edition of **The Fairfax Scene** which plays daily at 2 pm and 6 pm on Cityscreen-12. Here is a link to the edited program that will play through October 22 at <https://youtu.be/wiU49j6l1LA>. It can also be found on <http://www.olfairfaxcourthouse.org/media>.

As our mission includes expanding and connecting with local organizations, we are pleased to announce for our second annual event we will participate in and will be a sponsor under the auspices of the Fairfax County History Commissioner's Conference. The title of the conference is called Fairfax County's Founding Fathers. It will be a two part conference with George Washington highlighted this year in 2015 and George Mason highlighted in 2016. It will be on Saturday, November 7, 2015, in the Sherwood Hall Conference Center, 3740 Old Lee Highway, Fairfax, VA 22030, from 8:30 am to 3:30 pm.

We would like to offer you one *complimentary ticket* to this exciting event for you or someone you would like for joining the Friends of the Historic Fairfax Courthouse in our inaugural year. Please e-mail me directly at jblindner@verizon.net or call 703 732-8780. It is a ticketless event. Your name will be listed at the conference. It also includes a continental breakfast and light lunch.

Some other delightful news - early last spring, we signed a Memorandum of Understanding with George Mason University. We offer a Patriot GMU City of Fairfax walking tour to prospective visitors and students. The “walk ‘n talk” includes a lively discussion about the founding of George Mason University (their mascot is the Patriot) with the history of the City of Fairfax, Virginia and Fairfax regional history. We would like you to come with your family and friends. Your ticket is *complimentary*. Please look at the brochure in this newsletter for further details.

Over the summer, we had a college student, Sarah Davis, who is a marketing communications major, intern for us. She designed our branding icons and brochures. Her work was very professional and she did an outstanding job (as you can see). In particular, George Mason University is within our city limits with over 30,000 students. Her skill in targeting their American and international demographics was very useful in creating our “Looking for a Patriot Connection” and “Connect the Dots” marketing series that will debut in the 2016 spring season. Some of her work is being distributed on a limited basis now through GMU prospective student admissions, student and community relations, and their history department. It is well received by our targeted marketing audience.

For this year’s 2015 City of Fairfax Fall Festival on October 10, the historic Fairfax Courthouse under the Clerk of the Court will be open again for visitors from 10 am - 3 pm. There will be a presentation on the 100th anniversary of the returning of Martha Washington’s will by the Fairfax County Circuit Court Historic Records at 1:00 pm by Katrina Krempasky and Heather Bollinger, archivists. At 4:00 pm, the Friends of the Historic Fairfax Courthouse will offer our weekly Fairfax GMU Patriot historic walking tour starting in front of the historic Fairfax Courthouse.

Come by and enjoy our heritage!

If you have a suggestion or you would like to help us connect to other organizations you may be involved in, please let us know. We are also available for talks and presentations.

Sincerely,



Jeneé Lindner
President, Friends of the Historic Fairfax Courthouse

Looking for a Patriot Connection!

Find out how George Mason University and Fairfax City fit into the Story of America

Join us on a Walking Tour of Old Town Fairfax Historic District



July - October Saturdays

4000 Chain Bridge Road, Fairfax, VA 22030

All Tours Start at 4 pm

Tour starts in front of the Historic Fairfax Courthouse,
Located north of GMU at the intersection of Rt. 123
& Rt. 236 with Free Parking nearby.
Tour lasts approximately 90 minutes.



Donation:

Single \$10

GMU Student \$5

Family (3 or more) \$25



<http://www.oldfairfaxcourthouse.org>



Fairfax County, Virginia
Connect with America

October 11, 2014: The Opening Program at the Historic Fairfax Courthouse and photos

Oct 11, 2014 Event (Inside Historic Fairfax Courthouse, 4000 Chain Bridge Road, Fairfax, Virginia 22030)
Speaking: The Honorable John Frey, Clerk of the Court, Fairfax County Circuit Court.



Getchen Bulova

Back Row Left to Right: The Honorable Sharon Bulova, Chairman of the Fairfax County Board of Supervisors; Master of Ceremonies, The Honorable Mayor Scott Silverthorne, City of Fairfax; The Honorable Dennis Smith, Chief Judge, Fairfax County General Circuit Court; The Honorable John 'Chap' Petersen, Virginia State Senator, eighth generation in the City of Fairfax; Friends of the Historic Fairfax Courthouse Board Member John Murphy (partly hidden). Front Row Left to Right: Jenee Lindner, founding Chair and President, Friends of the Historic Fairfax Courthouse; The Honorable Page

Johnson, Commissioner of the Revenue, City of Fairfax, eighth generation in the City of Fairfax; City of Fairfax Councilmember Eleanor D. Schmidt (holding camera); retired Deputy Clerk, Supervisor of the Fairfax County Court Services, Dolores Testerman, the Guest of Honor.



Getchen Bulova

Dennis Smith, Chief Judge
General Circuit Court
Fairfax County, Virginia



Getchen Bulova

Sharon Bulova, Chairman
Board of Supervisors
Fairfax County, Virginia



Getchen Bulova

John C. 'Chap' Petersen
State Senator
34th Virginia District

October 11, 2014 The Opening Program at the Historic Fairfax Courthouse and photos



Getchen Bulova

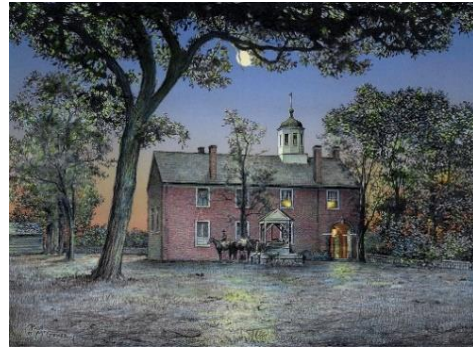
Master of Ceremonies and City of Fairfax Mayor Scott Silverthorne receiving an Old Fairfax Courthouse canvas art print in behalf of the City of Fairfax from the Friends of the Historic Fairfax Courthouse (FHfXCH) Board President, Jenee Lindner.



Getchen Bulova

From Left to Right seated: City of Fairfax Commissioner of the Revenue Page Johnson (just finished speaking); City of Fairfax Councilmember Eleanor D. Schmidt; retired Deputy Clerk, Supervisor of the Fairfax County Court Services Dolores Testerman. Standing: Friends of the Historic Fairfax Courthouse Board Member John Murphy, retired lawyer, Historic Fairfax City (HFCI) Board Member, dressed as a Civil War era lawyer & Historic Fairfax Courthouse tour guide; Jenee Lindner, dressed as Sarah Tracy, Mount Vernon Ladies Association lady resident during the Civil War, also Historic Fairfax City (HFCI) Board Member and City of Fairfax Walking Tours chair.

Sponsors: Fairfax County Clerk of the Court, Fairfax Circuit Court Historic Records, Friends of the Historic Fairfax Courthouse, The Virginia Room of the City of Fairfax Public Library, Fairfax County History Commission, City of Fairfax, Friends of the Historic Fairfax Courthouse, Downtown Fairfax Coalition, Old Town Fairfax Business Association, Historic Fairfax City, Inc. (HFCI), Paul McGehee's Old Town Gallery.



Old Fairfax Courthouse by Paul McGehee

www.paulmcgeheeart.com



Autumn at Mount Vernon by Paul McGehee





Displayed but not shown in photos:

Mount Vernon by Moonlight by Paul McGehee




Friends of the Historic Fairfax Courthouse Board Member Eric Snyder, President of the Downtown Fairfax Coalition & Old Town Fairfax Business Association.


Civil War 150th Anniversary Event

Mosby's Fairfax Raid Reenactment and Commemoration




Saturday, March 9th
10:00am-6:30pm
Old Town Fairfax



Civil War 150th Anniversary Event

SATURDAY, MARCH 9, 2013


Mosby's Fairfax Raid Reenactment and Commemoration



10:30am-Noon.....Reenactment and Cavalry Tactics
 Outside William Gunnell House on Truro Church grounds (10520 Main Street)

Noon-2:00pm.....Visit Stoughton's bedroom in William Gunnell House (10520 Main Street)
 Site of Confederate John Mosby's capture of Union Gen. Edwin Stoughton

Interpretive stops outside other Mosby-related sites (See Map Below):
 Joshua Gunnell House (4023 Chain Bridge Road)
 Ford House (3977 Chain Bridge Road)
 Murray-Moore House (3950 Chain Bridge Road)
 Guided Tours of Fairfax County Courthouse
 Circuit Court Archives (4000 Chain Bridge Road)



Old Town Hall Parking Lot (3999 University Drive)
 10:00am-5:00pm..... Virginia Civil War 150 HistoryMobile
 Traveling Civil War Exhibition • 1 Day Only

Old Town Hall Space is limited inside Old Town Hall (3999 University Drive)
 2:00pm.....History Channel film screening: "John Singleton Mosby,"
 from *Secret Missions of the Civil War*

2:30-4:00pm.....Mosby Scholars Symposium with Don Hakenson, Gregg Dudding,
 David Goetz, Eric Buckland, Chuck Mauro, Tom Evans and more

4:00-5:00pm.....Reception and Mosby authors (books for sale and signing)

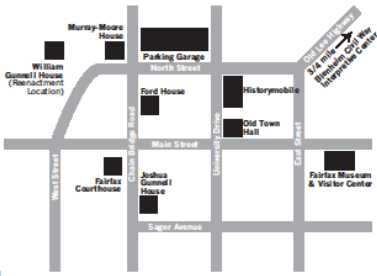
5:00-6:30pm.....Movie screening: *Mosby's Combat Operations in Fairfax County, Virginia*

Opening of New Civil War Exhibits:
 "Civil War Fairfax 1863,"
 at Fairfax Museum and Visitor Center
 (10209 Main Street)
 Open Daily 9:00am-5:00pm

"Civil War Currency" Exhibits
 At Civil War Interpretive Center
 at Historic Blenheim
 (3610 Old Lee Highway)
 Open Tuesday-Saturday Noon-4pm

For further information
 please call 703-395-8414 or 703-591-0560
www.fairfaxva.gov

Free parking in Old Town Fairfax garage
 behind Old Town Plaza 3955 Chain Bridge Road



ALL EVENTS ARE FREE TO THE PUBLIC



Photos by Chris Martin
 Mary Lipsey showing Fairfax Circuit Court historic documents



In Front of the Fairfax Circuit Court Historic Records building
 Jenee Lindner, John Frey, Clerk of the Court, John Murphy giving speech



FRIENDS OF THE HISTORIC FAIRFAX COURTHOUSE

P. O. Box 871

FAIRFAX, VIRGINIA 22038-0871

(703) 732-8780

WWW.OLDFAIRFAXCOURTHOUSE.ORG

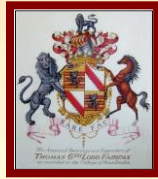
December 9, 2014

Presentation of the *Old Fairfax Courthouse* print by Paul McGehee (www.paulmcgeheeart.com) commissioned exclusively sold as limited edition prints for only Friends of the Historic Fairfax Courthouse members. Print given in the City of Fairfax government council chamber to Mayor Scott Silverthorne and the City of Fairfax Councilmembers from the Friends of the Historic Fairfax Courthouse, our first Gold Corporate Charter Member.



Left to Right: Councilmember Michael J. DeMarco, Friends of the Historic Fairfax Courthouse Board Member Eric Snyder, Councilmember Jeffrey C. Greenfield, Friends of the Historic Fairfax Courthouse Board Member John Murphy, Commissioner of the Revenue William Page Johnson II, Friends of the Historic Fairfax Courthouse Board President Jenee Lindner, Friends of the Historic Fairfax Courthouse Board Executive Secretary Chris Lindner, Mayor R. Scott Silverthorne, Councilmember Nancy F. Loftus, Councilmember David L. Meyer, Councilmember Janice B. Miller, Councilmember Eleanor D. Schmidt.

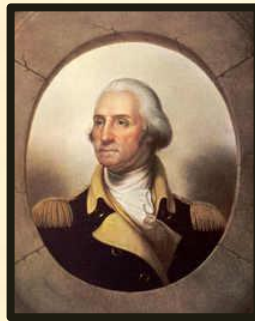
Fairfax County's 11th Annual History Conference



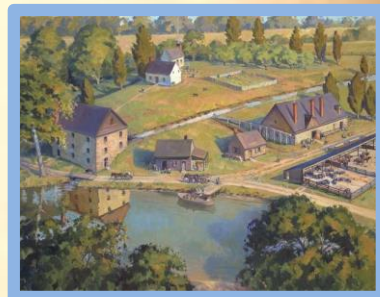
"Fairfax County's Founding Fathers"



Joachim Ferdinand Richardt, Painting of Mount Vernon,
East Front, 1870



George Washington, Library of Congress



Lee A. Boynton, Painting of George Washington's
Distillery & Gristmill in 1799

"I had rather be on my farm than be emperor of the world." - George Washington

Saturday, November 7, 2015

8:30-9:15 Check-in & Breakfast; Program: 9:15am – 3:30pm

Includes Continental breakfast, lunch, free parking & trivia prizes!

***\$25.00 Registration Fee** (to be paid in advance)

Stacy C. Sherwood Community Center

Welcome, Opening Remarks

Sharon Bulova, Chairman, Fairfax County Board of Supervisors

Living History

* **Lucy Lee, 18th Century Free African American Woman**

Marion Dobbins, Historical Re-enactor

* **George Washington**

Dean Malissa, Nationally Acclaimed Historical Re-enactor, Mt. Vernon

Speakers

* **Who Was The Fairfax Family?**

Jenée Lindner, Local Historian

* **Working the Land – George Washington, His Farms, Mill & Local Commerce**

Steven T. Bashore, Washington's Mt. Vernon

* **The Wills of George & Martha Washington**

Katrina Krempasky, Fairfax Circuit Court Historic Records

REGISTRATION FORM

Admission: \$25.00 per person - (No registration at the door) - Limited to the first 200 registrants

Submit Form* payment & required (*) information below to:

Fairfax County History Conference, c/o Fairfax County Park Authority - Resource Management Division

12055 Government Center Pkwy, Suite 936; Fairfax, VA 22035-1118

Registration Deadline— Friday, October 30, 2015

Circle what payment includes: Registration &/or Exhibitor/Author Fee

All Exhibitors must also pay a Registration Fee

Name of Organization or Author: _____

*** Name (& if applicable, Organization Name)** _____

*** City /* State/Zip Code** _____

*** Phone #** _____

*** Email Address** _____

Payment Method (Check one)

☐ **Credit Card** Circle: **VISA Mastercard** OR ☐ **Check #** _____

Amount: \$ _____

Card # _____

Exp. date _____

Name _____ **Signature** _____

I agree to pay the amount above according to the card issuer agreement

Table Cost is \$10.00 for Exhibitors/Authors (in addition to Registration fee)

MAKE CHECK PAYABLE TO: "FCPA, History Conference" or pay via credit card

Please submit a separate form for EACH PERSON attending **(Form may be copied & mailed to address below)**

*Form is also available online: <http://www.fairfaxcounty.gov/histcomm/event.htm>

Sponsored by:

The Fairfax County History Commission, Fairfax County Park Authority, Fairfax Museum & Visitor Center and Friends of the Historic Fairfax Courthouse



Fairfax County History Conference
Fairfax County Park Authority
12055 Government Center Pkwy, Suite 936
Fairfax, VA 22035-1118
Registration Deadline— Friday, October 30, 2015



Equal Access/Special Accommodations

The Fairfax County Park Authority is committed to equal access in all programs and services.

Special accommodations will be provided upon request. Please call the ADA/Access coordinator at 703-324-8563, at least 10 working days in advance of the date services are needed. TTY 703-803-3354 www.fairfaxcounty.gov/parks/ada.htm

For additional information about George Washington and his Mt. Vernon Estate & Gardens – please visit:

<http://www.mountvernon.org/>

For further information see: <http://www.fairfaxcounty.gov/histcomm/event.htm> or Lynne Garvey-Hodge, lynnegarveyhodge@gmail.com



OCTOBER 10, 2015

“The Return of Martha Washington’s Will: A Centennial Celebration”

1:00 pm to 2:00 pm, Fairfax Historic Courthouse

October 2015 marks the *100th Anniversary* of the return of Martha Washington’s Will to the Fairfax Circuit Court, after its removal from the courthouse during the Civil War!

As part of the City of Fairfax Fall Festival, the Clerk of Court, John T. Frey, cordially invites you to attend a special presentation, held in the Historic Courthouse, featuring Fairfax Circuit Court Archivists Katrina Krempasky and Heather Bollinger. The Archivists will share the exciting (and somewhat unbelievable) history of the removal of the Will, its travels, and how, with the help of the Commonwealth of Virginia, Fairfax reacquired this important court document in October 1915.

**See historic Fairfax
County court
documents!**

**Showroom open
10 am to 3 pm**

ON DISPLAY:

- Original pages from George and Martha Washington’s Wills
- Documents related to the return of both original Wills

**Free and fun
for all ages!**

**Archivists’
Presentation in
Historic Courtroom,
1-2 pm**

FAIRFAX HISTORIC COURTHOUSE

4000 Chain Bridge Road
Fairfax, VA 22030

**Historic courthouse
showroom and building
open 10 am to 3 pm!**

[Hme](#) > [Newspaper Articles](#) > **Martha Washington's** Stolen Will

<http://richmondthenandnow.com/Newspaper-Articles/Martha-Washington-Will.html>

Martha Washington's 'Stolen' Will

It Took More Than Half a Century and the United States Supreme Court With a Loud Threat of Renewed Sectional Strife for Fairfax Court House to Win Document From Clutches of J. P. Morgan

By Rex Collier

The Supreme Court has been called upon to decide grave questions of late-- but none so momentous as that started by a company of Union soldiers when they raided the courthouse at Fairfax, Va., in 1862 and "stole" Martha Washington's will.

How that wartime incident almost precipitated another war half a century later as the outgrowth of a bitter struggle between proud Virginia and the aristocratic John Pierpont Morgans--father and son--is revealed in an old legal report just come to light.

A vivid account of the controversy has been given by John Garland Pollard, former Governor of Virginia and now chairman of the Federal Board of Veterans' Appeals in Washington, who, as Attorney-General of Virginia, led a gallant fight to wrest Martha's will from the Morgans, into whose hands it had come by devious route.

Pollard said the dispute reached the Supreme Court as the case of "The Commonwealth of Virginia vs. John Pierpont Morgan."

That suit was steeped in adventure, sentiment and a variety of heavy emotions.

The story starts with the capture of Fairfax by Union troops known as the Blenkers, notorious for their wanton vandalism. The raiders broke into the clerk's office at the courthouse, opened the safes and strewed their contents over the floor in quest of valuables.

Into this scene of disarray and confusion walked Lieutenant-Colonel David Thomson, commanding the 82nd Regiment, Ohio Volunteer Infantry, who had been assigned the courthouse as his headquarters.

Some of Colonel Thomson's men had preceded him to "ready the place up." They were shoveling old documents, books and boxes into a big stove to kindle a fire when the colonel entered.

Colonel Thomson immediately called a halt to these activities, cleared the room of soldiers and got down on the floor to examine the musty old papers piled in front of the stove.

Colonel Finds Will in Fuel Pile

Most of the papers were old deeds, title records and the like of no special interest. Finally he came to a document, the opening phrase of which electrified him. He read:

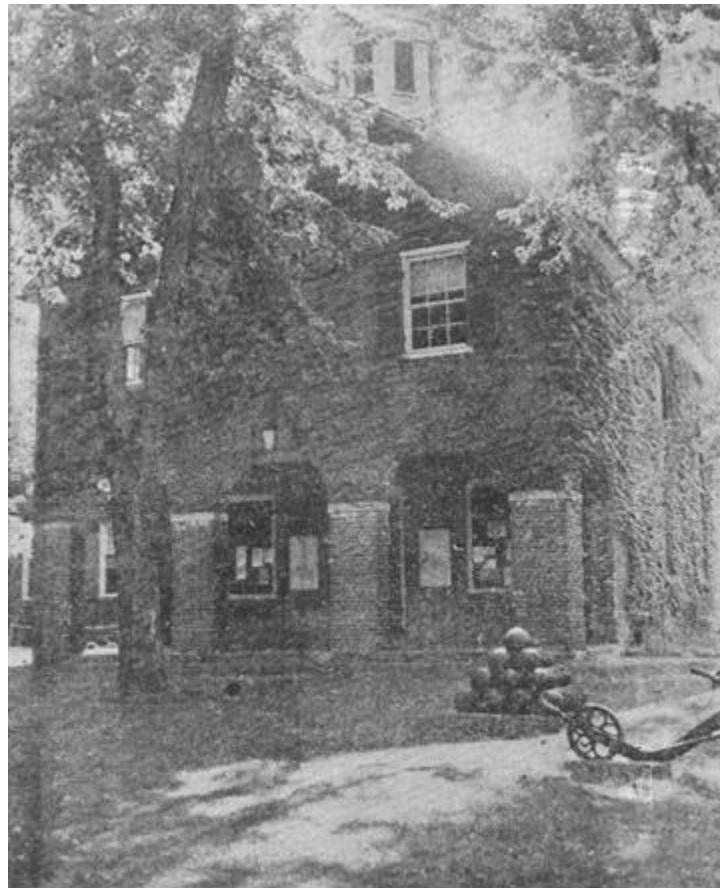
"In the name of God Amen: I, Martha Washington, of Mount Vernon--in the County of Fairfax, being of sound mind and capable of disposing of my Worldly Estate, do make Ordain and declare this to be my last will and Testament, hereby revoking all other Wills and Testaments by me heretofore Made...."

Signature Incited in 1800

He pored over this will for some time and, examining the final page, found Mrs. Washington's quaint signature affixed to it under the date of September 2, 1800, with notations anent its recording as of June 21, 1802.

Colonel Thomson retained possession of the will until his death 30 years later. Just before he died he gave the document to his daughter, Mary Espy Thomson, with the comment that she could keep it or dispose of it in any way she might see fit.

Meanwhile authorities of Fairfax County had been conducting a widespread investigation in an effort to ascertain if the will had been destroyed or, as was frequently rumored, had been stolen and taken North. From time to time there were published reports of advices by mail to the effect that Martha Washington's will was in possession of this, that or the other person in sundry localities. Definite proof of the will's survival always proved lacking.



The historic court house at Fairfax, Virginia, which after more than half a century's battle again houses the stolen will of Martha Washington

The report recently reviewed by Pollard points out that in 1908 R. Walton Moore, now assistant Secretary of State, learned that the elder Morgan had purchased the will from Miss Thomson and had added it to his collection of historical

manuscripts in the Morgan Library. Moore, a resident of Fairfax and a leading attorney, notified C. V. Ford, Commonwealth's Attorney, and the latter brought the matter to the attention of the county Board of Supervisors.

Ford wrote two letters to Morgan asking for return of the document on the grounds that it was the legal property of Fairfax County and had been stolen by vandals during the war. Morgan failed to reply to either communication.

In 1913, after the death of the elder Morgan, the Fairfax Chapter of the Daughters of the American Revolution sent the following appeal to his son:

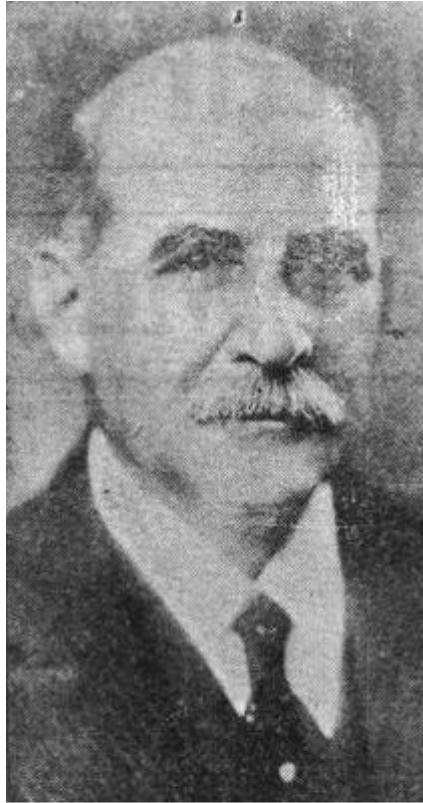
"Since the death of your lamented father the statement has appeared several times in the press that among the valuable papers in his collection was to be found the will of Martha Washington. This will was stolen from the records of Fairfax County during the War Between the States. Its loss has been deeply deplored by the Washington family, the State of Virginia and the County of Fairfax.

"The will of George Washington was miraculously preserved from the vicissitudes of the same war. It is among the archives of Fairfax County, and is kept in a fireproof apartment of the clerk's office. It is an object of much reverence and interest, and many persons make the pilgrimage to this small Virginia village to see the will of the Father of His Country.

"Surely there is no repository as appropriate for the will of Martha Washington as an honored place by her husband's will among the records of that Virginia county in which they lived and died. If this will is in your father's collection of historical papers, I most respectfully and earnestly request you to return it to the people of Fairfax County, and assure you that your generous action in so doing will be acclaimed by our entire Commonwealth.

"Yours with great respect,
MARY GRIMSLEY BARBOUR
"Regent, Falls Church Chapter, D.A.R."

Morgan was in Europe at that time, but upon his return to this country some weeks later Mrs. Barbour received from Morgan's librarian a brief note regretting that "Mr. Morgan is unable to accede to your request" and adding: "Mr. Morgan desires me to say that he will be glad to have this will photographed and send you a set of such photographs, if you so desire. He would appreciate the return courtesy of a photographic reproduction of the will of George Washington, which is deposited in the archives of Fairfax County."



J. P. Morgan, who at length yielded to the demands of Fairfax County and Virginia authorities and returned the will he had inherited with his father's collection.

Governor Stuart Make Official Demand

The good ladies of the Fairfax D.A.R. were incensed at this response. In the first place, they felt Morgan should have had the courtesy to make a personal reply to their letter. In the second place, his offer of a photograph of a will which belonged to Fairfax County, was, they contended, an insult to the intelligence of Virginians. Here was a man--a "Northerner" at that--who

admitted he was in possession of "stolen property" and who brazenly declined to surrender it to its rightful owners.

There were indignation meetings in the homes of leading citizens and at the courthouse. It was decided to take the matter to the State Legislature, then in session. Barbour assisted in drafting a bill authorizing the Governor of Virginia to make formal demand on Morgan for return of the will and providing that if Morgan refused, legal steps should be taken before the United States Supreme Court to compel restitution of the document to the Fairfax archives. The bill was passed with a show of grim determination.

Governor H. C. Stuart thereupon sent the president of the New York State Southern Society to call on Morgan in an effort to mediate the dispute. Morgan was obdurate. The Governor followed this with a letter of conciliatory tone, expressing the hope "that some happy adjustment of the matter may have occurred to you which will be satisfactory to all parties concerned."

To this letter Morgan made personal reply, couched in cordial language and making certain proposed concessions.

"In regard to the will," he wrote, "I have only one desire, which is that the document should be where it can be best preserved and of most use to the people of the United States. I am sure that this is also the desire of yourself and of the Commonwealth of Virginia. I therefore venture to make the following suggestions:

"The Fairfax County courthouse, from what I am informed, is not fireproof, nor are documents there kept in such a way as to make them available to any large number of people. I also understand that the original will of George Washington is at present stored in that courthouse.

"I suggest, therefore, that the Commonwealth of Virginia, or Fairfax County, should direct the keeper of the documents in the courthouse to place the original will of George Washington on exhibition at Mount Vernon for an indefinite period, where it will be available for the instruction of a large number of people, and where it will have the benefit of the great care and protection against fire now given to Mount Vernon. If this were done, I should be glad to present the will of Martha Washington to the Mount Vernon Ladies' Association for permanent exhibition there. By this arrangement the two documents would be together at the place where they were made and where a great number of people will have the satisfaction of seeing them.

"Should the Commonwealth of Virginia not be willing to do this, because of the well known fact that Mount Vernon itself is not fireproof, though such excellent

care is taken to prevent accidents, then I propose that the Commonwealth should present the will of George Washington to the Library of Congress, to be forever kept with the public records there; and I should present the will of Martha Washington to the nation for the same disposition.

"It seems to me that the bringing together of the two documents is of interest and importance. If they are placed at Mount Vernon they remain in Fairfax County and would be given as good care as possible there; if they are placed in the Library of Congress they leave the Commonwealth of Virginia, but, on the other hand, they would be in the custody of one of the great libraries of the world and in a place that belongs to the whole nation.

"It seems to me that either arrangement would be quite appropriate, and I shall be pleased indeed to do my part in carrying out whichever of the two would be most satisfactory to the Commonwealth of Virginia."

Morgan's Proposal Finds Virginian's Cold

Morgan's proposal was received with utter lack of enthusiasm. Governor Stuart replied that "the suggestion does not meet with the view of the people I represent." He pointed out that the clerk's office at Fairfax was in a brick structure and that the will would be kept in a fireproof vault. The Governor said he would ask the Southern Society head to confer again with Morgan with a view to arriving at a satisfactory settlement.

Morgan's answer to this letter was curt. It expressed his regret that Virginia did not see fit to accept the proposition and asserted that Morgan was "at loss for additional suggestions."

Governor Stuart then went to New York City and, in a personal interview, sought in vain to induce the millionaire to give up the will. On July 15, 1919, Governor Stuart made formal demand on Morgan for return of the will, in pursuance of instructions of the Legislature.

Morgan respectfully but firmly refused to surrender it. Pollard promptly filed in the Supreme Court a petition setting forth:

That Martha Washington's will was "a chattel which has such special, extraordinary, uncommon and unique value that it cannot be replaced by means of money."

That the will was "illegally abstracted from the possession and control of the Commonwealth of Virginia and has come into the possession and control of the said defendant, John Pierpont Morgan, although he has not title to it."

That said defendant had been duly requested to return the will, but had refused. That the Supreme Court therefore should enjoin said defendant from disposing of said will and should require him to deliver it to the Commonwealth of Virginia. The Supreme Court several months later ordered Morgan to file an answer.

Morgan engaged legal talent and prepared to defend himself before the high court. Pollard engaged assistants on behalf of the Commonwealth.

As the proceedings developed it became apparent that major legal questions were involved in the controversy--concerning the status of the States during the war of '61-'65.

"Perhaps," Pollard said recently, "the court would have been called upon to decide whether Virginia's secession put her out of the Union and, therefore, deprived her of protection of the Constitution."

Constitutional lawyers informally debated the respective merits of Virginia's claim and Morgan's rejection. While citizens generally seemed unaware of the serious questions which loomed for possible decision by the Supreme Court, there were rumors that members of the court and other high officials having the welfare of the nation at heart were deeply concerned over the prospect of a reopening of long dormant internecine strife.

Morgan Surrenders; Fear Sectional Feeling

Morgan, himself, became disturbed at the turn which the controversy was taking. From a dignified legal battle over personal rights the suit fast was developing into another North-South conflict of vast implications.

Two weeks before the date fixed by the Supreme Court for Morgan's reply to Virginia's suit, the New York financier, after final consultation with his attorneys, ran up the white flag to signify her surrender.

Morgan's dignity was preserved in the surrender. Disdaining to communicate his peace proposal to Virginia's Governor, Morgan called in his good friend,

Fairfax Harrison, and asked him to deliver the will and an explanatory letter to Judge James Keith, president of the Virginia Supreme Court of Appeals.

Judge Keith replied: "Much, doubtless, has been said and written which must have distressed you and excited a spirit of resentment but you have risen to a higher plane and viewed this subject in a spirit of generosity and magnanimity which I am sure, will be appreciated by the Governor of Virginia and the people of this Commonwealth."

The justice delivered the will to Governor Stuart with the suggestion that it be held until the Legislature could meet and act on Morgan's proposal that the document be placed in Washington's home at Mount Vernon.

Fairfax Held Out for Return of Will

Fairfax County, however, insisted that the will be returned immediately to its courthouse. The Board of Supervisors of the county wrote Governor Stuart that the Legislature already had voted that Fairfax County was entitled to the document and the Governor was advised to surrender the will and "avoid further litigation."

Governor Stuart thereupon asked the then Attorney-General Pollard for an opinion regarding the demand of the Fairfax authorities. Pollard replied that the act of Legislature was a mandate on the Governor to return the will without delay to Fairfax County.

The Governor handed the will to Pollard, who proceeded with it to Washington, where he appeared before the Supreme Court, will in hand, and asked the tribunal to dismiss Virginia's suit.

The members of the court displayed keen interest in the will, and after Pollard's request had been granted, the justices announced an adjournment and retired to their chambers, where they examined the old document for several minutes.

Pollard then took the will to Fairfax and turned it over to Frederick W. Richardson, county clerk.



Friends of the Historic Fairfax Courthouse

P.O. Box 871
Fairfax, Virginia 22038-0871
(703) 732-8780
www.oldfairfaxcourthouse.org



Purpose and Mission Statement

Purpose. Friends of the Historic Fairfax Courthouse (FHFxCH) is a non-stock, non-profit corporation, organized exclusively for charitable, historical museum and educational purposes. More particularly, it exists to encourage visits to the historic Fairfax County, Virginia courthouse within Fairfax and to foster the public's appreciation for this ennobled property, the county historic documents therein and the surrounding areas' shared history.

Mission Statement. The mission of the *Friends of the Historic Fairfax Courthouse* (FHFxCH) is to showcase, teach and promote an appreciation for the history of Fairfax County, the Fairfax Courthouse, documents in the Fairfax County Circuit Court Historic Records, and the history of northern Virginia's multi-cultural American heritage central to the lives of our community. Toward this end, the organization will undertake the following activities:

- A) Showcase and give historical presentations about the simple grandeur of the historic Fairfax Virginia Courthouse and Fairfax County history in cooperation with the Fairfax County Clerk of the Court, Fairfax County Juvenile Chief Judge, and the Fairfax County Circuit Court Historic Records.
- B) Teach visitors using the building and its surroundings as a one-of-a-kind backdrop to historical documents and artifacts, living history presentations, and a variety of interactive venues about our shared past and multi-cultural American heritage to encourage dialogue and further historical knowledge.
- C) Promote community outreach by working with area institutions to visit and use the historic Fairfax Virginia Courthouse and environs for educational programs and museum concept events pertaining to historical interests.
- D) Seek out and participate in, to the maximum extent possible, civic activities that will promote the stated mission of *Friends of the Historic Fairfax Courthouse* (FHFxCH).
- E) Independently seek and apply for state, federal, and private funds available in support of community historical programs.
- F) Grant funding as appropriate to organizations, agencies, Fairfax County, or individuals who can best provide historical programs, facilities, or materials that have historic significance deemed beneficial to the community.
- G) Develop awareness in the business community, in local government, and in the public, of the value of local history and the importance of its preservation.
- H) Engage in other activities that enhance the appreciation and preservation of the historic Fairfax Virginia Courthouse, the Fairfax County Circuit Court Historic Records, and the *Friends of the Historic Fairfax Courthouse* (FHFxCH).
- I) Create a museum.



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\$25: Individual membership

- Newsletter
- Annual Program
- Patriot Walking Tour

\$50: Family membership

- Newsletter
- Annual Program
- Patriot Walking Tour

\$95 (\$100 value): Family membership with Old Fairfax Courthouse print

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Old Fairfax Courthouse *limited edition* print by Paul McGehee

\$1000: Lifetime Charter membership

- Family membership with the *exclusive* print **Plus**
- Living History Program
- Recognition on our website and newsletters

\$2500: Gold Corporate Charter membership

- One Lifetime Charter membership **Plus**
- Designed program/event for your organization
- Limited to the first 25 enrollees

To join: Cut out and mail the form below with a check or money order.
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MEMBERSHIP FORM

We appreciate your support, which helps to preserve our history

Name: _____
Address: _____
Phone: _____
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☐ RENEWAL

☐ NEW MEMBER

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|---|-----------------|
| <input type="checkbox"/> Individual membership | \$25 |
| <input type="checkbox"/> Family membership | \$50 |
| <input type="checkbox"/> Family membership with Old Courthouse Print <i>limited edition</i> | \$95 |
| <input type="checkbox"/> Lifetime Charter membership | \$1000 - \$5000 |
| <input type="checkbox"/> Gold Corporate Charter membership | \$2500 - \$5000 |
| <i>Gold Limit: first 25 enrollees</i> | |

Visit online or email us at:
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