

## FOUND IN THE ARCHIVES, no. 82 – January 2023

### *Prohibition Petitions*

#### Fairfax Circuit Court Historic Records Center



Happy New Year, and welcome back to *Found in the Archives!* To toast the first edition of 2023, we will discuss nineteenth century petitions filed in the Fairfax Circuit Court against the granting of licenses to retail liquor and “ardent spirits.”

But first, we are pleased to announce that the Fairfax Circuit Court Clerk’s Office has been awarded \$22,419.50 by the Virginia Circuit Court Records Preservation Program for conservation and digital imaging of several 19<sup>th</sup> century deed books and court order books! This grant funding will go a long way toward stabilizing historic court records and making them more easily accessible to the public.

The retail of alcohol and liquor in Virginia, and issues resulting from overindulgence, has had a constant presence in Virginia’s county court system, from its earliest years as an English colony up to the present day. For nearly 200 years, the court justices were the governing body of the county and had the authority to grant or revoke liquor licenses to those county citizens seeking to retail alcohol at their taverns, ordinaries, and other drinking establishments.

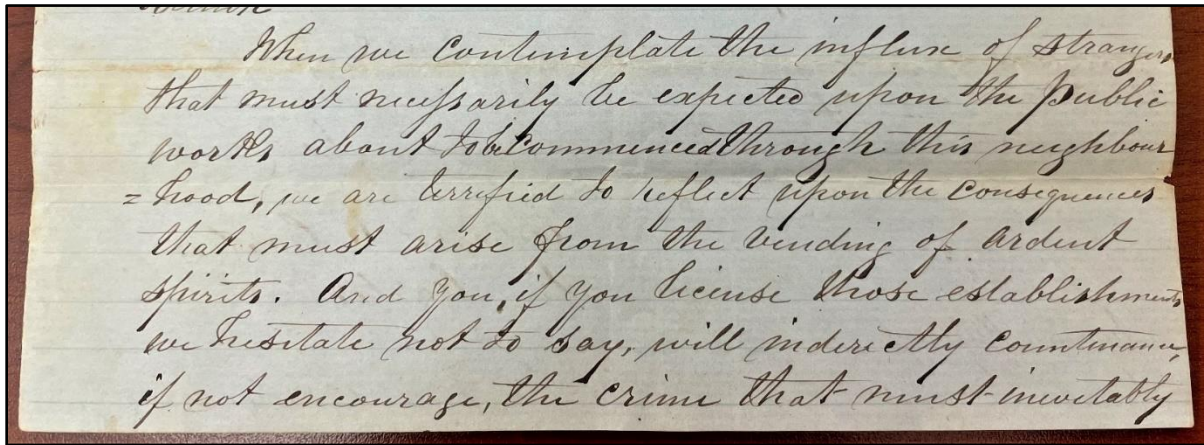
The Historic Records Center has a collection of petitions filed by county citizens requesting that the court stop issuing liquor licenses, dating as far back as 1853.<sup>1</sup> Enshrined in the laws passed by Virginia’s colonial legislative body, the General Assembly, and later, in the United States Constitution’s Bill of Rights, the right to assemble and petition the government for the “redress of grievances” was the mechanism by which citizens could ask their government for change. While some of these petitions complained generally against the vices of alcohol, many named specific taverns that ought to be shut down. Still other petitions demanded that certain tavern keepers should have their licenses revoked.

The petitions discussed in this edition of *Found in the Archives* were presented before the county justices and ordered to be filed by the Clerk of Court. The surviving court records indicate that these petitions, made in earnest by citizens of local townships, rarely resulted in further action by the court. Of interest is the fact that during the 19<sup>th</sup> century, nearly all townships in Fairfax County petitioned the court justices at some point to stop granting liquor licenses, including but not limited to Accotink, Dranesville, Centreville, Falls Church, Vienna, Herndon, Lewinsville, and Fairfax Station.

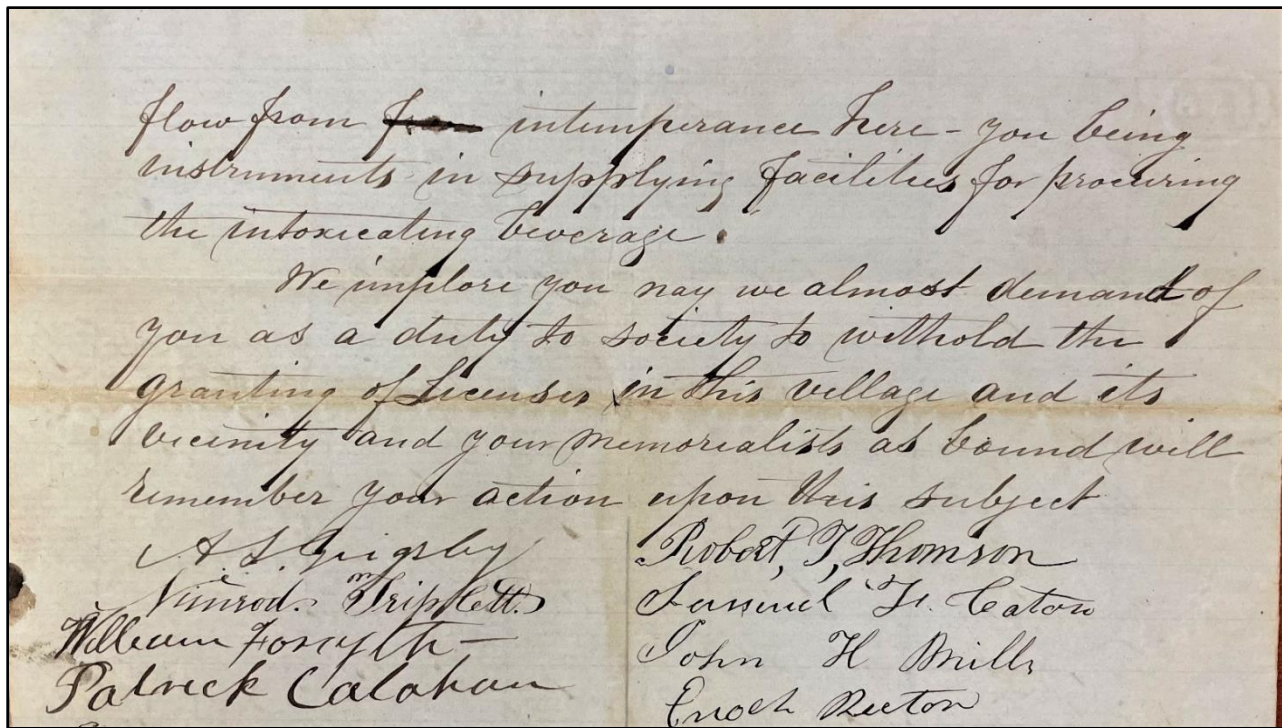
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<sup>1</sup> The court order books indicate that petitions were made prior to 1853, but unfortunately, these records did not survive the Civil War.

Filed by both male and female citizens of Centreville in 1853, our first petition goes so far as to call the court complicit in crimes resulting from intoxicated individuals. The petition reads, in part: "And you, if you license those establishments, we hesitate not to say, will indirectly countenance, if not encourage, the crime that must inevitably flow from intemperance here – you being instruments in supplying facilities for procuring the intoxicating beverage."



When we contemplate the influx of Strangers that must necessarily be expected upon the public works about to be commenced through this neighbourhood, we are terrified to reflect upon the consequences that must arise from the vending of Ardent Spirits. And you, if you license those establishments we hesitate not to say, will indirectly countenance, if not encourage, the crime that must inevitably



flow from ~~from~~ intemperance here - you being instruments in supplying facilities for procuring the intoxicating beverage.

We implore you may we almost demand of you as a duty to society to withhold the granting of Licenses in this village and its vicinity and your memorialists as bound will remember your action upon this subject

A. S. Gightly	Robert T. Thomson
Vincent Tripplett	Samuel T. Eaton
William Forsyth	John H. Mills
Patrick Calahan	Ernest Rector

Excerpt from Centreville Citizens – Petition against Retailing of Ardent Spirits, Fairfax Historic Records Center, Drawer X Liquor Sales

Genealogists and historians may find these petitions useful not only due to their content, but also because they feature original signatures from county citizens, as seen in the excerpt above.



In 1871, the citizens of Colchester filed a petition complaining that two individuals, Kinchelow and Clagett, were selling liquor. The petitioners were unclear if these individuals had a license to retail liquor but asked the court to “break them of their license and to grant them no further licenses” on account of them keeping “very disorderly houses... to the annoyance of the peacefully disposed of the neighborhood.” The Kinchelow and Clagett homes were even described in the court records as “intolerable nuisances.”

Just six years later, an 1877 petition by the citizens of Dranesville complained of behaviors associated with the local grocer having a license to retail liquor, including “obscenity, swearing, card-playing, fighting, and Sabbath-breaking.” This petition implied that since the establishment of Washington and Old Dominion Railway, public traffic on the

Colchester, Fairfax County, Va.  
May 13<sup>th</sup> 1871

To the Hon. the Judge of the  
County Court of Fairfax County

Your petitioners, citizens  
of Fairfax County respectfully represent that  
Mrs. Ellen Weston & others in the neighborhood  
among whom is Kinchelow & Clagett, have been  
selling and circulating liquors whether with license  
or not your petitioners cannot say; and we fur-  
ther represent that said parties keep very  
disorderly houses, by reason of the drunken-  
ness & other consequent disorders that prevail  
greatly to the annoyance of the peacefully  
disposed of the neighborhood; and that these  
houses are intolerable nuisances and should  
be broken up, we therefore ask your honor to  
break them of their license and to grant them  
no further licenses.

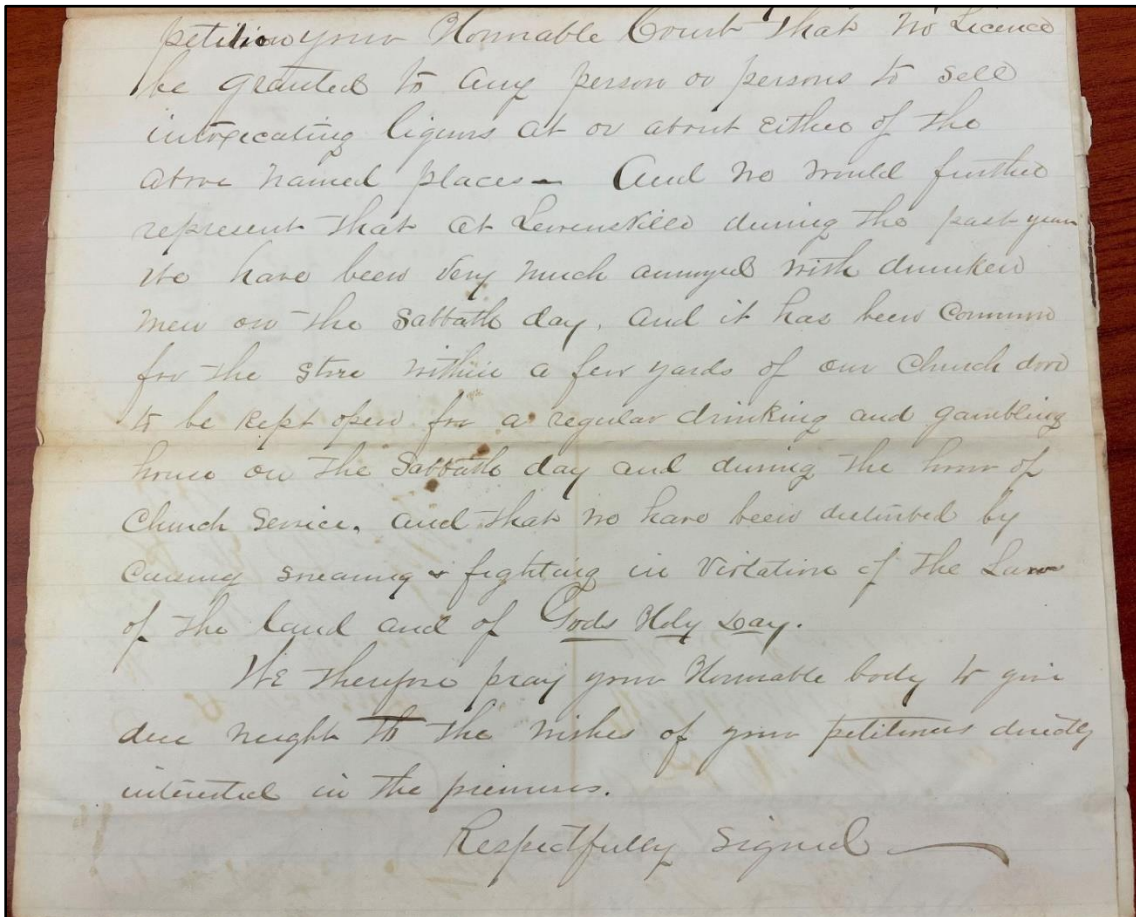
Your petitioners will as in duty

...they would respectfully petition your honor, to  
withhold license for the sale of alcoholic li-  
quors in the village of Dranesville, a place  
long cursed with the evils and the horrors of the  
traffic. It has been for a series of years an  
unmitigated and intolerable nuisance under which  
we have long suffered. Since the W. & O. R. R. has  
been in operation there has been but little  
traveling on the pike and it can be of no ac-  
commodation to the traveling public, but a license  
is obtained simply to set up a neighborhood  
grocery with all its attendant evils—obscenity,  
swearing, card-playing, fighting and Sabbath-  
breaking to the great annoyance of good citi-  
zens and the grief and mortification of parents.

Excerpt from Dranesville Citizens – Petition to withhold selling of Ardent Spirits, Drawer X Liquor Sales

turnpike had decreased, and so the grocer could *only* be looking to “set up a local grogery with all its attendant evils.”

One undated petition by citizens of Lewinsville and Falls Church complained of a drinking establishment located near a church. The citizens argued that due to this establishment serving alcohol during church services, “during the past year we have been very much annoyed with drunken men on the Sabbath day, and it has been common for the store within a few yards of our church door to be kept open for a regular drinking and gambling house on the Sabbath day and during the hour of Church Service.”



Excerpt from Lewinsville and Falls Church Citizens – Petition Against Retailing Ardent Spirits, Fairfax Historic Records Center, Drawer x Liquor Sales

While alcohol was not outlawed on the national level until 1919, Virginia banned the sale of alcohol a full five years before, in 1914. These petitions from over 60 years before the sale of alcohol was prohibited show that some Fairfax residents had long been pushing for prohibition by the time it was enacted state, and then country, wide.

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For more information on these and other records held at the Fairfax Circuit Court Historic Records Center, please call 703-246-4168 or email [CCRHistoricRecords@fairfaxcounty.gov](mailto:CCRHistoricRecords@fairfaxcounty.gov).



The Historic Records Center is open to both walk-ins and appointments. You can make a research appointment by calling 703-246-4168.

Tours of the 1799 Historic Fairfax Courthouse are given every Friday at 3 pm. Please meet Historic Records Center staff at the green doors of the 1799 Courthouse for the start of the tour.

**Sign up** for *Found in the Archives*, the monthly newsletter of the HRC:

<https://www.fairfaxcounty.gov/circuit/historic-records-center>

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**FEBRUARY 4, 2023**

## **HISTORIC FAIRFAX COURTHOUSE OPEN HOUSE**

**10 am to 3 pm, Historic Fairfax Courthouse**

As part of the City of Fairfax Annual Chocolate Lovers Festival, the Historic Fairfax Courthouse is opening its doors to the public! Visit the courthouse, view historic Fairfax Court records, and observe the Fairfax Bar Association’s mock trial and game show in the Historic Courthouse throughout the day.

*10:00 am – “Wolf vs. Pig” Mock Trial*

*12:00 pm – “So You Think You Are Smarter than a Lawyer?”*

**SEE HISTORIC FAIRFAX  
COUNTY COURT  
DOCUMENTS!**

**SHOWROOM OPEN  
10 AM TO 3 PM**

**ALL AGES WELCOME!**

**FAIRFAX  
BAR ASSOCIATION  
PROGRAMS AT  
10 AM AND 12 PM!**

**Address:  
4000 Chain Bridge Rd.  
Fairfax, VA 22030**